

**HENRY COUNTY BOARD OF SUPERVISORS  
MINUTES**

**August 26, 2008 – 3:00 pm**

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

Staff members present were Tim Hall, Deputy 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 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:**

H. G. Vaughn 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) July 29, 2008 – 3:00 pm  
August 11, 2008 – 4:00 pm

(Copy included in Board's File).

**Approval of Accounts Payable**

(Copy included in Board's File).

Mrs. Burnette noted the following changes to the Minutes of July 29.

Page 4, Paragraph 1: Instead of reading: "...has no intentions of running a well-supervised lounge which would result in a detriment to the peace of the community" it should read: "...has no intentions of running a well-supervised lounge but rather one that would result in a detriment to the peace of the community..."

Page 6, Paragraph 2: Should read: "...when any new restaurant has opened..." rather than "Best Western."

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

**MATTERS PRESENTED BY THE PUBLIC:**  
**TOM SWARTZWELDER:**

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. Tom Swartzwelder, an attorney in the law firm of Kaufman & Canoles, was present representing Peter and Cynthia Robinson, one of the parties involved in a road abandonment issue which the Board addressed at its July 29, 2008 meeting.

Mr. Swartzwelder briefly discussed the vacating of a 30' road space approved by the Board of Supervisors at its July meeting. He asked the Board to reconsider its resolution. He stated from a legal perspective the Board can alter and change a resolution as opposed to an ordinance. Mr. Swartzwelder stated this issue is pending litigation in Circuit Court before the judge to decide the access and road issues. He said his concern is when there are two different branches of government looking at the same issue and reaching different conclusions. Mr. Swartzwelder stated he visited the property and not only do the Robinsons use this access, but there are other property owners who utilize the road. He stated the part that the Board vacated is a gravel road that runs from the State maintained road all the way to the Washburn's property. He stated he is just asking the Board to reconsider the resolution and allow the issue to be decided in a court of law based on issues and facts of the experts.

The Board thanked Mr. Swartzwelder for his comments.

**FINANCIAL MATTERS:**

**Award of Contract re: Board Meeting Room Multi-media Upgrades**

Mr. Hall stated County staff issued a Request for Proposals (RFP) for upgrades to the sound system and the installation of multi-media equipment in the Board of Supervisors' first-floor meeting room. Three proposals were received, and staff recommends that the contract be awarded to AE Systems of Montvale, VA in the amount of \$19,143.16. As indicated by a price sheet provided to the Board, the upgrade will include the installation of new microphones, speakers, transmitters, amplifiers, a video display, wireless microphones, a new podium, and other improvements. The Board approved \$18,000 toward this purchase at its May 2008 meeting, and it will need to approve an additional appropriation of \$1,150 to complete the transaction.

Mrs. Burnette moved that the Board award the contract to AE Systems in the amount of \$19,143.16 and approve the additional appropriation of \$1,150, second by Mr. Slaughter and unanimously carried.

**Award of Contract re: Architectural/Engineering Services for the Virginia Avenue Transportation Enhancement Project**

Mr. Hall stated the County applied to VDOT for Transportation Enhancement funding for the Virginia Avenue Transportation Enhancement project. As of this date, a total of \$192,000 has been awarded to the County. The Phase 1 award, in the amount of \$80,000, has been allocated by VDOT. The remaining \$112,000 will become available to the County sometime after January 2009.

The next step in moving the project forward is to hire an architectural/engineering firm to develop design plans for the proposed improvements for the entire VA Avenue corridor. After reviewing responses to the Requests for Proposals (RFP)

and conducting interviews of qualified firms, the selection committee has recommended Earth Environmental Consultants, LLC (EEC) for this project.

EEC's contract is in two parts and totals \$105,392; however, the Board is being asked to award only Part A today. Part A, in the amount of \$63,336, is for the conceptual design of the entire corridor. Funding for Part A will come from the Phase 1 VDOT award (\$80,000).

Part B, in the amount of \$42,056, is for Phase 1 engineering work and funding for Part B will come from the Phase 2 VDOT (\$112,000), when it is allocated. The Board will be asked to address that portion of the project at a later date.

Additionally, the County has already budgeted and appropriated a Phase 1 match in the amount of \$18,575; however, at this point, the Phase I VDOT award will cover the expenditure. (A Copy of Earth Environmental Consultants, LLC Contract Included in Board's File).

Ms. Mary Ann Mason of the Planning Office briefly discussed Part A of the contract for \$63,336, for the conceptual design of the entire corridor.

Mrs. Burnette noted additional funds would be left over from both contracts and will be applied to the construction phase of the plan.

Mr. McMillian moved that the Board award the contract in the amount of \$63,336 to Earth Environmental Consultants LLC for Part A work regarding architectural and engineering services required for the Virginia Avenue Transportation Enhancement Project, contingent on approval from VDOT, second by Mrs. Burnette and unanimously carried.

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

Mr. Hall stated Commonwealth's Attorney Bob Bushnell is seeking Board permission to place \$142.31 in asset forfeiture funds in the travel budget for his office. The money was the County's share of asset forfeiture funds from the Virginia State Police.

Mr. Vaughn moved that the Board approve \$142.31 in asset forfeiture funds to the Commonwealth's Attorney travel budget, second by Mrs. Buchanan and unanimously carried.

### **INFORMATIONAL ITEMS:**

Mr. Hall noted the following informational items:

- Henry County received a payment from 5 B's in the amount of \$79,588.30.
- Henry County received a credit in the amount of \$107,629.64 from W. W. Moore Detention Home.
- Henry County's Surplus Auction is scheduled on Saturday, September 13 at the former DuPont property.
- Board members should have received an e-mail to leave their laptops after the meeting for inventory and updates.
- Administration Building will be closed Monday, September 1 for Labor Day.

### **Comments from the Board**

Mr. Slaughter stated he attended the Citizen's Information Meeting at the local VDOT office on August 14 regarding the proposed safety project at Bassett Forks near Food Lion. He stated he was shocked to find out that VDOT is only talking about safety issues from the light north to Food Lion and not addressing the whole corridor. He stated residents of Hillcrest Park and business owners were also concerned that trucks have to pull out from Red Birch and go north in order to turn around to go south.

Mrs. Burnette stated she attended a VACo Board meeting last Friday in Charlottesville and one item discussed was the

second round of budget cuts. She stated approximately 70% of counties are writing checks to the State for their budget cuts rather than cut services with a notation for Local Aid to State. She stated a second way for localities to address the second round of budget cuts is to have the Department of Planning and Budget make the cut or the locality could cut from the list of choices presented or a locality could do nothing. Mrs. Burnette stated County staff anticipated some level of cuts and was factored into the budget; therefore Henry County does not have to write a check back to the State nor cut services or cut funding in anyway. Mrs. Burnette stated she attended the Pittsylvania County Community Action Dinner on Thursday. She noted on September 13, Axton Life Saving Crew will be hosting another Child Safety Seat Program.

Mrs. Buchanan stated regarding the North and South Mayo River Park in the Horsepasture District, last week she met with Benny Summerlin, Roger Adams, Recreation Director, North Carolina park representatives, Virginia Parks and Recreation representatives along with Ward Armstrong and Roscoe Reynolds. She stated the North Carolina side is progressing; however, finances are an issue for Henry County at this point, therefore local representatives are being asked to lobby in the County's favor.

Mr. Vaughn stated VDOT and the Norfolk and Southern Railroad have come to an agreement on how the railroad will be protected during the Ridgeway Bridge construction. He stated he attended the event at Red Birch on the bio diesel operation and it was very impressive.

Mr. Adams stated the Bassett Heritage Festival is scheduled on September 13. Mr. Adams requested Sheriff Perry to briefly comment on any feedback the Sheriff's Office may have received regarding the public announcement on the criminal reward fund.

Sheriff Perry stated the additional reward has brought a renewed interest to the case and the Sheriff's Office has been receiving calls. He stated it has gone well with the effect of getting attention and bringing the case to the forefront once again. Sheriff Perry thanked the Board for funding \$50,000 to create a criminal apprehension fund.

Mrs. Burnette asked about the bio diesel operation and if there was any opportunity for the County to purchase fuel for County vehicles.

Mr. Hall said he had not discussed the issue with anyone but he would be glad to look into the matter. He stated Henry County buys its fuel in bulk and prices are very competitive. Mr. Vaughn stated the market pretty much determines the price and the bio diesel product is selling about the same price and the plus side is they are making it at a lower expense and they have the money to reinvest into technology. He said as more people get into this and there's more product available it will help to bring the price down.

**CLOSED MEETING:**

Mrs. Buchanan moved that the Board enter into a closed meeting at 3:31 pm to discuss the following, second by Mr. McMillian and unanimously carried.

- 1) §2.2-3711(A)1 for Discussion of Appointees to Focus on Youth, Fieldale Sanitary District Board, Ninth District Development Financing, Inc., and Southern Virginia Recreation Facilities Authority.
- 2) §2.2-3711(A)7 for Consultation with the County Attorney re: Pending Legal Matters.
- 3) §2.2-3711(A)3 for Consultation with the County Attorney re: Acquisition/Disposal of Real Estate.
- 4) §2.2-3711(A)5 for Consultation with the County Attorney re: Discussion of As-Yet Unannounced Industries.

### **OPEN MEETING:**

The Board returned to an open meeting at 5:27 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.

### **Deed of Recreational Easement of Right-of-Way for Greenway Trail and Ingress and Egress**

Mrs. Buchanan moved that the Board execute a deed of easement between Lester Lumber Company and Henry County for Greenway Trail, second by Mrs. Burnette and unanimously carried.

No other action was taken from the Board's closed session. The Board recessed its meeting at 5:28 pm until 6:00 pm.

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

### **MATTERS PRESENTED BY THE PUBLIC:**

Mr. Doug Jackson of the Ridgeway District stated he would like to thank H. G. Vaughn and Lisa Hughes of VDOT for their attention to the detour signs in the Ridgeway District regarding the ongoing construction of the Ridgeway Bridge. Mr. Jackson also spoke regarding the golf carts on public roads. He stated he felt the Board should research this issue further before making a decision because if you start allowing

golf carts in one area then the community would be flooded with golf carts. He stated it should also be studied as to what types of golf carts are allowed and what types of permits are required on a state road. Mr. Jackson asked if agenda item Matters Presented by the Public if there was some way to move up releasing the Agenda so the public could have more opportunities to look into items of discussion and have time to contact staff regarding other issues.

Mr. Hall stated the Board's meeting package is on the County's website no later than Thursday prior to the Tuesday's Board meeting.

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

Mr. Hall reviewed information from the Board's July 29 meeting regarding Mark Gilbert, a resident in the Farmingdale community of Henry County, requesting a County Ordinance to allow golf carts to be driven on public roads in the Farmingdale area. The Board set a public hearing on the issue for the August 26 meeting.

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.

The public hearing was open at 6:07 pm.

Mr. John Staples of the Ridgeway District stated he was

opposed to allowing golf carts on public roads disrupting traffic. He stated if you allow it in Farmingdale you will have them everywhere.

Mr. Gary Brown, President of Farmingdale Village Homeowners Association, came forward and stated there are presently 17 homeowners in Farmingdale Village. Farmingdale Village is located on two separate streets and residents of the Village have signed petitions opposing golf carts on Rockshire Drive and Dianna Court. He stated the homeowner's covenants states no recreational vehicles are allowed to be parked in the subdivision more than seven days except in a closed garage. Residents of Farmingdale Village are also concerned about Fisher Drive, the main entrance located between Rockshire Drive and Joseph Martin Highway because there is a blind curve which could be potentially very dangerous. He stated there are other safety concerns regarding golf carts as well. (A Copy of Petitions Included in Board's File).

Mr. Brad Parker of the Iriswood District and a local Nationwide Insurance agent stated he was asked to discuss the issue of insurance. He stated there is no mandatory insurance for golf carts and if you allow golf carts on streets it will probably open up the door for a lot of underinsured motorist claims. He stated homeowner's policies do not cover golf carts and before golf carts are allowed out on the streets they need to be properly insured.

Mr. Doug Jackson of the Ridgeway District stated an age factor would be another issue to consider before allowing golf carts on streets.

Mr. Vaughn stated he received an email from Mark Gilbert stating that he would be unable to attend the meeting and asked that his comments be read into the record. Mr. Hall read the following statement:

"To the Members of the Board of Supervisors, first, let me

apologize for not being able to be here in person as an unexpected surgery has caused my absence. I ask for your support in designating the roads for golf cart usage in the Farmingdale Subdivision as I discussed on July 29<sup>th</sup>. I would also like to address some of the questions that I heard regarding that issue. The purpose of the road designation is to make it lawful and consistent with what the State law has already given its citizens regarding the use of our roadways. State law already allows for the following forms of transportation on roads with 25mph speed limits (mopeds, scooters, skateboards, motorized skateboards, pedestrians, bicycles, horses, horse and buggy, toy vehicles, electrical personal assisted mobility devices and electric power assisted bicycles and golf carts with road designation. A golf cart is the only one of these vehicles that requires such designation. It is also the only one that requires a licensed driver. None of these listed vehicles requires vehicle registration or liability insurance. However, it is possible to obtain liability insurance for golf carts although not required by law. A concern expressed was what does a person do when driving up behind one of these vehicles? Virginia State Code 46.2-839 and 46.2-843 simply requires you pass the vehicle on the left when safe to do so. This would be no different than what residents do now with people walking or riding bicycles. There are no blind turns or intersections in Farmingdale so it is unlikely that this would be of any real concern. Again, let me stress that we are not asking for road designation for the area known as Farmingdale Village, we are asking that the roads after you pass the entrance to the area known as Farmingdale Village be designated for usage. While there was only nominal opposition to this ordinance I respect the opinions of those who aren't in favor of this; however, I will remind the Board that approximately 2/3rds of the residents in the subdivision were in favor of the road designation. I will leave you with this, I was talking to an 83-year old man last week who asked if the ordinance had been passed yet, I responded that it had not been. He said "I hope they do because the golden years really aren't golden." Thank you, Mark Gilbert.

The public hearing was closed at 6:16 pm.

Mr. Vaughn stated he made some of his concerns known at the last meeting and some of the residents who were in favor of the ordinance now have had time to rethink the issue and are opposed to golf carts in Farmingdale. Mr. Vaughn stated he also was opposed to it. He stated he emailed Mr. Gilbert regarding maintenance of signs and Mr. Gilbert replied stating he would be willing to put up \$100 for the initial installation of the signs and would ask that the Board pick up the expense.

Mrs. Burnette stated she too made her comments known last month that it is not a closed subdivision, nor a gated community. She stated it does not make any sense safety wise and there may be some underinsured motorist accidents; however, it not was worth the County having its deputies spend their time on those types of accidents. She stated she was opposed to establishing a golf cart ordinance.

Mrs. Buchanan stated she would agree with comments she has heard and it would be setting a precedent; she could not support such an ordinance due to safety issues.

Mr. Adams stated he received comments from a retired insurance agent and his comments were almost parallel to others he has heard today.

Mr. Vaughn moved that the Board take no action to enact a golf cart ordinance, second by Mrs. Burnette and unanimously carried.

### **GENERAL HIGHWAY MATTERS:**

Ms. Hughes briefed the Board on the Citizen's Information Meeting held at the local VDOT office on August 14 regarding the safety project on Route 220 and Bassett Forks near Food Lion. She stated comments received will be reviewed and a public hearing will be scheduled for early next

year. Ms. Hughes stated she would like to schedule the public hearing on the Secondary Six-Year Plan for the Board's October 28<sup>th</sup> meeting using the same format as used in previous years. Ms. Hughes stated she would provide the Board with a copy of an update of the Priority List for the Board's September meeting with VDOT's updated estimates, etc.

**Request for "Watch for Children" Signs on Halfway Road and Lynn Court in the Reed Creek District**

Mr. Adams stated he received a request to include Harmon Hill in the Collinsville District and Wilson Avenue in the Ridgeway District for "Watch for Children" signs

Mr. Vaughn moved that the Board request VDOT to install "Watch for Children" signs on Halfway Road and Lynn Court in the Reed Creek District, also Harmon Hill in the Collinsville District and Wilson Avenue in the Ridgeway District, second by Mr. Slaughter and unanimously carried.

The Board discussed several general highway matters including a request by Mr. Slaughter for VDOT to check into installing a "No Outlet" sign on Halfway Road. He also noted on Route 57 and 619 near Mt. Valley sign, when school buses stop on the hill tractor-trailers have been jack-knifing and needs signage in the area. Mrs. Burnette stated that on Route 58 vehicles exiting at Axton Elementary School are not observing the 25 mph or the flashing lights. Mr. Vaughn asked about a guardrail on King's Mill Road and a culvert issue on Phospho and Lithia Springs Road.

There being no further business to discuss Mr. McMillian moved that the Board adjourn at 6:35 pm, second by Mrs. Buchanan and unanimously carried.