

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

July 29, 2008 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on July 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; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Jimmie Wright, Director of Finance; Darrell Jones, Assistant Director of Finance; Susan Reynolds, Director of Human Resources; and Lee Clark, Director of Planning and Community Development.

Sheriff Lane Perry, Major Steve Eanes, and Deputy Ricky Anderson were present from the Sheriff's Office.

Mickey Powell of the Martinsville Bulletin was present as well as representatives of Channel 7 News, Channel 13 News and Cable 18.

Jim McMillian gave the invocation and Tommy Slaughter 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) June 24, 2008 – 3:00 pm

(Copy included in Board's File).

Approval of Accounts Payable

(Copy included in Board's File).

Resolution Recognizing 20th Anniversary of Rob Lee Park in the Iriswood District

Mrs. Burnette read a resolution recognizing the 20th Anniversary of Rob Lee Park in the Iriswood District, which is a community-funded facility that plays host to many family gatherings and other events throughout the year. (Copy included in Board's File).

Consideration of Resolution Recognizing the 36th Anniversary of CONTACT

Chairman Adams presented a Resolution to Harry Byrd in honor of CONTACT of Martinsville-Henry County celebrating its 36th anniversary. (Copy of Resolution included in Board's File).

Consideration of Resolution Declaring August 5, 2008 as "National Night Out" in Henry County

The Henry County Sheriff's Office is planning its "National Night Out" event on August 5, 2008, at designated areas throughout the community. The Board is being asked to

consider adopting a resolution to establish August 5, 2008 as “National Night Out” in Henry County.

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

APPROVAL OF PIEDMONT COMMUNITY SERVICES’ FY ’09 PERFORMANCE CONTRACT:

Mr. Adams stated each year the County is required to approve the Performance Contract between Piedmont Community Services and Virginia Department of Mental Health – Mental Retardation Substance Abuse Services. State law requires PCS to submit the contract for the Board’s review and potential approval. The contract is approximately 100 pages long and is virtually identical to last year’s contract. The contract is on file in the County Administrator’s Office should any Board member wish to review it. (Copy included in Board’s File).

Mrs. Buchanan moved that the Board approve the Piedmont Community Services FY ’09 Performance Contract, second by Mr. McMillian and unanimously carried.

CONSIDERATION OF APPEAL BY TAPS LOUNGE OF DENIED DANCE HALL PERMIT:

Mr. Summerlin stated the Henry County Code requires the County Administrator to review applications for Dance Hall Permits. The ordinance further specifies that the application may be denied if false or incomplete or if the County Administrator determines issuance will be a detriment to public peace, health and welfare. A copy of the application for a Dance Hall Permit is sent to various departments for review including Planning and Zoning, Fire Marshal, Building Inspector and the Sheriff’s Office. Each department reports back to the County Administrator based on their professional judgments if the application should be approved or denied.

Mr. Summerlin stated from a building standpoint there are no issues related to zoning, building inspection or the fire marshal. However, the Sheriff strongly opposes issuance of the permit submitted by Jason Peyton. In a letter Sheriff Perry states he and ABC Agent Engstrom discussed Mr. Peyton's application and based on their knowledge he felt Mr. Peyton has no intentions of running a well supervised lounge which would result in a detriment to the peace of the community. Sheriff Perry also indicated there had been problems surrounding Mr. Peyton in the past as well as his lack of interest in resolving issues for Agent Engstrom.

Mr. Summerlin stated the County received an application for a Dance Hall Permit from Jason Peyton, owner of Taps Lounge in the Best Western. He stated based on the Sheriff's professional judgment he denied the application. The County Code allows for any denial to be appealed to the Board of Supervisors and Mr. Peyton has requested to be on the Board's agenda to appeal the denial of the Dance Hall Permit. (Copy of Letter from Mr. Peyton and Letter of Denial from County Administrator included in Board's File).

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. Jason Peyton stated before coming to the meeting he heard that information he posted on a personal blog on the internet would be used against him regarding his request for a Dance Hall Permit. He stated according to an attorney he

spoke with and the State Code of Virginia S.18.2-152.5:1. says it is his first amendment right to say what he would like in his personal blogs. He stated using any information against him would be unconstitutional. Mr. Peyton stated he has no criminal history other than a traffic violation and has tried to comply in everyway possible with the law to try and get his business open quickly and do everything on the up-and-up. Mr. Peyton stated there is very little dancing that takes place and is a small space; however, someone may occasionally hear a song and want to dance. He stated he would add extra security, staff, or anything else that the Board or Sheriff's Office feels it would take to make the place safe.

Mr. Vaughn questioned an email he received from Mr. Peyton regarding problems encountered with Agent Engstrom, the Health Department and the ABC Board. Mr. Vaughn asked Mr. Peyton if the problems were related to the same issues.

Mr. Peyton stated they were different issues.

Sheriff Perry stated he has been working with Agent Engstrom on Mr. Peyton's application for the Dance Hall Permit. He stated one of his strong concerns is the fact that the business is not up and running. The restaurant is not open and that is a requirement to obtain an ABC license. Sheriff Perry stated he was concerned why it was so important for Mr. Peyton to first get all the permits in order before getting the business up and going.

Agent Engstrom stated Mr. Peyton has applied for an ABC license and that is still under investigation as part of the application process. Agent Engstrom commented on Mr. Peyton's blog on the internet. He stated the Sheriff's Office has not violated his constitutional rights. It may be a person's first amendment right to say what you want but there may be consequences involved. Agent Engstrom stated Mr. Peyton talks on his blog about Best Western being a safe place; however, Best Western has always been a public safety

concern. He compared Sports Lane and Dutch Inn which are both in close proximity to Best Western regarding disturbances, fights and arrests during 2007. Sports Lane had 13 disturbances and fights with two arrests. Dutch Inn had 18 disturbances and fights and three arrests. Best Western's disturbances and fights were 26 with six arrests. Agent Engstrom stated he had encouraged Mr. Peyton to open up a restaurant and not a bar. He stated technically Virginia doesn't have bars, just restaurants that can sell alcohol. He stated the fact is there is no establishment and Mr. Peyton has had ample time to get that up and running. He also recommended to Mr. Peyton to open the restaurant and get it going so he could get some numbers generated for his ABC license and that has not happened yet. He stated with a dance hall permit it's the same thing, he has no establishment. He stated Mr. Peyton is putting the cart before the horse; and with the concerns that he and the Sheriff have they see no need for a dance permit at this time.

Mrs. Burnette stated from her experience when a new restaurant has opened at Best Western a sign would be posted stating that a beer and wine license is being requested but the food service has always been in place first.

Mr. Adams stated staff has recommended that denial of the permit be upheld. He stated the Board does not require any action unless someone wishes to make a motion to overturn the denial of the permit. The Board took no action.

CONSIDERATION OF ORDINANCE ALLOWING GOLF CARTS ON PUBLIC ROADS IN FARMINGDALE RESIDENTIAL DEVELOPMENT:

Mr. Summerlin stated that Mark Gilbert, a resident in the Farmingdale community of Henry County, has asked for time on the Board's agenda to request a County Ordinance that would allow golf carts to be driven on public roads in the Farmingdale area. He stated should the Board want to pursue this issue, a public hearing on the ordinance would be

required. Mr. Summerlin stated a proposed ordinance was prepared by the County Attorney and distributed to VDOT and Sheriff Perry who also forwarded to the Virginia State Police. Ms. Hughes and Sheriff Perry are present and prepared to comment if the Board has questions. Mr. Summerlin noted that Mr. Vaughn lives in the Farmingdale Subdivision. (Copy of Proposed Ordinance Included in Board's File).

Mr. Vaughn stated several months ago he was approached by his neighbor Mark Gilbert, who asked him to bring the issue of allowing golf carts in the Farmingdale Subdivision streets before the Board. Mr. Vaughn asked Mr. Gilbert if he would obtain petitions from the residents of Farmingdale Subdivision to see if they were in favor of golf cart usage in Farmingdale. Mr. Vaughn introduced Mr. Gilbert to the Board to discuss the results of the petition.

Mr. Mark Gilbert stated after speaking with Mr. Vaughn he decided to go door-to-door and gather petitions to request an ordinance to allow the use of golf carts on the streets in Farmingdale Subdivision. He stated this would allow the elderly/handicapped residents to be able to get out and visit their neighbors. He stated he received some opposition; however, 2/3rds of the residents (48 residences and 67 signatures) were in favor of the petition. Mr. Gilbert noted he did not go to every house in the subdivision and did not go to Farmingdale Village. He stated after reading the State statute it clearly allows for this type of usage in a residential area that has 25mph speed zones so long as the road is designated by the Board of Supervisors. He stated there are other minor restrictions requiring a person to be a licensed driver and that golf carts have lights if operated after sunset. Mr. Gilbert stating the petition requests that Fisher Drive, Buckingham Terrace, Owsley Drive, Farmingdale Drive, Derbyshire Lane, Beckford Way be included for golf cart usage. He stated this would not include Rockshire Drive which is just before the Farmingdale Subdivision and known as Rockshire Village and Dianna Court. Mr. Gilbert stated he would request the Board restrict the golf carts to electric power golf carts even though

State law does not specify electric or gas. (Copy of Petitions included in Board's File).

Mr. Summerlin noted that the proposed ordinance based on Mr. Gilbert's comments may need some modifications in terms of some of the street descriptions.

Ms. Lisa Price-Hughes, Residency Administrator of VDOT, came forward and stated from VDOT's perspective the Code says a road shall not be designated if there is a potential to interrupt flow or safety of traffic. There is a 300 vehicle count per day on Fisher Drive and most of the roads are 18 feet wide, no shoulders and mail boxes even with the pavement. She stated a golf cart can only be operated by a licensed driver and only from sunrise to sunset unless they are equipped with lights.

Sheriff Perry stated he had no problems with the golf carts as long as it conforms to the laws governing moving vehicles as far as pertaining to any beverages consumed or any type of insurance issues. He stated as long as they are civil issues and can be covered he had no problems with golf carts being on the highway within those confined streets.

Mr. Vaughn asked regarding golf carts and consuming beverages would DUI laws apply.

Mr. Lyle stated any motorized vehicles would apply to traffic laws pertaining to alcoholic beverages. He stated the only thing the Board has the authority to do is to decide which roads golf carts are allowed on if any.

Mr. Vaughn asked as far as age and law enforcement issues who would that fall under, the Sheriff's Office or State Police. He also asked about identifying a golf cart since motorcycles, cars etc. have a license plate to identify such vehicles.

Sheriff Perry stated within the same area such as ATV's, law enforcement should be able to identify a driver if a situation arose. He stated as far as authority it would be anyone who has jurisdiction which would be the State Police or Sheriff's Office. He stated a priority of a wreck would be the State Police.

Mr. Vaughn stated he has tried to approach this subject very open-mindedly and that he owns a gasoline golf cart and a farm-use utility vehicle. He stated in Farmingdale as mentioned by VDOT, the streets are only 18 feet wide, the mailboxes are against the pavement and the postman has to stop in the highway to deliver the mail as well as UPS, FedEx, trash trucks, etc. He stated a concern of his is if a vehicle comes up behind a golf cart does the golf cart go into someone's yard or flowerbed and damage property or does a driver of a vehicle stay behind the golf cart and get impatient and then you have issues related to driver's rage. He stated Farmingdale at present has approximately 101 homes and when completely built out that number would double.

Mr. Vaughn stated he received a call from the President of Farmingdale Village a section set off for patio homes. He stated the Association held a meeting and is adamantly opposed to golf carts on Farmingdale Village (Rockshire and Dianna Streets) and to golf carts on Fisher Drive, the primary road that serves all the streets in the subdivision. Mr. Vaughn stated his concern is what's going to happen in the future as the subdivision grows when you already have a 50% built out rate and a steady flow of traffic of at least 300 cars per day.

Mr. Summerlin asked if the Board wanted to advertise the draft ordinance as is or does the Board want to modify its contents.

Mr. Vaughn stated a stipulation in the ordinance is that VDOT requires signs be installed and that someone maintain those signs. He stated since Mr. Gilbert being the initiator would have to be in agreement to install and maintain the

signs at his expense. Mr. Vaughn stated if the Board goes to a public hearing he would request the County Attorney to seek an opinion from the Commonwealth's Attorney as far as any possible conflict of interests since he lives in Farmingdale Subdivision, and he owns a golf cart and a utility vehicle.

Mrs. Burnette moved that the Board set a public hearing for the August 26 meeting, second by Mr. Slaughter. The motion carried 4 for, Mr. McMillian opposed and Mr. Vaughn abstained.

Mr. Summerlin stated staff would need clarification on the streets included in the ordinance which must be available for public inspection and will need to be advertised before the public hearing. He stated the streets in the ordinance include Fisher Drive, Farmingdale Drive, Beckford Way, Owsley Drive, Rockshire Drive, Dianna Court, Derbyshire Lane, and Buckingham Terrace.

Mr. Vaughn stated Dianna Court was not canvassed or Rockshire Drive since they were patio homes in Farmingdale Village.

Ms. Hughes stated VDOT does not have a role in the street signs as far as making, installing or maintaining them. She stated VDOT has in its manual the language that would need to be posted on the signs.

Following some further discussion the Board agreed to leave the streets as listed in the ordinance until after the public hearing. Mr. Lyle stated as far as maintenance of the signs after researching the State Code and looking at two other communities who have this type of ordinance, the County would install and maintain the street signs and bill the applicant for such costs.

CONSIDERATION OF ISSUES REGARDING REQUESTED RATE INCREASE FOR APPALACHIAN POWER:

Mr. Summerlin stated last month the Board discussed the possible approval of a resolution opposing Appalachian Power Company's request before the State Corporation Commission for a rate increase. The Board deferred any action on the issue and asked that it be placed on the July agenda giving the Board time to review additional forthcoming information from Larry Jackson, APCo's Manager for External Affairs. Mr. Larry Jackson and Mr. Ron Jefferson were present to discuss and answer questions of the Board. Mr. Summerlin noted that since the last meeting there has also been a filing by APCo for a rate change based on a change in the fuel factor. (A Copy of APCo Information and Proposed Resolution is Included in Board's File).

Mr. Ron Jefferson came before the Board and discussed in length and answered questions regarding the proposed rates increases by APCo, which includes three increases (fuel factor, environmental factor, and base rate anticipated to go into effect September 1, 2008 for 16 months). Mr. Jefferson also discussed the financial ratings by two separate financial groups one being Moody's and the second was Finch.

The Board also discussed with Mr. Jefferson the downturn of the economy and the impact on local residents. Mr. Jefferson stated there are several measures residents can do related to energy conservation to try and eliminate the waste of energy. He stated the more energy used the higher the percentage and it is important for APCo's customers to look at conservation. Mr. Jefferson discussed several websites for APCo customers to get information, one being appalachianpower.com and wattwhyandhow.com. There was some discussion since there are people who do not have access to computers or are not familiar with technology that APCo consider including in its bill or run a full page ad in the paper for several weeks a list of suggestions to its customers on how to help reduce energy costs.

Following further discussion Mr. Vaughn moved that the language in the proposed resolution be amended to read: Now

Therefore Be It Resolved on the 29th day of July 2008 that the Henry County Board of Supervisors opposes an increase of this magnitude and request the State Corporation Commission to carefully review Appalachian Power Company's request to determine if a rate increase is justified by Virginia laws and regulations governing electric utilities, second by Mrs. Buchanan and unanimously carried.

The Board thanked AEP representatives Ron Jefferson and Larry Jackson.

CONSIDERATION OF RESOLUTION REGARDING REDUCTION IN LOCAL AID FROM THE COMMONWEALTH OF VIRGINIA:

Mr. Summerlin stated the Commonwealth of Virginia categorically slashed funding to localities as part of its budget-balancing maneuvers for FY 2009. The Virginia Association of Counties (VACo) and the Virginia Municipal League (VML) have created a resolution highlighting the impact that these cuts will have, and seeking to have the cuts categorized as reduction in aid to localities. (Copy of Resolution included in Board's File).

Mrs. Burnette a member on the VACo Board stated in the last couple of years VACo and VML have not taken a stance on very many issues jointly; however, when they do it is a serious matter and she felt the resolution was very clear.

Mrs. Buchanan moved that the Board approve the resolution and the authorization to forward to General Assembly representatives, second by Mr. Slaughter and unanimously carried.

CONSIDERATION OF RESOLUTION REGARDING FORMAL AUTHORIZATION OF RETIREMENT "PICK-UP" PLANS:

Mr. Summerlin stated the Virginia Retirement System (VRS) has informed localities that recent changes by the

Internal Revenue Service make it necessary for localities to formalize their policies regarding the “pickup plan.” A pickup plan allows VRS member contributions to be treated on a pre-tax basis. Mr. Summerlin stated a date would need to be changed in the resolution to July 31, 2008. (A Copy of Letter from VRS and Proposed Resolution Included in Board’s File).

Mrs. Burnette moved that the Board approve the Resolution with the noted change in date to July 31, 2008, second by Mr. McMillian and unanimously carried.

FINANCIAL MATTERS:

Award of Contract re: Computers – Sheriff’s Office

Mr. Summerlin stated Sheriff Perry is asking the Board of Supervisors to award a contract in the amount of \$28,914.10 to Dell Computers for the purchase of 15 laptop and 5 desktop computers. The County has standardized computer purchases to specify Dell products. As indicated in a memo from Sheriff Perry, the computers will replace older units in the department. The Board of Supervisors made the additional appropriation for these purchases at its May 27 meeting from FY 2008 funds.

Mrs. Burnette moved that the Board award the contract to Dell Computers in the amount of \$28,914.10 as outlined and authorizes the carry-over of the funds from FY '08 to FY '09 for the purchase, second by Mr. Vaughn and unanimously carried.

Additional Appropriation re: Extra 4-For-Life Funds – Public Safety

Mr. Summerlin stated Dale Wagoner, director of Public Safety, is asking the Board to appropriate an additional allocation from the Virginia Department of Health’s “Four-For-Life, Return-to-Localities” fund in the amount of \$34,752.64. These funds are derived from a fee charged on each vehicle

registered in Henry County. The funds must be used for emergency medical services training, supplies, and/or equipment. Mr. Wagoner recommends that Henry County use \$3,753 for the purchase of EMS training supplies and Emergency Medical Technician student manuals and the remaining amount be distributed equally among the five rescue squads that serve Henry County. Each squad will receive \$6,200.00.

Mrs. Buchanan moved that the Board approve the additional appropriation of the additional "Four-For-Life" funds in the manner as outlined, second by Mr. McMillian and unanimously carried.

**Acceptance of and Additional Appropriation re:
Rescue Squad Assistance Grant – Public Safety**

Mr. Summerlin stated Dale Wagoner, director of Public Safety, indicated that Henry County has been awarded a Rescue Squad Assistance Fund Grant from the Virginia Department of Health to cover of the cost of purchasing Mass Casualty supplies. The grant of \$6,250 requires 50% match in the amount of \$3,125, which will come funds in the Public Safety FY 2009 budget. The supplies will be stored on the County's Mass Casualty Incident Trailer and will be available for incidents involving a large number of patients. Mr. Wagoner requests that the Board accept and appropriate the funds.

Mr. Summerlin stated on a related note, Mr. Wagoner indicated that three additional grant awards were made to volunteer rescue squads in Henry County, and that Matt Tatum, EMS Coordinator, assisted those squads with their grant applications. Axton Lifesaving Crew was awarded \$33,600 for the purchase of two heart monitors, Horsepasture Rescue Squad was awarded \$600 for the purchase of a computer, and Fieldale-Collinsville Rescue Squad was awarded \$18,000 for the purchase of a recruitment sign. Mr.

Summerlin stated he thought it was important to inform the Board of Mr. Tatum's help on these successful applications.

Mrs. Burnette moved that the Board approve the additional appropriation of the Rescue Squad Assistant Grant as outlined, second by Mrs. Buchanan and unanimously carried.

Request for Appropriation re: FALCON Funds - Sheriff's Office

Mr. Summerlin stated Sheriff Perry is requesting the appropriation of \$1,500 in FALCON funds from the U.S. Marshal's office to be appropriated to his "Law Enforcement Furniture/Fixtures" line item to purchase shelving for the evidence vault and replacement furniture in the Sheriff's office

Mrs. Buchanan moved that the Board approve the appropriation for the FALCON funds, second by Mr. McMillian and unanimously carried.

PRESENTATION BY MARK HEATH, MARTINSVILLE-HENRY COUNTY ECONOMIC DEVELOPMENT CORPORATION, CONCERNING CONSTRUCTION OF NEW SHELL BUILDING:

Mr. Mark Heath, President and CEO of the Martinsville-Henry County Economic Development Corporation, came forward to discuss a proposal requesting the Board's endorsement of a plan to pursue the construction of a second shell building. Mr. Heath stated the process for the second shell building will be a lot smoother and simpler because of the work already done with the RTI shell building. He stated the recommendation before the Board today went before the EDC Board on July 17, 2008, and was approved and will go to City Council on Thursday. Mr. Heath stated many partners are involved and the shell building is structured exactly the way the first shell building was structured. He stated from a financing standpoint, EDC has gone through and conducted another review of the market and believes it is a good time to

build.

Mr. Heath stated the proposal is to build a shell building of 100,000 square feet on Lot 10 in the Patriot Centre and will be expandable to 190,000 square feet. Mr. Heath stated in looking at the costs it is structured the same way as before. The EDC has committed to pay all the carrying costs such as architectural, engineering fees, etc. during the construction phase and for a period of one year. He stated the City and County is being asked if the building goes longer than one year that in years two through five, the City and County would pay the interest carrying costs on a 67%-33% basis, which is an interest only loan through the Industrial Development Authority.

Mr. Heath stated the cost is projected to be \$3 million; however, since the actual cost will not be known until the project is bid, the bond RFP would be up to \$3.5 million. He stated the County and City would be looking at approximately \$129,000 a year in carrying costs and that would be determined after bank financing is in place and after they get the building bids back.

Mrs. Burnette moved that the Board support the plan for the shell building, second by Mr. McMillian and unanimously carried.

INFORMATIONAL ITEMS:

Mr. Summerlin stated he talked with RTI Engineers' and construction will soon begin on the addition and contact has already been made with the County Building Inspection Department for permits.

Mr. Summerlin noted that the County's Annual Surplus Property Auction is scheduled for September 13th. He stated he received an email from RADAR the contractor for the Public Transit Project and have signed the contract with the Department of Rail and Public Transportation. Contact has

been made with the vendor to purchase the bus and they will soon be engaging the County and City on the planning process.

Mr. Summerlin stated Congressman Goode and Boucher were at the Bassett Historical Center to announce a federal earmark of \$98,000 for the Philpott Water Plant for the Patriot Centre/Philpott Interconnection which will serve Bryant Property to Route 58 East and the Pittsylvania County connection. The grant is for \$492,000.

Comments from the Board

Mr. McMillian noted that the Collinsville District has under construction a new Taco Bell, Walgreen's and O'Riley's.

Mrs. Burnette stated she would be attending a VACo Board Meeting later during the month.

Mrs. Buchanan stated she would like to thank Mr. Summerlin for his letter to Barbara Jackman of the Health and Wellness Foundation in regards to the RAM Foundation.

Mr. Vaughn stated a groundbreaking ceremony was held last week regarding the Ridgeway Bridge. He stated he is still receiving calls from residence of the Ridgeway District regarding doing away with County decals. Mr. Vaughn stated there are several items that aggravate people regarding the decals. He stated it is done at a separate time during the year and it's another date to remember. Another issue is the scraping off of old decals and putting on new ones. He stated he would like to add this item to the August Agenda. He stated he would also like for the Board to think about getting input from the Treasurer of whether or not the County can send out the decal when the receipt for the personal property taxes are sent out. Second, instead of the old scrape-off decals he was wondering if they could go to a smaller sticker such as one you receive when changing your oil located in the upper left hand corner of a windshield.

Mr. Summerlin stated recently Channel 10 covered a story on the City of Roanoke eliminating its decals several years ago and now are having second thoughts since experiencing a decline in tax collections related to personal property taxes.

Mr. Adams thanked Mr. Vaughn for attending the groundbreaking of the Ridgeway Bridge in his absence.

CLOSED MEETING:

Mrs. Burnette moved that the Board enter into a closed meeting at 5:05 pm to discuss the following, second by Mrs. Buchanan and unanimously carried.

- 1) §2.2-3711(A)1 for Discussion of Appointees to the Planning Commission, Focus on Youth, Henry-Martinsville Social Services Board, Patrick Henry Community College Board, Fieldale Sanitary District Board, Roanoke River Basin Association and Ninth District Development Financing, Inc.
- 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 6:04 pm on a motion by Mrs. Buchanan, second by Mrs. Burnette and unanimously carried.

CERTIFICATION OF CLOSED MEETING:

Mr. Summerlin 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:

Planning Commission

Mr. McMillian moved that the Board appoint Fred Spencer to an unexpired term to the Planning Commission, second by Mrs. Burnette and unanimously carried.

Focus On Youth

Mrs. Buchanan moved that the Board appoint Eric Hunt to the Focus On Youth Board for a three-year term to expire June 30, 2011, second by Mr. Vaughn and unanimously carried.

Martinsville-Henry County Social Services Board

Mrs. Burnette moved that the Board appoint Narda Dixon to the Martinsville-Henry County Social Services Board, second by Mrs. Buchanan and unanimously carried.

Patrick Henry Community College Board

Mr. McMillian moved that the Board appoint Dr. James Beckner to the Patrick Henry Community College Board to a four-year term, second by Mrs. Buchanan and unanimously carried.

Roanoke River Basin Association

Mr. Vaughn moved that the Board appoint Mike Ward to the Roanoke River Basin Association for a one-year term, second by Mrs. Buchanan and unanimously carried.

Mr. Adams welcomed all visitors to the 6:00 pm meeting and advised those present of the role of the County Administrator as contact person for the Board.

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.

MATTERS PRESENTED BY THE PUBLIC:

Mary Martin of the Ridgeway District thanked the Board for its action taken on the resolution regarding AEP's proposed rate increase and stated she was opposed to the rate increase.

Stuart Bowman gave a brief follow-up on the EMS Presentation presented to the Board at its March meeting. (Copy of Report in Board's File).

GENERAL HIGHWAY MATTERS:

Ms. Lisa Price-Hughes, Residency Administrator, stated that VDOT will hold a Citizen's Information Meeting at the local VDOT office on August 14, 2008, from 6:00-7:00 pm to take comments on a proposed safety project to install a concrete median at Bassett Forks near Food Lion.

Ms. Hughes stated VDOT has a bridge deck repair project upcoming on Route 1228 on Governor Stanley Highway and plan to begin work on the bridge in September and completed by December 5th. She stated work on Route 57 is ongoing as well as work on the Ridgeway Bridge. Ms. Hughes stated VDOT plans to begin work on turning lanes on Route 174 early next spring.

Mrs. Burnette advised Ms. Hughes of a site distance problem coming off of Plantation onto the Mt. Olivet Road.

Children at Play Signs

Mrs. Burnette moved that the Board request VDOT to install a Children Playing Sign at Chatmoss Court, second by Mr. Slaughter and unanimously carried.

PUBLIC HEARINGS – PLANNING

Rezoning Application R-08-13 – Jesse D. Cahill

Mr. Clark reviewed Application R-08-13 for Jesse D. Cahill. (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 6:20 pm and it was noted the applicant was present.

Mr. Cahill came forward and discussed the rezoning application request.

There being no one else present who wished to speak the public hearing was closed at 6:22 pm.

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

Proposed Abandonment, Portion of a 30' Road Space

Mr. Lee Clark reviewed a request by Kathy Washburn who has applied to abandon a portion of a 30' road space. This road space leads off a 50' road space that connects to Joseph Martin Highway in the Ridgeway District. The 30' road space has existed on paper since at least 1939. In 2001, a new survey was prepared that re-configured several lots and created a new 50' easement to serve these reconfigured lots. It does not appear that this 30' road space has ever been "opened" and used as access by any other property owners other than the applicant. If the 30' road space is abandoned all properties will continue to have access to the state maintained road via the existing 50' easement and the existing 50' road space, as shown on the 2001 survey. VDOT has advised that they have no objection to its abandonment.

Mr. Clark noted that §33.1-157 of the State Code advises that if the Board determines a section of road to no longer be necessary for public use, it may approve the abandonment.

Mr. Clark further stated staff is of the opinion that the 30' road space does not serve a realistic public purpose for two main reasons. First, a 30' road space is not adequate for development purposes. The minimum required access is 50' for any subdivision development. Second, to use the 30' road space to access any property other than that of the applicant, a bridge would have to be constructed so as not to affect the existing flood way. The engineering and construction costs required to accomplish this bridge would be cost prohibitive, especially, considering there is already an existing 50' road space and easement over an existing creek crossing that serves this property.

Following some discussion by the Board the public hearing was open at 6:35 pm.

Ms. Kathy Washburn, applicant, came forward and gave a lengthy PowerPoint presentation regarding her request to abandon the 30' road space located off the west side of Joseph Martin Highway in the Ridgeway District that has been in her family since 1939.

Mr. Peter Robinson a resident in the Ridgeway District came forward and stated he has been an adjoining property owner near the proposed 30' road space abandonment since 2004. Mr. Robinson stated the purpose of the 30' road space is to allow the Robinson's and another property owner access to their property; however, it is now being blocked by the Washburn's. Mr. Robinson stated he and his wife are currently engaged in a civil court action against the Washburn's. He stated by abandoning the road space is an attempt by the Washburn's to avoid pending court action and he is requesting a secondary access to his property.

Ms. Cynthia Robinson of the Ridgeway District stated she was opposed to the 30' road abandonment. She stated when she and her husband purchased the property it was on their deed to have access to the road for egress and ingress to their property. Ms. Robinson stated when this matter was taken to court, Judge Clark stated the center of the creek cannot be a boundary line for their property and was therefore dismissed. Ms. Robinson stated since there is a civil suit pending she asked the Board to let the Judge make the decision of what happens.

Mr. Michael Mason of the Horsepasture District stated he knew the Washburn family and of the property in question. He stated he appreciated the Board's time and wisdom.

Mr. Chris Apple of the Ridgeway District stated he built a home near the property in question. He stated the problem is not with the Washburn's or the Robinson's but with Mr. Warren Radford, Subdivider, who has come in and disturbed property causing erosion problems.

Ms. Judy Coleman of the Ridgeway District stated she lives in the corner lot of the proposed abandonment and she had never known this property to be public access property. She stated during the 9-1/2 years since living there she has seen flooding across the driveway and pastureland of Ms. Washburn.

Mr. Frederick Mize of the Ridgeway District stated he has lived in the area and was acquainted with the property of the Washburn's and this particular area is almost completely a swamp.

There being no one else who wished to speak the public hearing was closed at 7:13 pm.

Following discussion by the Board Mr. Vaughn moved to adopt the following motion, second by Mrs. Burnette and unanimously carried.

“Be it ordained and resolved that the section of a 30’ right of way/road space located off the west side of Joseph Martin Highway in the Ridgeway District, shown on a plat for C.P. Lawrence, dated April 27, 1939, prepared by Thomas S. Moore, C.L.S. and recorded in the Henry County Circuit Court Clerk’s Office in M.B. 2, P.g. 99 & 101; Also, shown more clearly on map for Paul/Warren Radford, L.L.C., dated August 3, 2001, prepared by Terry A. Waller L.L.S and recorded in M.B. 91, P.g. 818, be vacated and abandoned, subject to the rights of owners of any utilities previously installed.”

PUBLIC HEARING – TRANSFER OF OLD HENRY COUNTY COURTHOUSE TO MARTINSVILLE-HENRY COUNTY HISTORICAL SOCIETY:

Mr. Summerlin stated the Board at its May 27th; meeting heard a presentation from representatives of the Martinsville-Henry County Historical Society. As part of that presentation the Historical Society asked that ownership of the Old Henry

County Courthouse in uptown Martinsville be transferred from Henry County to the Historical Society.

Mr. Summerlin stated staff has no evidence of the Historical Society's ability to maintain the Courthouse. The existing lease with the Historical Society has been in place for over 10 years during which time no comprehensive plans for redevelopment of the Courthouse have been prepared and the funding is not in place for renovations. Additionally, if the easement required to obtain the "Save America's Treasures" grant is placed on the property, a perpetual maintenance obligation will be incurred to standards set by a federal agency.

The public hearing was open at 7:29 pm.

Ms. Virginia King, President of the Martinsville-Henry County Historical Society, discussed plans of the Historical Society to renovate the old courthouse; however, plans would depend on receiving the \$98,000 Save America's Treasures Grant and the \$93,000 matching grant from the Harvest Foundation. Ms. King stated these two grants are also dependent upon obtaining a historic preservation easement on the property as discussed. Ms. King recognized approximately 12 members of the Historical Society who were in attendance.

There being no one else who wished to speak the public hearing was closed at 7:32 pm.

Following was some discussion by the Board regarding the Historical Society's ability to raise funds to rehabilitate the old courthouse. Ms. King discussed proposed stabilization and rehabilitation phases of the old courthouse by the Historical Society. She also briefly discussed a contract with Southside Business Technology Center to conduct a Feasibility Study, which can be provided to the Board on CD.

Following was some discussion regarding the Save America's Treasures Grant which requires an easement

agreeing to maintain restored property in perpetuity. Mr. Summerlin stated he did not think the obligation would fall by the County unless there was a reversion clause in the deed. He stated in reference to the Save America's Treasurers easement the County has reviewed it. He stated in working with the Historical Society, the National Trust for Historic Preservation is arranging a conference call in the next few weeks with representatives of the National Park Service where the grant comes from, the Virginia Department of Historic Resources, which actually holds the easement in the State where it is granted, and the Historical Society and some other folks to see if there is any resolution or other concerns about the preservation easement and the perpetual care.

Ms. King and Ms. Debbie Hall gave a summary of the Historical Society's financial status which would total approximately \$600,000, which included a \$300,000 HUD grants, a \$42,000 grant from the Harvest Foundation, a Specific Donation of \$25,000 and funds from the Historical Society along with the \$210,000 from Save America's Treasurers Grant. Ms. King stated the Historical Society hopes a decision can be made by August 21st in order to complete the application for the Save America's Treasurers Grant. Ms. King stated if the Historical Society should dissolve that the County would have first option on the courthouse, if not, then the Association with Preservation of Virginia Antiquity, the oldest preservation organization in the United States which owns Jamestown and a number of other prominent historic buildings and properties in the State, have stated that there may be a strong possibility they would take the building over if the Historical Society no longer existed and the County no longer wanted the building.

Mr. Adams thanked Ms. King and noted that the Board may not be in a position to take action on the transfer of the old courthouse property tonight; however, the Board would discuss the issue further in closed session.

CLOSED MEETING:

Mrs. Burnette moved that the Board enter into a closed meeting at 7:54 pm to discuss the following, second by Mrs. Buchanan and unanimously carried.

- 1) §2.2-3711(A)7 for Consultation with the County Attorney re: Pending Legal Matters.
- 2) §2.2-3711(A)3 for Consultation with the County Attorney re: Acquisition/Disposal of Real Estate.
- 3) §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 8:47 pm on a motion by Mrs. Buchanan, second by Mrs. Burnette and unanimously carried.

CERTIFICATION OF CLOSED MEETING:

Mr. Summerlin 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.

There was no action taken in closed session.

There being no further business to discuss Mr. Vaughn moved that the Board adjourn its meeting at 8:49 pm, second by Mr. McMillian and unanimously carried.