

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

November 26, 2019 – 3:00 p.m.

The Henry County Board of Supervisors held its regular meeting on November 26, 2019, at 3:00 p.m. in the Summerlin Meeting Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The following Board members were present: Jim Adams, Chairman, Debra Buchanan, Vice-Chairman, Joe Bryant, David Martin, Tommy Slaughter, and Ryan Zehr.

Staff members present were Tim Hall, County Administrator; Dale Wagoner, Deputy County Administrator; Darrell Jones, Director of Finance; Richard Stanfield, Deputy Director of Finance; George Lyle, County Attorney; Michelle Via, Director of Human Resources/Public Information Officer; and Jennifer Gregory, Administrative Assistant.

Sheriff Lane Perry, Lt. Col. Steve Eanes, Deputy Nicole Dunn, Captain Wayne Davis, and Lt. Steve Raines of the Sheriff's Office were present. Also present were Kim Meeks of the Martinsville Bulletin, Luis Ramirez of BTW21, and Charles Roark of Star News.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Mr. Adams gave the invocation and Ms. Buchanan led the Pledge of Allegiance.

CALL TO ORDER:

Chairman Adams called the meeting to order and welcomed everyone. He stated that anyone who wishes to be on the agenda for the Board's regular business meeting held at 3:00 p.m. 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 p.m. 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

Copy included in Board's File.

- October 22, 2019
- November 13, 2019

Approval of Accounts Payable

Copy included in Board's File.

Mr. Bryant moved the Items of Consent be approved, seconded by Dr. Martin. The motion carried unanimously.

MATTERS PRESENTED BY THE PUBLIC – JOSH BARNHART

Mr. Josh Barnhart, Blackberry District addressed the Board concerning the Second Amendment of the United States Constitution. During his address, Mr. Barhardt requested the Board of Supervisors to adopt a resolution declaring Henry County a Second Amendment Sanctuary County.

REPORT ON DELINQUENT TAX COLLECTION EFFORTS

Mr. Grindstaff noted that 93.24% of 2018 personal property taxes and 95.13% of 2018 real estate taxes have been collected. Since January 1, 2019 TACS has collected approximately \$1,174,952.80. There were thirty-five VRW stops collected in October 2019 and twenty-two stops collected in November 2019.

MONTHLY UPDATE FROM THE MARTINSVILLE-HENRY COUNTY ECONOMIC DEVELOPMENT CORPORATION

Mr. Mark Heath, President/CEO of the Martinsville-Henry County Economic Development Corporation, was present to make the monthly update to the Board. Mr. Heath reviewed a summary of activities by division (Copy included in Board's File).

INFORMATIONAL ITEMS

Comments from the Board

Mr. Zehr said as a hunter, gun owner, and Army Veteran, he took an oath to uphold the Constitution and he would support a resolution to protect second amendment rights. Mr. Zehr also encouraged everyone to vote and make your voices heard at the polls.

Dr. Martin said he took an oath as a member of the Board of Supervisors to uphold the Constitution and encouraged everyone to not let their passion stop here and let their lawmakers know how they feel about gun rights.

Mr. Bryant said he would uphold the Constitution and would support a resolution declaring Henry County a Second Amendment Sanctuary County.

Ms. Buchanan said she was a strong supporter of the Second Amendment. She asked that the County Administrator to draft a resolution declaring Henry County a Second Amendment Sanctuary and have it ready for the Board's consideration at the 6:00 p.m. meeting.

Mr. Slaughter said he served in the Vietnam War and worked 25 years with the Martinsville Police Department. He believed that the Second Amendment should not be infringed upon. Mr. Slaughter questioned the Board's authority to tell Sheriff Perry not to enforce the law.

Mr. Adams encouraged everyone to vote and to address the issue with his or her Virginia legislators.

On a motion by Ms. Buchanan and seconded by Mr. Bryant, the Board unanimously directed the County Administrator to draft a resolution declaring Henry County a Second Amendment sanctuary county.

CONSIDERATION OF PROJECTS FOR REGIONAL COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS)

Mr. Hall said each year the West Piedmont Regional Economic Development District, which serves Henry, Patrick, Franklin and Pittsylvania counties, the cities of Martinsville and Danville and the town of Rocky Mount, compiles an updated *Comprehensive Economic Development Strategy (CEDS)*. The plan will be forwarded to the U.S. Economic Development Administration (EDA) to maintain the eligibility of the participating localities to receive EDA funding. The document must contain a list of prioritized projects and the WPPDC annually requests that each locality submit its proposed future projects. It is essential that all projects the Board will consider within the next year be included in the CEDS because only projects on the list are eligible for EDA funding. It also is recommended that projects may be funded from other sources to be included in order to give the County maximum flexibility in the management of its resources.

County staff developed the attached proposal list of projects. Including a project in the CEDS does not commit the County to undertake the project. It is simply a listing of potential projects from which EDA representatives choose for an investment of federal funds in this district. If EDA invites the County to submit an application for a specific project from the list, the Board would then be required to commit the local funds necessary for the implementation.

On a motion by Dr. Martin and seconded by Mr. Zehr, the Board unanimously approved the list of projects for submission in the regional CEDS (Copy included in the Board's file).

ADDITIONAL APPROPRIATION RE: DICK AND WILLIE PASSAGE TRAIL FUNDS

Mr. Hall said Tim Pace, Director of the Engineering and Mapping Department, is asking the Board to approve an internal transfer of funds totaling \$17,500 to the Dick and Willie Passage Trail Project to cover a portion of the cost of adding a second restroom facility to the project. Funds for this transfer are available in unexpended grant funds from the Harvest Foundation and unexpended funds in other capital projects.

On a motion by Mr. Zehr and seconded by Dr. Martin, the Board unanimously approved the appropriation of \$17,500 for the Dick and Willie Passage Trail project.

ADDITIONAL APPROPRIATION RE: STATE ASSET FORFEITURE – COMMONWEALTH ATTORNEY'S OFFICE

Mr. Hall said Andrew Nester is asking the Board to approve an additional appropriation of \$16,576 from State Asset Forfeiture funds to cover the cost of purchasing new furniture for the office. Mr. Nester will be adding two new attorneys in January and the furniture is needed to provide them an adequate workspace.

On a motion by Ms. Buchanan and seconded by Mr. Bryant, the Board unanimously approved the additional appropriation of \$16,576.

REQUEST FOR CARRYOVER OF FY'19 COUNTY FUNDS

Mr. Hall said staff is asking the Board to approve the carryover of committed funds from the FY'19 budget year to the current FY'20 budget. Staff has prepared the attached list of carryover items by cost center. Items on the carryover list are committed items encumbered or obligated from the prior budget year but the item was not received or the service was not performed prior to June 30. It also includes unexpended grant funds that may have been awarded in the prior fiscal year and other commitments not completed prior to June 30. This year's carryover request totals \$75,292,512.45, which includes interfund transfers of \$3,751,715.13.

On a motion by Mr. Bryant and seconded by Mr. Zehr, the Board unanimously approved carryover funds to FY'20 as requested (Copy included in Board's file).

UPDATE FROM THE BLUE RIDGE REGIONAL LIBRARY SYSTEM – RICK WARD

Rick Ward, Executive Director of the Blue Ridge Regional Library System, provided an update to the Board on activities at the library (Copy included in Board's file).

UPDATE ON THE COMPACTOR PROJECT AT THE AXTON CONVENIENCE CENTER AND AWARD OF CONTRACT RE: GARBAGE COMPACTORS – MIKE AMOS

Mike Amos, Refuse Department Manager, provided an update to the Board on the project to install trash compactors at the Axton Convenience Center. Mr. Amos asked the Board to authorize expanding the compactor project to the Ridgeway Blackfeather Trail Convenience Center site, which will include the purchase of two additional compactors. Mr. Amos requested the Board award a contract to Mid-Atlantic Waste Systems in the amount of \$64,208.16 for the two compactors. Pricing is based on the National Joint Purchasing Agreement, Contract #041217-MEC. Funding is available in the existing budget for this purchase.

On a motion by Mr. Zehr and seconded by Dr. Martin, the Board unanimously approved awarding a contract to Mid-Atlantic Waste Systems in the amount of \$64,208.16 for two compactors.

INFORMATIONAL ITEMS

Comments from the Board

Ms. Buchanan reminded everyone her coat drive ends November 30, 2019.

Mr. Slaughter said a relative from California walked the new section of the Dick and Willie trail and said it was the nicest trail she had walked.

Mr. Adams said he thought everyone should be proud of the trail and the work involved in getting it completed.

Mr. Hall reminded everyone the Administration Building will be closing at noon on Wednesday, November 27th and reopen Monday, December 2nd for the Thanksgiving holiday. J.R. Powell, Director of Martinsville-Henry County 911 Center, recently was awarded The

Governor's EMS Award for Outstanding Contribution to EMS Telecommunication. The county is currently accepting nominations for the Jack Dalton Award. Forms are available for download on the County website. Mr. Hall then addressed the topic of reversion. The following text is a transcript of Mr. Hall's comments on this topic:

As we all know the discussion of reversion is on the front burner now, and there have been several media pieces and presentations designed to capture this issue. Such a task is difficult, because this is a very complex and nuanced process, and it's hard to explain or summarize in a TV piece or a newspaper story. Additionally, we all have our own slant on things past, present and future. But there are a few items currently in the public arena that are misguided, and I feel a duty to bring them to light for the Board and set the record straight.

- *The City's mayor recently sent a letter to this board, requesting a meeting to discuss consolidation, reversion, or all of the above. And since that letter went out we've been bombarded with "Are you going to meet? Why aren't you going to meet? Why won't the County meet with the City?"*
- *Let me point out that today is the first time this Board has met since that letter was received, other than a brief special meeting to discuss jail financing. This Board meets once a month, and the City Council meets twice a month. Today is literally your first real opportunity to be together since the letter was received.*
- *We all understand the daily news cycle – I used to do it for a living so I know the thirst for content. But, Henry County doesn't make decisions hastily or without consideration and I hope we never will. We are methodical and measured, and we are successful in part because of that approach. We have some momentum, a rebounding economy, more people in the workforce than we've had in years, and an unemployment rate better than the United States' rate while also nipping at the heels of the state rate. I think our approach works, and the facts reflect that. Are we where we want to be? No. But we definitely are gaining on it.*
- *Also included in the mayor's letter to this body, there was a reference to a 2012 "executed agreement" between county staff and city staff concerning moving forward on many of the issues being raised now. If you think back to 2012, I took over as County Administrator in August of that year, and there were a lot of things going on – not the least of which was coping with the death of our previous County Administrator Benny Summerlin. But I don't recall any such document ever being executed by County staff.*
- *We've checked our files and we don't have the agreement being referenced. I asked the city staff twice to send us a copy – although its staff is still looking, so far it appears the city doesn't have one either.*
- *George Lyle and I met with City staff at least once, maybe twice, back then and discussed ways we could enhance cooperation. But to my recollection, no document was ever agreed to or executed.*
- *There have been numerous references from the city that water and sewer issues must be included as part of any consolidation or reversion discussions. The Board of Supervisors has nothing to do with water and sewer other than*

appointing the members of the Public Service Authority Board of Directors. And you appoint members to a dozen or more boards.

- *Any consideration of water and sewer issues is the purview of the PSA Board, not the BOS. While I'm not an attorney I'm pretty sure this body can't involve itself in something that isn't yours. Maybe there's some confusion because some staff members pull double duty for both organizations. Myself, Mr. Wagoner, Mr. Jones, and Mr. Stanfield, among others, work for both groups. But there are two entities here, not one. So I hope this helps clear it up.*
- *During the City's presentation, it appeared that a reference was made to possible violations of state environmental law or policies involved with the reopening of the PSA's Lower Smith River wastewater plant. Such a reference is particularly troubling because it appears the PSA is being accused of breaking the law. If this were true, DEQ and any other state regulatory agency would be setting up shop in the PSA office. Environmental agencies are extremely vigilant, and I would imagine they'd let the PSA know if laws were being broken. That's not something the agencies usually let continue.*
- *And just to remind everyone – the Lower Smith River plant has been approved by the Commonwealth to be reopened. The plant was permitted by DEQ in April 2017 and the project is underway.*
- *There also was a reference during the city presentation to the Lower Smith project having a negative impact on stocking of the Smith River - that's also news to the PSA. No state agency has indicated that is an issue - and again the plant received its permit from DEQ in April 2017.*
- *And finally, the PSA and its staff believe that by reopening this plant, with the best and most modern wastewater treatment processes available, the Smith River will be even better environmentally than it is now. So the PSA asked the city if it wanted to be a customer of the PSA, in what will be the newest and most efficient plant in the region. The city declined, which is its right.*

I believe the City Council and city staff want what is best for their residents. I know without a doubt that the Board of Supervisors and County staff want what is best for County residents. This is and will continue to be, until its conclusion, an emotional process. There is passion on both sides of the aisle. Passion is good. But, sometimes it can lead to mistakes and misstatements, and the longer these misstatements are allowed to go unchecked, the more likely people are to take them for facts.

CLOSED MEETING

Dr. Martin moved that the Board go into a closed meeting at 4:10 p.m., seconded by Ms. Buchanan and unanimously carried to discuss the following:

- 1) §2.2-3711(A)1 for Discussion of Appointees to the Patriot Centre/CCBC Advisory Board and Public Service Authority.
- 2) §2.2-3711(A)7 for Discussion of Pending Legal Matters.

3) §2.2-3711(A)5 for Discussion of As-Yet Unannounced Industries.

OPEN MEETING

The Board returned to an open meeting at 5:23 p.m. on a motion by Ms. Buchanan, seconded by Mr. Slaughter and unanimously carried.

CERTIFICATION OF CLOSED MEETING

Mr. Wagoner read the Certification of the Closed Meeting, noting the Board did discuss a legal matter specific to the Second Amendment. He then took a roll call vote.

Board members voting in the affirmative were Mr. Adams, Mr. Bryant, Ms. Buchanan, Dr. Martin, Mr. Zehr, and Mr. Slaughter.

Public Service Authority – On a motion by Ms. Buchanan and seconded by Mr. Slaughter, the Board unanimously approved the re-appointment of Mike Harris and Kathy Rea to four-year terms ending January 5, 2024

Patriot Centre/CCBC Advisory Board – On a motion by Mr. Bryant and seconded by Mr. Zehr, the Board unanimously approved the re-appointment of Richard Hall, Terry Cundiff, Nubby Coleman, and Gary Gibson to two-year terms ending December 31, 2021.

City of Martinsville Reversion Letter – On a motion by Dr. Martin and seconded by Mr. Zehr, the Board unanimously approved sending a letter to Martinsville City Council regarding the Board's willingness to discuss public school education.

Mr. Adams recessed at 5:28 p.m. until the 6:00 p.m. evening meeting.

Mr. Adams welcomed everyone to the 6:00 p.m. meeting. Mr. Adams welcomed Boy Scout Troup 73 and the Scouts led the Pledge of Allegiance.

On a motion by Ms. Buchanan and seconded by Mr. Zehr, the Board unanimously approved a resolution declaring Henry County, Virginia as a "Second Amendment sanctuary" (Copy included in Board's file).

GENERAL HIGHWAY MATTERS

David Kiser, Assistant Resident Engineer for the Virginia Department of Transportation, updated the Board on general highway matters.

MATTERS PRESENTED BY THE PUBLIC

Ms. Dorothy Carter, Reed Creek District and President of the Henry County Education Association addressed the Board concerning the use of restaurant tax to fund capital improvements for Henry County Schools. Ms. Carter felt it would not be enough to help with insufficient salaries for Henry County School employees due to the tax not being a set amount.

Ms. Barbara Parker, Reed Creek District addressed the Board noting her opposition to the passing of the resolution declaring Henry County as Second Amendment sanctuary.

Ms. Faith Brazil, Ridgeway District; Mary Martin, Ridgeway District; Tony Lawson, Iriswood District; Reginald Dyckman, Collinsville District; Donald Foley, Blackberry District; Barry Joyce, Collinsville District; Robert Hankins, Iriswood District; Caleb Robertson, Iriswood District; and Thomas Light, Blackberry District, all addressed the Board in support of resolution declaring Henry County a Second Amendment Sanctuary.

There being no further business to discuss, Ms. Buchanan moved to adjourn at 7:43 p.m., seconded by Mr. Zehr and unanimously carried.