

# HENRY COUNTY BOARD OF SUPERVISORS MINUTES

**November 23, 2021 – 3:00 p.m.**

The Henry County Board of Supervisors held its regular meeting on November 23, 2021, 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, Tommy Slaughter, Ryan Zehr, and David Martin.

Staff members present were Tim Hall, County Administrator; Dale Wagoner, Deputy County Administrator; George Lyle, County Attorney; Darrell Jones, Director of Finance; Michelle Via, Director of Human Resources; and Brandon Martin, Public Information Officer.

Sheriff Lane Perry, Lt. Col. Steve Eanes, Deputy Jeff Jones, Deputy Tim Robertson, and Deputy Jason Keller of the Sheriff's Office were present. Also present were Bill Wyatt of the Martinsville Bulletin and Callie Hietala of the Henry County Enterprise.

## **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 the 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 26, 2021

### **Approval of Accounts Payable**

Copy included in Board's File.

Dr. Martin made a motion to approve the Items of Consent, and Mr. Zehr seconded it. The motion was approved by the following vote:

AYES: Adams, Buchanan, Slaughter, Bryant, Zehr, and Martin.

NAYS: None.

## **REPORT ON DELINQUENT TAX COLLECTION EFFORTS**

Mr. Grindstaff noted that 94.71% of 2020 personal property taxes and 96.20% of 2020 real estate taxes had been collected. Since January 1, 2021, TACS has collected approximately \$970,074.23. There were 67 VRW stops collected in October 2021, and 24 stops were collected in November 2021.

**MONTHLY UPDATE FROM THE MARTINSVILLE-HENRY COUNTY ECONOMIC DEVELOPMENT CORPORATION**

Ms. Sara Hodges, Director of Tourism and Talent Development, and Valerie Harper, Director of Business Development of the Martinsville-Henry County Economic Development Corporation, were present to make the monthly update to the Board. In addition, Ms. Hodges and Ms. Harper reviewed a summary of activities by each division (Copy included in Board's File).

**AWARD OF CONTRACT RE: TWO-WAY RADIOS – SHERIFF'S OFFICE**

Mr. Hall stated that Sheriff Lane Perry is asking the Board to award a contract in the amount of \$203,398 to Motorola Solutions, Inc. for the purchase of 90 portable radios. The radios will be assigned to officers at the new Adult Detention Center. Funding for this purchase is included in the current operating budget.

On a motion by Dr. Martin and seconded by Mr. Slaughter, the Board awarded a contract in the amount of \$203,398 to Motorola Solutions for portable radio for the Sheriff's Office by the following vote:

AYES: Adams, Buchanan, Slaughter, Bryant, Martin, and Zehr.

NAYS: None.

**AWARD OF CONTRACT RE: DETECTION SCANNER – SHERIFF'S OFFICE**

Mr. Hall stated Sheriff Lane Perry is asking the Board to award a contract in the amount of \$169,000 for the purchase of a second Intercept Contraband Detection Scanner to Tek84, Inc. to be installed at the new Adult Detention Center. The price includes the scanner, temperature scanner, installation, and training. According to the Sheriff, the equipment will be installed on the community custody entrance of the facility and will improve officer and inmate safety. It will also lessen the chance of an officer being exposed to the Coronavirus. Sheriff Perry also asks the Board to pay for this item using American Rescue Plan Act (ARPA) funds.

On a motion by Dr. Martin and seconded by Mr. Zehr, the Board awarded a contract in the amount of \$169,000 for the purchase of a second Intercept Contraband Detection Scanner to Tek84, Inc. by the following vote:

AYES: Adams, Buchanan, Slaughter, Bryant, Martin, and Zehr.

NAYS: None.

**ADDITIONAL APPROPRIATION RE: JUSTICE ASSISTANCE GRANT – SHERIFF'S OFFICE**

Mr. Hall said Sheriff Perry is asking the Board to appropriate grant funds in the amount of \$16,743 received from the Edward Bryne Memorial Justice Grant

(JAG). The grant funds will be used for overtime hours to provide high-impact law enforcement activities in areas experiencing increases in crime.

On a motion by Mr. Zehr and seconded by Ms. Buchanan, the Board approved appropriating the grant funds of \$16,743 received from the Edward Byrne Memorial Justice Assistance Grant by the following vote:

AYES: Adams, Buchanan, Slaughter, Bryant, Martin, and Zehr.

NAYS: None.

**ADDITIONAL APPROPRIATION RE: DMV TRAFFIC ENFORCEMENT GRANTS  
– SHERIFF’S OFFICE**

Mr. Hall said Sheriff Lane Perry is asking the Board to appropriate two separate grants from the Virginia Department of Motor Vehicles. The grants are pass-through funds from the National Highway Traffic Safety Administration for FY-'22. The Sheriff’s Office has been awarded the following grants:

- 1) \$26,400 for the enforcement of alcohol-related traffic laws.
- 2) \$17,831 for the enforcement of speed-related traffic laws.

The grants will be used for training, equipment, and overtime compensation Related to the enforcement of these traffic laws.

On a motion by Mr. Bryant and seconded by Mr. Zehr, the Board approved appropriating the DMV grants of \$26,400 and \$17,831 as outlined above by the following vote:

AYES: Adams, Buchanan, Slaughter, Bryant, Martin, and Zehr.

NAYS: None.

**ADDITIONAL APPROPRIATION RE: AMERICAN RESCUE PLAN ACT FUNDS  
– SCHOOL BOARD**

Mr. Hall said the School Board is expecting to receive an additional \$1,371,949 from the Virginia Department of Education through the American Rescue Plan Act (ARPA) Coronavirus and Local Fiscal Recovery Fund (CSLFRF). According to School Superintendent Sandy Strayer, the funds will be to replace the heating, ventilation, & air conditioning (HVAC) system at Laurel Park Middle School.

On a motion by Mr. Zehr and seconded by Dr. Martin, the Board approved the additional appropriations of \$1,371,949 to the School budget for the purpose indicated above by the following vote:

AYES: Adams, Buchanan, Slaughter, Bryant, Martin, and Zehr.

NAYS: None.

**ADDITIONAL APPROPRIATION AND AWARD OF CONTRACT RE: AERIAL  
FIRE APPARATUS –PUBLIC SAFETY**

Mr. Hall said Public Safety Director Matt Tatum is asking the Board to appropriate \$216,172 received from the Virginia Fire Programs, “Aid-to-Localities” fund. The funds will be combined with \$929,000 previously appropriated by the

Board of Supervisors to purchase a new Aerial fire apparatus (often called a “ladder truck”).

In addition, Mr. Tatum is asking the Board to award a contract in the amount of \$1,136,761 to Blue Ridge Rescue Suppliers (BRRS), located in Montvale, Virginia, for an E-One 95-foot, Rear Mount Platform Aerial Apparatus. The Emergency Services Advisory Council (ESAC) concurs with using the Aid-to-Localities funds for this purchase and placing the new apparatus at Bassett Fire Department.

On a motion by Mr. Bryant and seconded by Ms. Buchanan, the Board approved the additional appropriation of \$219,172 and the award of contract in the amount of \$1,136,761 for the purchase of a new aerial fire apparatus by the following vote:

AYES: Adams, Buchanan, Slaughter, Bryant, Martin, and Zehr.

NAYS: None.

### **REQUEST FOR CARRYOVER OF FY’21 COUNTY FUNDS**

Mr. Hall said staff is asking the Board to approve the carryover of committed funds from the FY’21 budget to the current FY’22 budget. Staff has prepared the attached list of carryover 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 \$51,136,064.58, which includes interfund transfers of \$8,874,690.88

On a motion by Mr. Zehr and seconded by Dr. Martin, the Board approved the carryover funds to FY’22 as requested by the following vote:

AYES: Adams, Buchanan, Slaughter, Bryant, Martin, and Zehr.

NAYS: None.

### **AWARD OF CONTRACT RE: PAVING OF DUPONT ROAD – ADULT DETENTION CENTER**

Mr. Hall said that as part of the ongoing construction of the new Adult Detention Center, staff is asking the Board to award a contract of \$1,089,350 in the form of a change order to English Construction Company, Inc. for DuPont Road improvements. The project involves milling, paving, and striping the roadway to make it suitable for acceptance into the Virginia Department of Transportation’s secondary road system. Funding for this work is included in the budget for the adult detention center project, and it will be eligible for 25% reimbursement from the Commonwealth of Virginia.

On a motion by Mr. Bryant and seconded by Mr. Zehr, the Board approved the change order in the amount of \$1,089,350 to English Construction Company, Inc. for DuPont Road improvements by the following vote:

AYES: Adams, Buchanan, Slaughter, Bryant, Martin, and Zehr.

NAYS: None.

**CONSIDERATION OF RESOLUTION RE: COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS**

Mr. Hall said that in May 2018, the Board authorized legal action to recover damages on behalf of Henry County due to prescription opioid abusers. Multiple lawsuits eventually evolved into class action cases involving many localities and states. Several of the defendants being sued by Virginia localities over the manufacture, sale, and distribution of opioids have reached a proposed settlement. In July 2021, the Board approved a settlement structure by which Henry County would share a portion of the proceeds with the Commonwealth and other localities. To participate in the settlement, Henry County must acknowledge its desire to participate by adopting the proposed resolution.

On a motion by Dr. Martin and seconded by Mr. Bryant, the Board adopted the resolution authorizing the County's participation in the proposed settlement of opioid-related claims (Copy included in Board's File) by the following vote:

AYES: Adams, Buchanan, Slaughter, Bryant, Martin, and Zehr.

NAYS: None.

**INFORMATIONAL ITEMS**

**Comments from the Board**

Mr. Bryant asked Sheriff Perry who was the contact person for county ordinance code enforcement. Sheriff Perry said Jason Keller is the contact.

Mr. Slaughter stated his concern about the recent bus accidents, and it appeared to be more drivers driving distracted.

Mr. Hall asked Commissioner of Revenue Linda Love to update the Board on the delay of personal property bills being mailed. Ms. Love stated several employees had been out sick, and the office simply got behind and couldn't get caught up. Treasurer Scott Grindstaff said the tax bills should be ready to go out by the end of the week and recommended a due date of January 5, 2021. Mr. Zehr was concerned there could be a delay in the bills being sent out by the end of the week and delays with mail being delivered on a timely basis. On a motion by Mr. Zehr and seconded by Dr. Martin, the Board extended the property tax due date until February 4, 2022 by the following vote:

AYES: Adams, Buchanan, Slaughter, Bryant, Martin, and Zehr.

NAYS: None.

Mr. Hall said The County follows the State Holiday schedule and will be closing at noon on Wednesday November 24 and will re-open on Monday, November 29 for the Thanksgiving holidays. The December Board of Supervisors Meeting will be on December 14, and the swearing in of elected officials will take place at the 6 p.m. meeting. Nominations for the Jack Dalton award are now being accepted. VF Outdoors is expanding its

facility in the Patriot Centre. They will invest \$10.2 million in Capital Investment and create 82 new jobs.

### **CLOSED MEETING**

Ms. Buchanan moved that the Board go into a closed meeting at 3:35 p.m. to discuss the following:

- A) §2.2-3711(A)1 for Discussion of Appointees to the Southern Area Agency on Aging Board; Patriot Centre/CCBC Advisory Board, West Piedmont Planning District Commission, and Blue Ridge Regional Library Board
- B) §2.2-3711(A)7 for Discussion of Pending Legal Matters
- C) §2.2-3711(A)3 for Discussion of Acquisition/Disposal of Real Estate.
- D) §2.2-3711(A)5 for Discussion of As-Yet Unannounced Industries.
- E) §2.2-3711(A)1 for Discussion of Personnel Matters.

Mr. Slaughter seconded the motion, and it passed by the following vote:

AYES: Adams, Buchanan, Slaughter, Bryant, Zehr, and Martin.

NAYS: None.

### **OPEN MEETING**

The Board returned to open meeting at 5:05 p.m. on a motion by Ms. Buchanan, seconded by Mr. Slaughter, and it carried by the following vote:

AYES: Adams, Buchanan, Slaughter, Bryant, Zehr, and Martin.

NAYS: None.

### **CERTIFICATION OF CLOSED MEETING**

Mr. Wagoner read the Certification of the Closed Meeting and 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 Mr. Zehr and second by Ms. Buchanan, the Board unanimously approved the re-appointment of Vivian Hairston to a four-year term ending January 5, 2026.

West Piedmont Planning District Commission – On a motion by Mr. Bryant and second by Mr. Zehr, the Board unanimously approved the re-appointment of Jim Adams and Tommy Slaughter to four-year terms ending December 31, 2025.

Mr. Adams recessed the meeting at 5:11 p.m. until 6:00 p.m.

Mr. Adams welcomed everyone to the 6:00 p.m. portion of the meeting.

### **GENERAL HIGHWAY MATTERS**

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

### **CONSIDERATION OF A RESOLUTION SUPPORTING THE ADDITION OF AIRPORT ROAD SECONDARY ROAD SYSTEM AND ABANDONMENT OF THE OLD ROAD**

Mr. Hall said that as part of the expansion project at Blue Ridge Regional Airport, a portion of Airport Road (SR698) was realigned, and a new segment was constructed. Therefore, as an administrative matter, the Board must pass a resolution asking the Virginia Department of Transportation (VDOT) to accept the new road into the secondary road system and abandon the old portion.

On a motion by Ms. Buchanan and seconded by Mr. Bryant, the Board approved the resolution as presented (Copy included in Board's File) by the following vote:

AYES: Adams, Buchanan, Slaughter, Zehr, Bryant, and Martin.

NAYS: None.

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

No one present wished to speak.

### **PUBLIC HEARING AND CONSIDERATION OF RESOLUTION RE: COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR THE RESTORATION OF THE HISTORIC FIELDALE RECREATION CENTER**

Mr. Hall said that in March, the County applied for a Community Development Block Grant to fund the restoration of the Historic Fieldale Recreation Center. Unfortunately, the grant was not selected for funding. Staff plans to apply for funding again in the upcoming grant cycle. As part of the grant process, the Board must hold a public hearing to allow citizens the opportunity to comment on the Community Development Block Grant (CDBG) proposal to be submitted for the Historic Fieldale Recreation Center Restoration Project. The public hearing has been properly advertised and scheduled for this meeting. In addition, staff is asking the Board to adopt the proposed resolution in support of the application. The grant will provide up to \$1,000,000 toward the renovation if funded.

Mr. Adams opened the public hearing at 6:06 p.m. There being no one present who wished to speak, Mr. Adams closed the public hearing at 6:06 p.m.

On a motion by Ms. Buchanan and seconded by Mr. Bryant, the Board approved the resolution supporting the CDBG grant application (Copy included in Board's File) by the following vote:

AYES: Adams, Buchanan, Slaughter, Zehr, Bryant, and Martin.

NAYS: None.

**PUBLIC HEARING – REZONING APPLICATION R-21-18 – LISA LANCASTER**

Mr. Clark said the property is located at 246 Meadow Lane in the Collinsville District. The Tax Map number is 29.4(41)/1. The applicant is requesting the rezoning of this property from Suburban Residential District S-R to Office and Professional District B-3. The owner wishes to convert the existing residence into an office/counseling business.

Mr. Adams opened the public hearing at 6:07 p.m. There being no one present who wished to speak, Mr. Adams closed the public hearing at 6:07 p.m.

On a motion by Mr. Bryant and seconded by Ms. Buchanan, the Board approved the rezoning request by the following vote:

AYES: Adams, Buchanan, Slaughter, Zehr, Bryant, and Martin.

NAYS: None.

**PUBLIC HEARING – REZONING APPLICATION R-21-19 – JASON E. AND PAMELA K. MABRY**

Mr. Clark said the property is located at 2541 Bassett Heights Rd., just north of its intersection with Homewood Dr., in the Reed Creek District. The Tax Map number is 15.3(46)/75X. The applicant is requesting the rezoning of approximately 2.559-acres from Suburban Residential District S-R to Mixed Residential District M-R. The applicant wishes to place a double-wide manufactured home on the property with a permanent masonry foundation.

Mr. Adams opened the public hearing at 6:09 p.m. There being no one present who wished to speak, Mr. Adams closed the public hearing at 6:09 p.m.

On a motion by Mr. Slaughter and seconded by Mr. Zehr, the Board approved the rezoning request by the following vote:

AYES: Adams, Buchanan, Slaughter, Zehr, Bryant, and Martin.

NAYS: None.

**PUBLIC HEARING – REZONING APPLICATION R-21-19 – JASON E. AND PAMELA K. MABRY**

Mr. Clark said the property is located at 2541 Bassett Heights Rd., just north of its intersection with Homewood Dr., in the Reed Creek District. The Tax Map number is 15.3(46)/75X. The applicant is requesting the rezoning of approximately 2.559-acres from Suburban Residential District S-R to Mixed Residential District M-R. The applicant wishes to place a double-wide manufactured home on the property with a permanent masonry foundation.

Mr. Adams opened the public hearing at 6:09 p.m. There being no one present who wished to speak, Mr. Adams closed the public hearing at 6:09 p.m.

On a motion by Mr. Slaughter and seconded by Mr. Zehr, the Board approved the rezoning request by the following vote:

AYES: Adams, Buchanan, Slaughter, Zehr, Bryant, and Martin.

NAYS: None.

**PUBLIC HEARING – REZONING APPLICATION R-21-20 – CARVER MEMORIAL GARDENS, INC.**

Mr. Clark said the property is located in the southeast corner of Carver Rd. and Parkway Dr., in the Horsepasture District. The Tax Map number is 40.8(49)/A. The applicant is requesting the rezoning of approximately 2.85-acres from Commercial District B-1 to Agricultural District A-1. The applicant wishes to expand the adjacent cemetery into this property. Once rezoned, an approved Special use Permit is also required.

Mr. Adams opened the public hearing at 6:10 p.m. There being no one present who wished to speak, Mr. Adams closed the public hearing at 6:11 p.m.

On a motion by Ms. Buchanan and seconded by Dr. Martin, the Board approved the rezoning request by the following vote:

AYES: Adams, Buchanan, Slaughter, Zehr, Bryant, and Martin.

NAYS: None.

**PUBLIC HEARING – REZONING APPLICATION R-21-21 – DANA S. WADE**

Mr. Clark said the property is located at the former 107 Carson Drive, in the Reed Creek District. The Tax Map number is 15.7(18)/5. The applicant is requesting the rezoning of approximately 0.3-acre from Suburban Residential District S-R to Rural Residential District R-R. The applicant wishes to allow for the placement of a single-wide manufactured home.

Mr. Adams opened the public hearing at 6:11 p.m. There being no one present who wished to speak, Mr. Adams closed the public hearing at 6:12 p.m.

On a motion by Mr. Slaughter and seconded by Ms. Buchanan, the Board approved the rezoning request by the following vote:

AYES: Adams, Buchanan, Slaughter, Zehr, Bryant, and Martin.

NAYS: None.

**PUBLIC HEARING – BUDGET AMENDMENT RELATED TO THE SALE OF THE PATRIOT CENTRE SHELL BUILDING**

Mr. Hall said that the Patriot Centre Shell building was sold to Schock, NA for \$1,000,000 as part of an economic incentive package in exchange for the company making capital investments off \$85 million and creating 35 new jobs. The loan value of the building was \$3,461,955. Because the accounting of this transaction exceeded one percent of the total County budget, the Board must hold a public hearing before approving the appropriation needed to reflect this transaction on the County's financial statements accurately. The public hearing has been properly advertised and scheduled for this meeting.

Mr. Adams opened the public hearing at 6:13 p.m. There being no one present who wished to speak, Mr. Adams closed the public hearing at 6:13 p.m.

On a motion by Mr. Bryant and seconded by Mr. Slaughter, the Board approved the rezoning request by the following vote:

AYES: Adams, Buchanan, Slaughter, Zehr, Bryant, and Martin.  
NAYS: None.

### **PUBLIC HEARING – VOLUNTARY SETTLEMENT AGREEMENT**

Mr. Hall said that in August 2021, a Voluntary Settlement Agreement between the City of Martinsville and Henry County was presented to the Commission on Local Government (COLG). In September 2021, the Commission held hearings on the topic of reversion as required by law, and in October 2021, the COLG approved the Voluntary Settlement Agreement as presented. The next contemplated action of the process is for the Board of Supervisors to hold a public hearing and then consider an ordinance that adopts the Voluntary Settlement Agreement as approved by the COLG. While the Commission made recommendations, the Commission made no changes to the agreement as approved by the city and county in August.

A public hearing was advertised for tonight. After it concludes, the Board can consider adopting the attached ordinance (Copy included in Board's File). The City of Martinsville has scheduled public hearings and is considering similar action. If both bodies adopt ordinances, that action will be filed in a local circuit court, and a special court will be empaneled to consider the matter.

Mr. Adams opened the public hearing at 6:15 p.m. Mary Martin from the Ridgeway District, Eric Phillips from the Irisburg District, Andrew Palmer from the Collinsville District, and Ray Reynolds from the Collinsville District all spoke in opposition of reversion and the voluntary settlement agreement. Mr. Adams closed the public hearing at 6:22 p.m. General discussion was made from the Board and all members felt reversion was not fair for the citizens of Henry County. No action was taken by the Board on the matter.

### **Adjournment**

There being no further business to discuss, Mr. Adams adjourned the meeting at 6:35 p.m.