

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

**Organizational Meeting
January 2, 2008 – 3:00 pm**

The Henry County Board of Supervisors held its organizational meeting on January 2, 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: H. G. Vaughn, Chairman; Vice Chairman; Jim Adams, 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 Accounting; Susan Reynolds, Human Resources/Public Information Director; and Darrell Jones, Assistant Director of Accounting.

Sheriff Lane Perry and Sergeant Eric Hairston were present from the Sheriff's office.

Shawn Hopkins and Mike Wray of the Martinsville Bulletin were present, and Ron Morris of B99.

Jim Adams gave the invocation and Debra Buchanan led in the Pledge of Allegiance.

CALL TO ORDER:

Chairman Vaughn 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. Mr. Vaughn stated that anyone who wishes 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.

Chairman Vaughn welcomed newest member Mr. T. J. “Tommy” Slaughter to the Board of Supervisors.

Mrs. Burnette moved to request the County Administrator chair the meeting during the election of Chairman and Vice Chairman of 2008, second by Mrs. Buchanan and unanimously carried.

Mr. Summerlin reviewed the procedures for nomination of Chairman and Vice Chairman and stated nominations do not require a second. He then opened the floor for nominations.

ELECTION OF CHAIRMAN FOR 2008:

Mr. Summerlin opened the floor for nominations for Chairman of 2008.

Mr. Vaughn nominated Jim Adams as Chairman.

There being no further nominations the floor was closed.

The motion carried 5 to 0 that Jim Adams be elected Chairman for 2008. Mr. McMillian did not vote.

ELECTION OF VICE CHAIRMAN FOR 2008:

Mr. Summerlin opened the floor for nominations for Vice Chairman of 2008.

Mrs. Buchanan nominated H. G. Vaughn as Vice Chairman.

There being no further nominations the floor was closed.

The motion carried unanimously that H. G. Vaughn be elected Vice Chairman for 2008.

Mr. Summerlin congratulated Mr. Adams and Mr. Vaughn.

Mr. Vaughn thanked the Board for allowing him to serve as Chairman for the past two years and it had been an honor and a privilege. He thanked the Board for its support this year in electing him Vice Chairman. He stated

Mr. Adams has provided him 100% support over the past two years and he will do an outstanding job as Chairman.

Mr. Adams thanked the Board for giving him the opportunity to serve as Chairman. He stated he did not know of anyone that works harder at being a Supervisor than H. G. Vaughn and he is a terrific communicator and has always kept him informed on issues.

SETTING OF REGULAR BOARD MEETING DATES:

Mr. Summerlin stated the Board's regular monthly meetings are scheduled on the Tuesday following the fourth Monday at 3:00 pm. He then reviewed the proposed meeting dates for 2008 and the corresponding deadline for material to be submitted for inclusion in the Board packet. The deadlines are at 5 p.m. on the date indicated. All deadlines are subject to change, depending on holidays, etc.

<u>Meeting Date</u>	<u>Deadline for Packet</u>
January 29	January 22
February 26	February 19
March 25	March 18
April 29	April 22
May 27	May 20
June 24	June 17
July 29	July 22
August 26	August 19
September 23	September 16
October 28	October 21
November 25	November 18
December 16	December 9

Mrs. Burnette moved that the Board adopt the proposed meeting dates, second by Mr. Vaughn and unanimously carried.

ADOPTION OF BOARD BYLAWS:

Mr. Summerlin stated the Board traditionally adopts bylaws each year at its annual organizational meeting. A copy of the existing bylaws, which were adopted January 2, 2007 and amended January 23, 2007, is included in the Board's package. The bylaws for consideration show a strikethrough in

section 2.4 that refers to using a tiebreaker. The tiebreaker seat was eliminated effective December 31, 2007. (Copy of Bylaws in Board's File).

Mrs. Burnette moved that the Board adopt the Bylaws as presented, second by Mrs. Buchanan and unanimously carried.

APPROVAL OF FINANCIAL INSTITUTION FOR TAX REVENUE ANTICIPATION NOTE:

Mr. Summerlin stated each year the Board issues a Tax Revenue Anticipation Note. The current TRAN will mature in January 2008, which will necessitate the issuance of a new TRAN. Bids were opened on December 21 and four vendors replied. The low bidder was Carter Bank & Trust at 2.99% for \$4.5 million. LeClair Ryan, Bond Counsel, is preparing the resolution which must be adopted by the Board to approve issuance of the TRAN. (The resolution was distributed during discussion and a copy included in Board's file).

Mr. Vaughn moved that the Board adopt the resolution to approve the issuance of a Tax Revenue Anticipation Note in the amount not to exceed \$4.5 million and the approval of Carter Bank & Trust as the financial institution for the 2008 TRAN at a rate of 2.99%, second by Mrs. Burnette and unanimously carried.

CONSIDERATION OF CHANGES TO HENRY COUNTY CODE REGARDING MASSAGE ORDINANCE:

Mr. Summerlin stated the Board at its December 11, 2007 meeting discussed the County's massage ordinance. The Board instructed staff to convene a committee to study the ordinance and recommend changes. That committee, under the direction of County Attorney George Lyle, came up with several items for discussion. A public hearing is required to make changes to the County Code, and staff recommends the public hearing be set for the Board's January 29, 2008 meeting.

Mr. Lyle gave a brief report on the history of the massage ordinance as well as the committee's goals. He reviewed the following recommendations by the Committee:

- 1) Certified Massage Therapists licensed by Virginia not be governed by the County Massage Parlor ordinance; and further, health spas that have their health spa contracts registered with the Commissioner of Agriculture and Consumer Services of the Commonwealth of Virginia, as required by law, not be governed by the County ordinance.
- 2) Anyone wishing to operate a Massage Parlor and not be regulated by the state would be subject to the County ordinance and pay a fee of \$1,000 annually (old fee was \$300). Each massage technician (they cannot be called therapist because they are not licensed) would pay a fee of \$150 (old fee was \$50). The committee felt increasing the fee would make it more attractive to prospective practitioners to go through the state process rather than be regulated by the County.
- 3) Under the Zoning Code of Henry County no massage parlor could be operated as a home occupation unless the massage parlor is operated by a Certified Massage Therapist licensed by the Commonwealth of Virginia.

Following some further discussion regarding consideration of changes to the Henry County Massage Ordinance, the following action was taken:

Mr. Vaughn moved that the Board request the County Administrator write a letter to the local legislators suggesting that some action be taken at the State level to regulate everyone offering massage services to ensure certain minimum standards are met, second by Mrs. Burnette and unanimously carried.

Mrs. Burnette moved that the Board set a public hearing on January 29, 2008 on proposed changes 1 and 2, second by Mrs. Buchanan and unanimously carried.

Mr. Lyle noted there was also one proposed change to the Zoning Ordinance. He stated massages are one of the permissible home businesses allowed in the Zoning Ordinance. He stated the proposed change makes it so that only a state licensed person can give a massage in their home.

Mrs. Burnette moved that the Board refer the Zoning Ordinance amendment regarding Massage Parlors to the Planning Commission for review, second by Mrs. Buchanan and unanimously carried.

The Board thanked all members who served on the massage committee, which included George Lyle, County Attorney; J. Randolph Smith, Assistant Commonwealth Attorney, Lee Clark, Zoning Administrator, Linda Love, Commissioner of the Revenue; Marsha Eanes, Certified Massage Therapist; Shelia Hubbard, Certified Massage Therapist and Instructor at Patrick Henry Community College; and Sergeant Ronnie Minter of the Henry County Sheriff's Office.

FINANCIAL MATTERS:

Additional Appropriation re: EMS Training Grant – Public Safety

Mr. Summerlin reviewed information from Public Safety Director Dale Wagoner who is requesting that the Board approve a grant in the amount of \$5,654.80 from the Henry-Martinsville United Way. The grant would be used to compensate instructors and lab assistants who deliver emergency services training and the grant does not require a direct monetary local match.

Mr. Vaughn moved that the Board approve the additional appropriation in the amount of \$5,654.80, second by Mrs. Burnette and unanimously carried.

Additional Appropriation re: Munitions Supplies – Sheriff's Office

Mr. Summerlin reviewed information from Sheriff Lane Perry who is requesting that the Board authorize an additional appropriation from the Asset Forfeiture Fund for the purchase of non-lethal chemical munitions supplies. In a memo from Sheriff Perry he indicates that the purchases in the amount of \$4,998.30, would allow the Sheriff's Office to standardize its' supplies and enhance interoperability with other jurisdictions.

Mrs. Buchanan moved that the Board approve the additional appropriation in the amount of \$4,998.30, second by Mr. McMillian and

unanimously carried.

Mr. Summerlin stated that Reverend Tyler Millner faxed information prior to the meeting requesting the Board's support of the 2008 Martin Luther King holiday and a \$1,200 donation from the Board to help cover expenses for the event. (Copy of Request in Board's File).

After some discussion regarding the request and it not being a budgeted item, the Board agreed to take no action.

Mr. Summerlin stated Sheriff Perry is requesting the Department of State Police to assist in enforcement of the County Decal Ordinance. Sheriff Perry has indicated he has received correspondence from the State Police that state department personnel will charge individuals with non-compliance with local ordinances regarding local motor vehicle license decals only when the governing body in such locality has specifically requested in writing that the department enforce such licensing requirements. Mr. Summerlin stated Sheriff Perry is requesting that the Board make the request to the State Police.

Mrs. Burnette moved that the Board request the Virginia State Police to assist the Henry County Sheriff's Office in enforcing the local license ordinance as requested by Sheriff Perry, second Mr. McMillian and unanimously carried.

Mr. Summerlin advised the Board that the VML/VACo Legislative Day is scheduled for February 7, 2008, in Richmond, and if the Board wants to attend to let him know before conclusion of the meeting in order to make reservations.

Mr. Summerlin stated the School Board has on its budget calendar a budget work session with the Board of Supervisors on February 25 at 3:00 pm. He stated County staff has it on its budget calendar for March 25 at 5:00 pm. Mr. Summerlin stated the School Board plans on tentatively adopting the School budget on March 13, 2008. He asked if the Board had any objections to changing the budget work session to February 25 at 3:00 pm. The Board had no objections.

Mr. Summerlin stated next Tuesday, January 8, at 9:00 am the Board has a joint meeting scheduled with the Industrial Development Authority

regarding the financing of the Emergency Communication System. The Board will need to continue today's meeting to January 8 at 9:00 am.

There being no further business Mrs. Buchanan moved at 3:43 pm to continue its meeting to January 8, 2008, at 9:00 am, second by Mrs. Burnette and unanimously carried.

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**JOINT
HENRY COUNTY BOARD OF SUPERVISORS
AND INDUSTRIAL DEVELOPMENT AUTHORITY
MINUTES**

January 8, 2008 – 9:00 am

The Henry County Board of Supervisors and the Henry County Industrial Development Authority held a joint meeting on January 8, 2008, at 9:00 am in the Fourth Floor Conference 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.

The following Industrial Development Authority members were present: Chairman Larry McDorman, Vice Chairman Len Dillon, Barry Helmstutler, Wade Nelson, Rodney Thacker, Wesley Caviness, and Steve Isley.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; and Jimmie Wright, Director of Accounting.

Mark Heath, President and CEO of the Martinsville-Henry County Economic Development Corporation was present and Debbie Hall of the Martinsville Bulletin.

CALL TO ORDER

Board of Supervisors

Chairman Jim Adams called the Board of Supervisors meeting to order at 9:00 am, a continuation from the Board's meeting of January 2, 2008.

Industrial Development Authority

Vice Chairman Len Dillon called the IDA meeting to order at 9:00 am.

APPROVAL OF IDA MINUTES OF OCTOBER 4, 2007:

On a motion by Barry Helmstutler and a second by Wade Nelson, the IDA Minutes of October 4, 2007 were unanimously approved.

FINANCE REPORT:

Jimmie Wright was present to answer questions regarding the Finance Report. (Copy Included in Meeting File).

CONSIDERATION OF MATTERS RELATED TO FINANCING OF EMERGENCY COMMUNICATIONS SYSTEM:

Mr. Summerlin stated there are four documents the IDA needs to consider regarding the financing of the Emergency Communications System

- 1) Lease from County to IDA
- 2) Lease from IDA to County
- 3) Collateral Assignment and Security Agreement
- 4) Support Agreement

Mr. Summerlin stated the IDA was given updated documents and there are no changes of substance from the documents received in the Board package earlier; however, with the new package of information is a Resolution of the IDA which references all four documents. He stated the Resolution is what the IDA will need to consider for approval. (Copy of Resolution included in the IDA Meeting File). He stated in addition to the package of documents is a copy of the bond proposal. He stated the project is for a new communication system for law enforcement, fire and rescue services. The total project cost is approximately \$7.2 million and involves construction of a number of new towers throughout the County, replacement of all the handheld and mobile radios in the law enforcement vehicles, replacement of all the mobiles in every fire truck and ambulance in Henry County and replacement of some portables among the fire and rescue volunteers. Mr. Summerlin stated in addition, the new system will have the capability for the Sheriff's Office to have mobile computer communication.

Mr. Summerlin stated the Board of Supervisors reserved funds over the past few budget cycles to help pay for a portion of this system, again with the total project cost of \$7.2 million. He stated the financing of the project is the part that the IDA needs to issue a bond for in the amount of \$4.4 million. Bids were sent out for financing and Sun Trust Bank was the low bidder in the amount of 3.39% over seven years. The County has funds budgeted to pay the debt service. Mr. Summerlin explained that the County is purchasing the system and is leasing it to the Industrial Development Authority and the Industrial Development Authority is leasing it back to Henry County. The reason for this process is that the Constitution of Virginia prohibits counties from incurring long-term debt without a voter referendum. He stated the Industrial Development Act which creates the IDA, allows public improvement bonds exactly for this type of purpose. He stated to meet all the constitutional requirements and satisfy the financial institution, this is the reason the transaction is structured the way it is.

Mr. Summerlin stated the Board of Supervisors has already taken action for a Resolution which commits the Board to the project. He stated the Support Agreement basically says that the Board of Supervisors is going to give the IDA each year as part of the budget process sufficient payments to pay the lease payment on the radio system and the IDA will do everything necessary to make the payments to the bank. Mr. Summerlin stated the IDA needs to consider the Resolution, which references the four documents and requires a roll call vote.

On a motion by Barry Helmstutler to accept the Resolution as written and a second by Steve Isley, the motion carried unanimously with the following roll call vote:

Barry Helmstutler	Aye
Larry McDorman	Aye
Len Dillon	Aye
Wade Nelson	Aye
Rodney Thacker	Aye
Wesley Caviness	Aye
Steve Isley	Aye

**CLOSED SESSION TO DISCUSS AS-YET UNANNOUNCED
INDUSTRIES RE: §2.2-3711(A)5:**

Industrial Development Authority

Larry McDorman moved that the IDA enter into a closed meeting at 9:10 am to discuss As-Yet Unannounced Industries re: §2.2-3711(A)5, second by Wesley Caviness and unanimously carried.

Board of Supervisors

Paula Burnette moved that the Board of Supervisors enter into a closed meeting at 9:10 am to discuss As-Yet Unannounced Industries re: §2.2-3711(A)5, second by Debra Buchanan and unanimously carried.

OPEN MEETING:

Industrial Development Authority

On a motion by Wade Nelson and a second by Barry Helmstutler, the IDA voted unanimously to return to open session at 10:05 am.

Board of Supervisors

On a motion by Jim McMillian and a second by Tommy Slaughter, the Board voted unanimously to return to open session at 10:05 am.

CERTIFICATION OF CLOSED SESSION:

Industrial Development Authority

Mr. Hall read the Certification for the IDA 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 Barry Helmstutler, Larry McDorman, Len Dillon, Wade Nelson, Rodney Thacker, Wesley Caviness, and Steve Isley.

Board of Supervisors

Mr. Hall read the Certification for the Board of Supervisors 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 Jim Adams, H. G. Vaughn, Paula Burnette, Tommy Slaughter, Debra Buchanan, and Jim McMillian.

PERFORMANCE AGREEMENTS:

Mr. Summerlin stated both the IDA and the Board of Supervisors will need to consider two Performance Agreements. The first agreement is between Henry County, Henry County Industrial Development Authority, and RTI International Metals, Inc. The second agreement is between the Virginia Tobacco Indemnification and Community Revitalization Commission, Henry County, and RTI International Metals, Inc. (Copy of Performance Agreements Included in Meeting Files).

Board of Supervisors

Paula Burnette moved that the Board enter into the two Performance Agreements as presented, second by Jim McMillian and unanimously carried.

Industrial Development Authority

Barry Helmstutler moved that the IDA enter into the two Performance Agreements as presented, second by Wes Caviness and unanimously carried.

AMENDING OF PROTECTIVE COVENANTS OF PATRIOT CENTRE:

Mr. Summerlin reviewed an amendment to the Protective Covenants of the Patriot Centre. He stated currently the Protective Covenants prohibit the forging of materials and after visiting forging operations, that use would be compatible with other uses in the Patriot Centre. According to the process for amending the covenants there are currently 37 votes for covenant amendments. He stated the IDA holds 30 of the votes and the other seven tenants in the park hold the other seven. He stated a ballot was prepared by the County Attorney to consider removing forging prohibition from the park. He stated the ballot was hand delivered to the seven occupants of the park and three were returned and all voted in favor of amending the covenants. He stated the County received ballots back from Bassett Industries, J. G. Edelen, and Compton Wood Products. The other 30 votes are controlled by the IDA. Mr. Summerlin stated the IDA would need to consider casting its

30 votes in favor of amending the covenants and direct the County Attorney to file the necessary paperwork.

Wes Caviness moved that the IDA cast its 30 votes to amend the protective covenants to remove the forging prohibition from Patriot Centre, second by Steve Isley and unanimously carried.

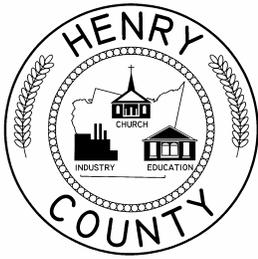
ADJOURNMENT:

Board of Supervisors

Debra Buchanan moved that the Board of Supervisors adjourn its meeting at 10:10 am, second by Jim McMillian and unanimously carried.

Industrial Development Authority

Larry McDorman moved that the IDA adjourn its meeting at 10:10 am, second by Wes Caviness and unanimously carried.



Henry County Board of Supervisors
Agenda
January 29, 2008
3:00 p.m.

- 1) Invocation
- 2) Pledge of Allegiance
- 3) Call to Order
- 4) Welcome of Visitors and Advise Role of County Administrator as Contact Person for the Board
- 5) Items of Consent
 - A) Confirmation of Minutes of Meetings
 - December 11, 2007
 - January 2, 2008
 - January 8, 2008
 - B) Approval of Accounts Payable
- 6) Consideration of Proclamation Establishing February 16, 2008 as "TRIO Day" in Henry County
- 7) Consideration of Resolution Supporting Establishment of "Wilderness Road" Historical Driving Route
- 8) Consideration of Resolution Requesting National Resource Conservation Service Action on Class II Dams
- 9) Consideration of Projects for Regional Comprehensive Economic Development Strategy (CEDs)
- 10) Discussion of Issues Regarding Henry County's Convenience Centers
- 11) Consideration of County Ordinance Changes Regarding Concealed Handgun Permit Applications

- 12) Consideration of Proposed Amendment to Inoperative Motor Vehicle Ordinance, Section 12-201(d)
- 13) Financial Matters
 - A) Award of Contract and Additional Appropriation re: Erosion Control Issues at Old County Landfill
 - B) Award of Contract re: Digital Recording Equipment – Sheriff’s Office
 - C) Award of Contract re: Access Road to Smith River Sports Complex
- 14) Informational Items
 - A) Comments from the Board
- 15) Closed Meeting
 - A) 2.2-3711(A)1 for Discussion of Appointees to the Public Service Authority, Industrial Development Authority, Planning Commission, Parks and Recreation Board, Patriot Centre Advisory Board Economic Development Corporation, Dan River Alcohol Safety Action Program and Community Policy & Management Team.
 - B) §2.2-3711(A)7 for Consultation with the County Attorney re: Pending Legal Matters.
 - C) §2.2-3711(A)3 for Consultation with the County Attorney re: Acquisition/Disposal of Real Estate.
 - D) §2.2-3711(A)5 for Consultation with the County Attorney re: Discussion of As-Yet Unannounced Industries.

6:00 pm 16) Matter Presented by the Public - Chris Koumparakis

- 17) Presentation by Randy Smith, President, Henry County Firefighters Association
- 18) Public Hearing – Consideration of Boundary Adjustment to Joint Enterprise Zone

- 19) Public Hearing – Changes to Henry County Code Regarding Massage Ordinance
- 20) Public Hearings
 - A) Proposed Abandonment, 40' Right-Of-Way Between Morningside Drive and Boxwood Lane
 - B) Rezoning Application R-08-01 – Michael W. Edwards, Sr. and Valeria C. Edwards
- 21) General Highway Matters
 - A) Consideration of Revenue-Sharing Program, FY 2009
- 22) Continuation of Meeting until January 31, 2008 at 3 p.m. for Board's annual Planning Session

**HENRY COUNTY BOARD OF SUPERVISORS
JOINT BUDGET WORK SESSION
WITH THE SCHOOL BOARD
MINUTES
February 25, 2008 – 3:00 pm**

The Henry County Board of Supervisors and the Henry County School Board held a joint FY -08-'09 Budget Work Session on February 25, 2008, at 3:00 pm in the Fourth Floor Conference Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The following Board members were present: Chairman Jim Adams, Vice Chairman H. G. Vaughn, Debra Buchanan, Paula Burnette, Jim McMillian and Tommy Slaughter.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; Susan Biege, Administrative Assistant; Jimmie Wright, Director of Accounting; and Darrell Jones, Assistant Director of Accounting.

Members of the School Board present were Chairman Kathy Rogers; Vice Chairman Rudy J. Law; Curtis Millner, Sr., Charles Speakman, Joseph DeVault, Betsy Mattox, and Terri Flanagan.

Staff members present were Dr. Sharon Dodson, School Superintendent; Dr. James Beckner, Assistant Superintendent of Finance and Operations; Melinda Overby, Administrative Assistant; DeWitt House, Assistant Superintendent for Instruction; Charles Preston, Director of Human Resources; and Marci Lexa, Director of Food Services.

Debbie Hall of the Martinsville Bulletin was present.

Chairman Adams called the Board of Supervisors meeting to order at 3:00 pm and welcomed everyone present.

Chairman Rogers called the School Board meeting to order at 3:00 pm and thanked the Board of Supervisors for meeting with the School Board. She stated it is the desire of the School Board to present the Board of Supervisors with a budget that everyone understands the priorities, and that is supported. Ms. Rogers stated the School Board would first like to show a brief video entitled "The Public Schools Speaks." Following presentation of the video Dr. Dodson stated that she and Dr. Scott Kizner, Superintendent of Martinsville City Schools, will be conducting an introductory clip on the video and shown on local access Channel 22 out of the City.

Dr. Dodson and Dr. Beckner gave a slide show presentation with background information regarding some key parts of the FY '08-'09 School Budget Development Process:

- **State Revenues** - In December the state proposed a \$3.3 million increase in state funding to Henry County Schools; however, it appears that the state economy is in worse condition than originally believed, and rather than the proposed \$3.3 million, the school division may only receive an increase of only \$1.5 to \$1.9 million depending on the state's change in methodology.
- **Shift of Funds** - To offset the decrease in state funding, funds may be shifted or reallocated rather than increasing the budget. By reallocating funds the School Board in effect will be saving over one-half million dollars rather than increasing the budget. For example, the technology category might receive reallocated funds from various categories, such as instruction, administrative/attendance, and health and maintenance. Another reallocation would shift funds from the facilities category to cover the cost of debt service for renovations to Drewry Mason.
- **Salary and Fringe Benefits** - The major portion of the proposed budget is in improvements to salaries and fringe benefits. Recommended salary increase include a 3 percent plus one step for teachers, librarians and guidance counselors, as well as

classified staff (except for those in the school nutrition department), and a 3 percent raise for other licensed (administrative) personnel.

- Noted there are 27 steps in the teacher pay system with each step being based on experience and is roughly the equivalent of one year of teaching. Raises would result in a teacher salary scale ranging from \$35,000 to \$51,000.
- Total cost of proposed pay hikes, including the percentage of fringe benefits paid would be \$2,460,000.
- **Long-Term Disability** - School officials hope to make adjustments to long-term disability coverage, which was established in 1992. There have been no adjustments for inflation or salary increases. The proposed annual cost per employee will increase from \$57 to \$109.19 for a total of approximately \$60,000.
- **Health Insurance** - Anthem's health care renewal was excellent with a proposed increase of 4.1% or \$180 per covered employee. It was noted that some high cost prescription drugs will no longer be covered by Anthem, with affects nationwide.
- **Student Enrollment** - Continued decline in student enrollment. In September 2007, actual enrollment was 7,411, and by fall of 2012, that number is expected to decline by 400 students. Due to declining enrollment, the FY 2009 budget will reflect a reduction of six teaching positions, mainly through attrition.
- **Expansion of Technology** - The school division also plans to continue its long-range plans of replacing computers on a four-year cycle and continue the expansion of using technology, such as SMART Boards, sound amplification systems and classroom response systems in classrooms.

- **Maintenance** - The goal of the School Board is to have cleaner schools and grounds as a result of contracted mowing and weed eating and more effective and efficient custodial equipment.
- **Capital Improvement Plan** - Sixteen projects remain on the school system's Capital Improvement Plan (CIP) with an estimated total cost of \$30 million.
- **Miscellaneous Increases** - Proposed increases in other categories include a 10 percent hike for property/casualty insurance and increasing travel reimbursement from .485 to .505 cents per mile. Because fuel prices are continuing to rise, officials have been unable to assess increases in other categories, such as bus fuel and utilities.
- **Breakfast and Lunch Increases** - The school system is also considering increasing the price of breakfast in middle and high schools by 10 cents, from the current 90 cents to \$1, and there are also proposals to increase the costs of elementary, middle and high school lunches by 20 cents, from the current \$1.40 to \$1.60 in elementary schools and the current \$1.50 to \$1.70 in middle and high schools. If approved, the increased fees should put Henry County in the middle of adjoining localities in terms of pricing rather than at the lower end.
- **Federal Medicaid Reimbursement** – The school system is very aggressive and takes full advantage of the entire Medicaid reimbursement program. Fewer funds at the federal level will have an impact; however, school officials are not clear what the impact will be at this time.

Following the School Board's presentation Dr. Dodson asked the Board of Supervisors **“What does the Board of Supervisors see as the budget priorities for the school system in FY 2009.”** She asked the Board to offer recommendations and the staff would bring this back to the Board next month.

- **Post Employment Retirement Benefits** - Mr. Summerlin stated one concern is regarding Governmental Accounting Standards Procedures regarding Post Employment Retirement Benefits. This is a massive issue and will reflect on both the school division and the county. The actuarial analysis was conducted to show the financial impact. The biggest issue for the county and the schools is that county retirees are allowed to stay on the county's health insurance. The study has to be done this year and the same actuarial firm is conducting the study both for the school division and the county. Once those figures are received, it either has to be funded or be shown on the balance sheet. He noted from everything he has read, you have to fund it to keep liability at a minimum and more interest would be generated by funding this through a long-term investment pool. Virginia Association of Counties and the Virginia Municipal League have established a funding pool to help deal with this issue. The actuarial analysis should be in within the next month.
- **Bus Replacement** – There was some discussion regarding bus replacement. It was noted in this year's budget estimated funds are \$388,000; with no plans to purchase buses in the upcoming fiscal year. Due to revenue shortfalls those funds would be used to help deal with the shortfall. The school division last summer got rid of the last gas bus, and all are now 100% diesel, which helps on fuel efficiency. There are currently 138 buses in the fleet and 118 are run on a daily basis. Bus replacement is looked at on a 15-year cycle; however, the school system strives for a 10 year cycle.
- **Drop Out Rate and Career Academy** - There was some discussion regarding the dropout rate and the Career Academy offered by the school division. It was noted that 35 students over the last three years have graduated from the Career Academy. These students graduate not only with a diploma but also a certification in a technical area. It was also noted that over the next ten years 80% of the jobs will require some type of post high school training.

There being no further business to discuss Mr. Adams thanked the School Board and its staff for their presentation.

Mrs. Burnette stated she would like to extend to the School Board the Board of Supervisors' sympathy regarding the recent death of two of its high school students.

The School Board adjourned its meeting at 4:19 pm.

Mrs. Burnette moved to adjourn at 4:19 pm, second by Mrs. Buchanan and unanimously carried.

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**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

February 26, 2008 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on February 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 Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Jimmie Wright, Director of Accounting; Darrell Jones, Assistant Director of Accounting; and Susan Reynolds, Director of Human Resources.

Deputy Mike Hooper was present from the Sheriff's Office.

Debbie Hall of the Martinsville Bulletin was present.

Tim Hall gave the invocation and Paula Burnette 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) January 29, 2008
- 2) January 31, 2008

(Copy included in Board's File).

Approval of Accounts Payable

(Copy included in Board's File).

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

CONSIDERATION OF REQUEST FROM PITTSYLVANIA COUNTY FARM BUREAU FOR SUPPORTING RESOLUTION REGARDING MULTI-PURPOSE AGRICULTURE COMPLEX:

Mr. Summerlin stated that the Pittsylvania County Farm Bureau Federation, a non-profit private 501(c) 5 organization, is proposing to construct a multi-million dollar, multi-purpose agriculture complex. The regional facility will be centralized within the County on Route 29 offering agricultural training and related events and clinics. The complex will provide a centralized space for regional product sales including a farmers market, livestock center, educational programming and meeting space, equine arenas, and areas for viticulture and other agricultural activities. The project has the support of the Henry County Farm Bureau, and no Henry County funds would be required for the project.

Mrs. Burnette moved that the Board approve the resolution in support of a multi-purpose agriculture complex, second by Mr. McMillian and unanimously carried.

Mr. Adams noted that discussion of storm water issues had been withdrawn.

FINANCIAL MATTERS:

Additional Appropriation re: Chestnut Knob Water Project

Mr. Summerlin stated in 2007, the Board of Supervisors authorized the purchase of approximately 600 acres of potential industrial land, called the ROMA property. The site is near the North Carolina line and does not have public utilities at this time. County staff has worked with Prillaman and Pace, the contractor for the Chestnut Knob water project, on a plan to upsize a water line that is part of the Chestnut Knob project from 8 inches to 12 inches. This change would make the line large enough to handle the flow needed when utilities are extended to the ROMA site. The new aspect of this project would involve upsizing the line along Magna Vista School Road to eventually handle the appropriate flow once the line is extended to the ROMA site. Prillaman and Pace is allowing Henry County to make this change under the same unit costs it is charging for the Chestnut Knob project. The total cost of the upsizing is \$23,952, and would provide adequate fire protection to the ROMA parcel when that site eventually is served. Staff suggests that the money be spent from the Contingency Fund, which currently has \$116,946 in it.

Mr. Vaughn moved that the Board approve the additional appropriation of \$23,952 to pay for the upsizing of the waterline along Magna Vista School Road from eight inches to 12 inches, with the expenditure to come out of the Contingency Fund, second by Mrs. Buchanan and unanimously carried.

**Acceptance of Grant and Additional Appropriation re:
Virginia Triad Crime Prevention for Seniors Grant –
Sheriff's Office**

Mr. Summerlin stated Sheriff Lane Perry is requesting the Board to accept a grant from the Virginia Triad Crime Prevention for Seniors program in the amount of \$2,475. Sheriff Perry indicates that the grant would be used for travel safety first aid kits, “file of life” packets, and incidental expenses. The grant would require a local match of \$275, which would come from the current Sheriff's Office budget.

Mrs. Buchanan moved that the Board approve acceptance of the grant and authorization of the additional appropriation of \$275, second by Mr. McMillian and unanimously carried.

INFORMATIONAL ITEMS:

Mr. Summerlin informed the Board of a ribbon cutting ceremony scheduled on Friday, February 29th at 11:00 am at Darrell Cox Racing on Route 87 in the Ridgeway District.

Mr. Lyle briefly reviewed a letter addressed to him from outside counsel regarding the status of delinquent real estate tax collections. It was noted that since the County has referred accounts to outside counsel, the County has collected \$407,770 in delinquent taxes, penalty and interest. (Copy included in Board's File).

Mrs. Burnette stated the West Piedmont Planning District held a Regional Water Supply Planning Session. She stated after reviewing several of the maps, one map did not indicate there was any growth anticipated along the waterline that has recently been installed in the Axton and Sandy Level areas. She stated she brought the matter to West Piedmont's attention and asked them to look at this area because this is where you would expect to see growth.

Mrs. Buchanan informed the Board that she would be holding a Community District Meeting on April 8th.

CLOSED MEETING:

Mrs. Burnette moved that the Board enter into a closed meeting at 3:15 pm to discuss the following, second by Mrs. Buchanan and unanimously carried.

- 1) §2.2-3711(A)1 for Discussion of Appointees to the Industrial Development Authority, Planning Commission, Parks and Recreation Board, Patriot Centre Advisory Board and Dan River Alcohol Safety Action Program.
- 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 5:45 pm on a motion by Mrs. Buchanan, second by Mrs. Burnette. The motion carried 5 to 0. It was noted that Mr. McMillian left the meeting during closed session.

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, Mrs. Burnette, Mr. Adams, Mrs. Buchanan and Mr. Vaughn. Mr. McMillian was absent.

APPOINTMENTS:

Industrial Development Authority

Mrs. Buchanan moved that the Board reappoint Len Dillon and Steve Isley to the Industrial Development Authority Board for a four-year term expiring March 31, 2012, second by Mrs. Burnette. The motion carried 5 to 0. Mr. McMillian was absent.

Planning Commission

Mr. Slaughter moved that the Board reappoint Herman Haley and Lawrence Penn to the Planning Commission for a four-year term expiring March 31, 2012, second by Mrs. Burnette. The motion carried 5 to 0. Mr. McMillian was absent.

Patriot Centre Advisory Board

Mr. Vaughn moved that the Board reappoint Hal Prillaman, George Lester, Ted Eanes, W. E. Giesler, and Nubby Coleman to two-year terms on the Patriot Centre Advisory Board, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. McMillian was absent.

Dan River Alcohol Safety Action Program

Mrs. Burnette moved that the Board appoint David White to a three-year term on the Dan River Alcohol Safety Action Program, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. McMillian was absent.

The Board recessed its meeting at 5:51 pm.

Chairman Adams reconvened the meeting at 6:00 pm and welcomed everyone present.

MATTERS PRESENTED BY THE PUBLIC:

There was no one present from the public who wished to speak.

GENERAL HIGHWAY MATTERS:

Ms. Lisa Price-Hughes, Residency Administrator of VDOT, discussed several projects with the Board. She stated VDOT started on signal installation on Route 87 and 220. Route 650 is closed and Blue Knob Road will be closed in several weeks for repairs. Irisburg Road and the Ridgeway Bridge repair work is coming up. VDOT has contracted paving work on the Route 58 Bypass from Route 650 to 58 and Laurel Park as well as guardrail upgrades.

Ms. Hughes stated VDOT received a copy of a letter from Pierce Homer, Secretary of Transportation, regarding the revised transportation revenue forecast. Federal revenues should remain steady; however, it is anticipated a 44% cut in primary, urban and secondary funds, which would total approximately \$1 million for Henry County per year. Ms. Hughes noted that funding is in place for the projects she previously discussed.

Mr. Summerlin discussed an article he read in today's **Martinsville Bulletin** quoting someone from the General Assembly, which said "if transportation revenues are not increased, in seven years the maintenance costs would eat up all the transportation revenues and there would be no new roads built."

Children at Play Signs

Mrs. Burnette moved that the Board request VDOT to install Children at Play Signs at two entrances into Piedmont Estates on the south end and Cardinal Road, second by Mr. Vaughn. The motion carried 5 to 0. Mr. McMillian was absent.

Mrs. Burnette moved that the Board transfer \$50,000 from the Rural Addition funds from the Iriswood District and apply the funds to preliminary engineering on Project 12 for the four-laning of Spruce Street, second by Mr. Vaughn. The motion carried 5 to 0. Mr. McMillian was absent.

Mr. Adams recognized and welcomed Joseph Battle, member of Boy Scout Troop #326 who was in attendance as a requirement in earning his merit badge.

PUBLIC HEARING - COMMUNITY IMPROVEMENT GRANT REQUEST TO THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE RIVERSIDE DRIVE NEIGHBORHOOD IMPROVEMENT PROJECT:

Ms. Mary Ann Mason, Grant Coordinator, stated through the utilization of a Community Development Block Grant (CDBG) Planning Grant, Henry County is undertaking a study of community improvement needs for Riverside Drive in the Bassett community. Through this planning grant process, the County is developing plans to submit a Community Improvement Grant (CIG) application to the Virginia Department of Housing & Community Development (VDHCD) to make improvements identified by a needs assessment and public input. VDHCD requires that two public hearings be held during this process with the first public hearing held on January 28, 2008. The application is due by March 26, 2008.

Ms. Mason presented the Board with a revised resolution in support of submitting the Community Improvement Grant application. (Copy of Resolution included in Board's File). The

grant application has been designed to accomplish the following project activities: Rehabilitation of twenty-three (23) low-to-moderate income residential units to include: fourteen owner-occupied single-family units, four tenant-occupied single-family units, two temporarily vacant units, one multi-family unit containing two apartments, and one tenant-occupied mobile home. The project will also provide an opportunity to create homeownership for two qualified low-to-moderate households through the acquisition, rehabilitation and re-sale of two currently vacant units. Additional project activities include pedestrian safety improvements through spot repair of sidewalks as well as the installation of a crosswalk and signage between the Bassett Public Library and the Bassett Historical Center. Park improvements, potentially including the installation of bleachers, fencing, picnic facilities, and landscaping, are also part of the proposed project.

The projected cost is \$1,002,272. Included in the total would be \$128,650 in leverage provided by the County and \$61,640 in private funds.

The public hearing was open at 6:18 pm. There being no one present who wished to speak the public hearing was closed at 6:18 pm.

Mrs. Burnette moved that the Board adopt the resolution of support authorizing the submittal of the Community Improvement Grant application, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. McMillian was absent.

Mr. Adams thanked Ms. Mason, Mr. Clark, Mr. Summerlin and other county staff members for their work on this project.

PUBLIC HEARINGS – ZONING:

Proposed Amendment to Zoning Ordinance

Mr. Clark reviewed the proposed amendment to the Zoning Ordinance as it pertains to the Massage Ordinance. Mr. Clark stated the Board, at its meeting on January 2, 2008, referred the proposed amendment to the Planning Commission for its consideration and recommendation. The amendment, in conjunction with other proposed amendments to the County Code, deal with how massage businesses are handled by Henry County. All massage businesses referred to in the Code as massage parlors are required by the Zoning Ordinance to acquire a Special Use Permit from the Board of Zoning Appeals. Under the proposed Zoning Ordinance amendment, if the proposed business is required to be licensed under the amended section of the County Code, Chapter 13, Article III, then it shall not be considered a permissible Home Occupation as defined in the Zoning Ordinance.

The public hearing was open at 6:21 pm. There being no one present who wished to speak the public hearing was closed at 6:21 pm.

Mrs. Buchanan moved that the Board approve the recommendation of the Planning Commission and approve the amendment to the Zoning Ordinance, second by Mr. Vaughn. The motion carried 5 to 0. Mr. McMillian was absent.

Rezoning Application R-08-02 – Allen R. and Cindy Donovan

Mr. Clark reviewed Application R-08-02 for Allen R. and Cindy Donovan. (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 and acceptance of written proffers.

The public hearing was open at 6:23 pm. It was noted that the applicants were present.

Mr. Allen Jones, resident on Sunset Drive, came forward and stated he was spokesperson for the Sunset Drive Community Awareness Committee. He presented a petition to the Board with signatures stating concerns of keeping the community clean and safe. The petition states that the committee is against the rezoning that will permit single-wide manufactured homes or similar structures to be placed in the currently classified suburban residential. (Copy of Petition included in Board's File).

Mr. Clark readdressed the Board regarding the zoning classification. He stated at the Planning Commission public hearing the original request was to rural residential which would allow for a single-wide manufactured home on the property. He stated there were some concerns from the community at that time and the Planning Commission had the same concerns as the residents. He stated during the public hearing the applicants decided to amend their request to mixed residential which would not allow for a single-wide mobile home on the property and would only allow for either a double-wide manufactured home on a permanent masonry foundation or higher, such as a modular home or site-built home. He stated with the amendment, the Planning Commission recommended approval of the request.

Ms. Debra Ward asked why would you go back from suburban residential to mixed residential. Ms. Ward stated she has a problem going back in rezoning.

Mr. Clark stated there are different zoning classifications up and down Sunset Drive, such as rural residential, agricultural, and suburban residential. The Planning Commission's consensus was that mixed residential would be somewhere in between all the other zoned areas, which would be the most appropriate zoning for that property. Mr. Clark stated the only difference in suburban residential and mixed residential is that mixed residential being proposed will allow for someone to put a double-wide manufactured home on the

property and require it to be on a permanent brick or masonry foundation.

Ms. Dorothy Turner, a member of the Community Awareness Group, stated she didn't think the property was big enough for a double-wide. She stated the residents on Sunset Drive are trying to clean up the community. She stated she is concerned about someone moving in right beside of you and keeping you up all night.

Mr. Herman Moore, a resident on Sunset Drive, stated he is opposed to the rezoning and most of the problems are coming from the people who live in the mobile homes.

There being no one else who wished to speak the public hearing was closed at 6:34 pm.

Mr. Slaughter stated he understood the residents concerns; however a double-wide with a foundation should not be a problem.

Mr. Slaughter moved that the Board accept the recommendation of the Planning Commission to approve the rezoning request and acceptance of the written proffers, second by Mrs. Burnette. The motion carried 5 to 0. Mr. McMillian was absent.

PUBLIC HEARING - PROPOSED AMENDMENT TO INOPERATIVE MOTOR VEHICLE ORDINANCE, SECTION 12-201(d):

Mr. Lyle stated the County is proposing to amend Section 12-201(d), of the Inoperative Motor Vehicle Ordinance to clarify the intent of this section. The intent was to allow licensed motor vehicle dealers to be exempt from the requirements of the Inoperative Motor Vehicle Ordinance, but only on the property where they have their licensed business. This amendment will clarify the intent and assist in the

effective prosecution of future violations. (Copy of Amendment included in Board's File).

The public hearing was open at 6:38 pm.

Mr. Danny Foley, owner of Foley's Used Cars, stated small businesses are struggling and they do not need to be singled out making it harder to operate. He stated this type of business contributes thousands of dollars in state and county taxes; therefore he was opposed to the amendment of the Inoperative Motor Vehicle Ordinance.

Mr. Wayne Withers, Assistant Commonwealth Attorney, stated the proposed change is not directed at businesses. It is directed at people who are taking advantage of their license and dropping inoperative vehicles off in areas that are prohibited such as a residential community.

Mr. Doug Jackson, resident of the Ridgeway District, asked why a vehicle would be inoperative just because it does not have a tag or decal on it. Mr. Jackson stated there are people that for financial reasons have had to park their vehicles.

Mr. Sammy Wright stated he runs a licensed business in the City of Martinsville and he agreed with Mr. Jackson that there are a lot of points that need to be looked at. Mr. White stated the definition of inoperative needs to be further defined. He stated he owned antique vehicles and as a dealer whatever he puts his dealer plate on and if it is in his inventory it doesn't make any difference where it's at in the Commonwealth of Virginia, it is a tagged vehicle. He asked the Board to give this matter serious consideration.

Mr. Lyle stated the proposed amendment is to further define an "exception." He stated right now there seems to be a broad exception for licensed motor vehicle dealers and this will narrow that exception.

Mr. George Craig, a resident on Oliver Drive in the Blackberry District, stated he lives in a residential area and people are dumping junk cars and trash on property that adjoins his property.

Mr. James Cannaday stated he runs Nelson's Auto Salvage and during the last ten years they have probably brought in over \$200,000 into the community. He stated furniture and textile manufacturers are gone and next it would be the car lots.

Mr. James E. Craig, a resident of Oliver Drive, stated his land adjoins suburban residential property and junk cars are being dumped near his property and this should not be allowed.

There being no further comments the public hearing was closed at 6:51 pm.

Mr. Vaughn stated that it appears from information from the Commonwealth Attorney's Office that what is happening is dealers who have license are using that license to create illegal salvage yards and junk yards in other areas.

Mr. Withers, Assistant Commonwealth Attorney, stated that is correct; some people are taking advantage of the loop hole in the ordinance.

Following was some further general discussion by the Board regarding illegal salvage yards.

Mrs. Burnette moved that the Board approve the amendment to the Inoperative Motor Vehicle Ordinance, Section 12-201(d), second by Mr. Vaughn. The motion carried 5 to 0. Mr. McMillian was absent.

**PUBLIC HEARING - CONSIDERATION OF COUNTY
ORDINANCE CHANGES REGARDING CONCEALED
HANDGUN PERMIT APPLICATIONS:**

Mr. Lyle stated at the Board's last meeting, Commonwealth's Attorney Bob Bushnell asked the Board to consider a change to the County Code regarding the application process for concealed handgun permits. Mr. Bushnell wrote in a letter that he and Sheriff Lane Perry would like for the Board to change the County Code and begin requiring fingerprint-based checks in addition to the current requirements. Mr. Bushnell said this new step would allow Henry County to more accurately determine the criminal background of a potential applicant.

The public hearing was open at 7:04 pm. There being no one present who wished to speak the public hearing was closed at 7:04 pm.

Mrs. Burnette stated in Mr. Bushnell's letter it states that an applicant whose finger prints are taken has the right within 21 days to request return of the finger print card file and that it is specifically used for the purpose of obtaining a concealed handgun permit.

Mrs. Burnette moved that the Board approve the change to the Concealed Handgun Permit Applications, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. McMillian was absent.

PUBLIC HEARING - ADJUSTMENTS TO THE FY 2007-08 HENRY COUNTY BUDGET:

Mr. Summerlin stated budget adjustments over \$500,000 require a public hearing before consideration by the Board. He stated as part of the development agreement with RTI International Metals, Henry County offered and had accepted several fiscal proposals that were not included in the FY 2008 County Budget. The public hearing is to receive citizen input on the budget amendment to curtail the Lease Revenue Bonds on the shell building in the Patriot Centre in the amount of \$2,850,000, and the economic incentive package to RTI not to

exceed \$1,000,000 for additional grading at their site. The budget amendment totals \$3,850,000. The sources of funding are cash earmarked from proceeds received on the 2008 Tax Revenue Anticipation Note; the Henry County Industrial Development Authority; and the Martinsville-Henry County Economic Development Corporation.

The public hearing was open at 7:07 pm. There being no one present who wished to speak the public hearing was closed at 7:07 pm.

Mrs. Buchanan moved that the Board approve the budget adjustment, second by Mr. Vaughn. The motion carried 5 to 0. Mr. McMillian was absent.

There being no further business to discuss Mrs. Burnette moved to adjourn at 7:09 pm, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. McMillian was absent.

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

March 25, 2008 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on March 25, 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, Jim McMillian and Tommy Slaughter. Paula Burnette was absent.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Jimmie Wright, Director of Accounting; Darrell Jones, Assistant Director of Accounting; and Susan Reynolds, Director of Human Resources.

Sheriff Lane Perry, Major Steve Eanes and Sergeant Eric Hairston were present from the Sheriff's Office.

Debbie Hall of the Martinsville Bulletin was present.

Jim McMillian gave the invocation and also 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.

Mr. Adams noted that Mrs. Burnette was absent due to the birth of a new grandson. Baby Ryan was born March 24, 2008, and weighed 6lbs. 8ozs. Mother and son are doing well.

ITEMS OF CONSENT:

Confirmation of Minutes of Meetings

- 1) February 25, 2008
- 2) February 26, 2008

(Copy included in Board's File).

Approval of Accounts Payable

(Copy included in Board's File).

Resolution Opposing Closure of Virginia Employment Commission's Local Office

Discussions have taken place recently on the possible closure of the local office of the Virginia Employment Commission. Henry County voiced its opposition to a closure in April 2007 when staff sent a letter to state officials outlining the County's position. Staff has drafted a resolution for the Board's approval that reiterates the County's opposition to a closure of the local VEC office. (Copy included in Board's File).

Proclamation - Establishing April 2008 as "Child Abuse Prevention Month"

Mr. Adams stated this is an addition to the Agenda regarding proclaiming the month of April 2008 as "Child Abuse prevention Month." (Copy included in Board's File).

Mr. Vaughn moved that the Board approve Items of Consent as presented and approve the Proclamation to establish April 2008 as "Child Abuse Prevention Month, second by Mrs. Buchanan. The motion carried 5 to 0. Mrs. Burnette was absent.

REPORT ON AUDIT OF COUNTY ACCOUNTS FY '06-'07:

Robin Jones from Creedle, Jones, and Alga P.C., was present to give the Board a report of its audit of County Accounts for the fiscal year that ended June 30, 2007. (A Copy of the Audit Report and Management Letter are included in Board's File).

Ms. Jones stated Henry County received an unqualified opinion for FY 2007, which means Creedle, Jones, and Alga found no material errors and according to auditing standards this is a clean opinion. She briefly reviewed various exhibits in the audit and answered questions by the Board.

Mr. Vaughn moved that the Board accept the Audit of County Accounts for the fiscal year that ended June 30, 2007, second by Mr. McMillian. The motion carried 5 to 0. Mrs. Burnette was absent.

REQUEST TO ERECT MONUMENT IN HONOR OF GENERAL JOSEPH MARTIN AT OLD HENRY COUNTY COURTHOUSE:

Mr. Summerlin reviewed information regarding General Joseph Martin, for whom Martinsville is named, who died December 18, 1808. To honor his memory, a group consisting of Martin family descendants, the Henry County Historical Society and others would like to place a monument honoring General Martin on the grounds of the old Henry County Courthouse in uptown Martinsville. The group indicates that the monument would be approximately 6 feet tall and made of granite components. The monument would be unveiled during the weekend of June 27-28, 2008, as descendants plan to hold a reunion in Martinsville-Henry County. The group is

requesting permission from the Board to place the monument on the courthouse grounds. There would be no cost to Henry County.

Mrs. Buchanan moved that the Board approve the monument being placed at the old Henry County Courthouse, second by Mr. McMillian. The motion carried 5 to 0. Mrs. Burnette was absent.

UPDATE ON ACTIVITIES AT PATRICK HENRY COMMUNITY COLLEGE:

Mr. Gary Collins, a County appointee to the Patrick Henry Community College Board, and Ms. Natalie Harder, Vice President of Institutional Advancement at PHCC, were present to update the Board on activities at PHCC. Mr. Collins and Ms. Harder discussed issues regarding PHCC's GED program, sports programs, motorsports program, and its nursing program. Other issues discussed were increases in attendance, dormitory study, educational attainment problems, dual enrollment classes, and financial aid assistance, etc.

The Board thanked Mr. Collins and Ms. Harder for their presentation.

DISCUSSION OF REAL ESTATE TAX RELIEF FOR ELDERLY AND DISABLED:

Mr. Summerlin stated Mrs. Burnette requested this item be placed on the Board's Agenda. Mrs. Burnette wants to discuss the possibility of raising the household income limit for tax relief from its current level of \$16,000 a year. The Board considered this item in October 2006 and took no action as noted in a Memo from Mrs. Burnette to the Board. (Copy of Information Included in Board's File).

Ms. Linda Love, Commissioner of Revenue, was present to answer questions of the Board.

Following some discussion Mrs. Buchanan moved that the Board add an additional category to the household income limit for tax relief from \$16,001 a year to \$17,000 with a 10% tax exemption and set a public hearing for the April meeting, second by Mr. McMillian. The motion carried 5 to 0. Mrs. Burnette was absent.

CONSIDERATION OF CHANGES TO ORDINANCE FOR CONCEALED HANDGUN PERMITS:

Mr. Summerlin stated that at the Board's meeting on February 26, the Board approved changes to the County Ordinance to require fingerprints for first-time applicants. (Copy of Ordinance included in Board's File). Mr. Summerlin stated the Board is asked to approve the ordinance language. He stated a public hearing has been held; therefore, a separate public hearing is not required.

Mrs. Buchanan moved that the Board adopt the changes to the concealed handgun permit ordinance, second by Mr. Vaughn. The motion carried 5 to 0. Mrs. Burnette was absent.

CONSIDERATION OF CHANGES TO THE RESIDENTIAL PROPERTY ORDINANCE:

Mr. Lyle stated the Litter Committee, which was created by the Board of Supervisors last fall, discussed many ways to help improve our neighborhoods. One suggestion to come from the committee's work was to strengthen the Residential Property Ordinance to codify that all furniture and/or appliances designed for indoor use be kept indoors. Mr. Lyle stated the proposed wording is that Outside Storage: Household appliances or furniture manufactured and sold for indoor use may not be placed in yards, fields or other outside areas where it is not within an enclosed structure. He stated if the Board wants to consider the change, a public hearing

should be set for the April 29 meeting. (Copy of Amendments Included in Board's File).

Mr. Vaughn stated he would like to see this issue addressed; however, he had some very serious concerns with the wording of the "other outside areas" as far as front porches, carports, and back porches.

Mrs. Buchanan moved that the Board set a public hearing on the Residential Property Ordinance on April 29, 2008, at 6 pm, second by Mr. McMillian. The motion carried 5 to 0. Mrs. Burnette was absent.

FINANCIAL MATTERS:

Additional appropriation re: "Four-For-Life" Funds - Public Safety

Mr. Summerlin stated Dale Wagoner with the Department of Public Safety is requesting that the Board approve the additional appropriation for the annual "Four-For-Life" allocation from the Commonwealth to the local rescue squads. This is a pass-through allocation for the purchase of equipment. This year's total is \$49,090.51 and Mr. Wagoner is recommending that each of the five County squads receive \$9,818.10.

Mrs. Buchanan moved that the Board approve the five County rescue squads receiving \$9,818.10, second by Mr. McMillian. The motion carried 5 to 0. Mrs. Burnette was absent.

Additional Appropriation re: Ferndale Tower - Public Safety

Mr. Summerlin stated Public Safety Director Dale Wagoner is requesting the Board to award a contract in the amount of \$56,833 for structural reinforcement of the Ferndale Tower. Mr. Wagoner indicates that the Ferndale

Tower is to be used for the placement of emergency communication towers and associated shelters and equipment for the County's new radio project. It has been determined that the site requires some reinforcement in order to better handle the new equipment. Mr. Wagoner is asking the Board to award the work to JG Contracting, which is already working on the Ferndale site. This extra work would be a change order to the current contract. Funding for this expense is already budgeted within the radio project budget.

Mr. Vaughn moved that the Board award the contract for no more than \$56,833 to JG Contracting for work on the Ferndale Tower, second by Mrs. Buchanan. The motion carried 4 to 1 to 0. Mr. McMillian voted in opposition and Mrs. Burnette was absent.

Mr. Summerlin noted the County anticipates the new towers will go up very soon and last week County representatives visited the Motorola facility in Illinois to do the factory acceptance testing of the new communication system. He stated it is anticipated it will be shipped this week and installation will proceed.

Additional Appropriation re: Repair/Maintenance of Vehicles – Sheriff's Office

Mr. Summerlin stated Sheriff Perry is requesting the Board to make an additional appropriation in the amount of \$15,382.76 to the Sheriff's Office "Repair/Maintenance of Vehicles" line item. Sheriff Perry indicates that auto insurance checks in the amounts of \$8,100; \$3,137.29; and \$4,145.47 will be used to cover the additional appropriation.

Mrs. Buchanan moved that the Board approve the additional appropriation in the amount of \$15,382.76 to be redeposited into the Repair/Maintenance of Vehicles line item, second by Mr. McMillian. The motion carried 5 to 0. Mrs. Burnette was absent.

Acceptance of Donation – Sheriff’s Office

Mr. Summerlin stated Sheriff Perry is asking the Board to accept a donation from Wal-Mart in the amount of \$500. Sheriff Perry indicates that he would like to use the money to print crime prevention materials.

Mr. McMillian moved that the Board approve the additional appropriation for deposit of \$500 into the Sheriff’s Office account, second by Mr. Vaughn. The motion carried 5 to 0. Mrs. Burnette was absent.

Additional Appropriation re: FY 2006-07 Carryover Funds, and Transfer Appropriation Request – School Board

Mr. Summerlin stated the School Board is requesting that the Board appropriate \$225,122 in FY ’06-’07 carryover funds to be used toward roof repairs at Bassett High School. This is similar to past carryover amounts that were applied to other capital projects, including the renovation of Drewry Mason Elementary School. The School Board is asking that the money be placed in the facilities category and the building improvements/addition line item. In a separate matter, the School Board is asking that two transfers be made to comply with recommendations from the Department of Education’s Annual School Report. The funds, which total \$453,500, would be transferred from Instruction to Technology and payment for outstanding purchase orders would be made from the Technology category.

Mr. Vaughn moved that the Board approve the request to appropriate \$225,122 in carryover money into the facilities category to be used for roof repairs at Bassett High School; and approve the transfer requests in the amount of \$453,500 per the recommendations of the Department of Education’s Annual School Report, second by Mrs. Buchanan. The motion

carried 4 to 1 to 0. Mr. McMillian voted in opposition and Mrs. Burnette was absent.

Request for Carryover FY '06-'07 County Funds

Mr. Summerlin stated each year the Board of Supervisors considers a request for carryover funds from the prior budget year to the current budget year. County staff has prepared a list of carryover items by cost center. The items on the carryover list are items encumbered from the prior budget year but not expected to be received by June 30, and unexpended grant funds awarded in the prior fiscal year. This year's carryover request totals \$18,972,891.53, including interfund transfers of \$2,785,564.55. (Copy of Carryover Request included in Board's File).

Mrs. Buchanan moved that the Board approve the Carryover Funds for FY '06-'07, second by Mr. Vaughn. The motion carried 5 to 0. Mrs. Burnette was absent.

INFORMATIONAL ITEMS:

Mr. Adams stated the Board received a letter from Richard Flora, Chairman of the Roanoke County Board of Supervisors, expressing thanks to the Henry County Public Safety office for its assistance in helping to fight a string of wildfires last month in Roanoke County. (Copy of Letter included in Board's File). Mr. Adams stated the Public Safety personnel should be commended.

Mr. Summerlin stated the ground breaking on the Soccer Complex is scheduled for April 5th at 3:00 pm at the site. He stated the construction contract has been awarded and equipment is now on site.

Mr. Summerlin noted that the ribbon cutting for the Gravely Nature Preserve is scheduled for April 26th at 2:00 pm.

Mr. Summerlin stated the County Employee Service Awards Banquet is scheduled on Thursday, March 27th at 6:00 pm.

Mr. Summerlin stated a public art exhibit sponsored by Piedmont Arts Association is scheduled and the County will be participating as a host to one of the displays in the Administration Building.

Mr. Summerlin stated the County received an Enhancement Grant in the amount of \$80,000 for the Virginia Avenue Improvement Projects in Collinsville. He stated he will need to sign an agreement with the Virginia Department of Transportation and the Office of Attorney General requires specific authorization for him to sign the agreement. Mr. Summerlin stated this would require a motion by the Board authorizing him to sign the Enhancement Agreement with the Virginia Department of Transportation.

Mr. McMillian moved that the Board authorize the County Administrator to sign the Enhancement Agreement, second by Mr. Slaughter. The motion carried 5 to 0. Mrs. Burnette was absent.

Mr. Summerlin displayed a Stewardship Award that was presented to Henry County by the Dan River Basin Association's at its annual meeting for Henry County's efforts in working with DRBA.

Mrs. Buchanan stated she will be holding a community meeting on April 8th at the Horsepasture Ruritan Building. Also, the Horsepasture Ruritan's will be holding a breakfast on Saturday, March 29th from 6:30 am until 10:00 am. The Horsepasture Volunteer Rescue Squad will be holding a BBQ on April 5th starting at 4:00 pm until 7:00 pm. Mrs. Buchanan stated that Hillcrest Baptist Church will be holding their Spring Drama April 14th through April 18th.

Mr. Adams stated he would like to thank Mr. Vaughn in advance for his participation in welcoming guests to the area at the upcoming NASCAR Race on Sunday, March 30th.

Mr. Adams stated to Amanda Witt, Executive Director of the Chamber of Commerce, that the 2008 Fast Track was one of the best that he had attended and was very well organized.

CLOSED MEETING:

Mr. McMillian moved at 4:05 pm to enter into a closed meeting to discuss the following, second by Mrs. Buchanan. The motion carried 5 to 0. Mrs. Burnette was absent.

- 1) §2.2-3711(A)1 for Discussion of Appointees to the Planning Commission, Parks and Recreation Board, Henry-Martinsville Social Services Board, Southern Area Agency on Aging Board, and West Piedmont Disability Services Board.
- 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.
- 5) §2.2-3711(A)1 for Discussion of Personnel Matters.

OPEN MEETING:

The Board returned to an open meeting at 6:02 pm on a motion by Mr. McMillian, second by Mrs. Buchanan. The motion carried 5 to 0. Mrs. Burnette was absent.

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. Buchanan, Mr. Vaughn and Mr. Adams. Mrs. Burnette was absent.

APPOINTMENTS:

Parks and Recreation Board

Mr. McMillian moved that the Board appoint Mr. Alton Foley of the Collinsville District to fill an unexpired term to the Parks and Recreation Board ending June 30, 2010, second by Mr. Slaughter. The motion carried 5 to 0. Mrs. Burnette was absent.

No other action was taken in the Board's closed meeting.

MATTERS PRESENTED BY THE PUBLIC:

There was no one present who wished to make comments to the Board.

RECOMMENDATION BY THE RESCUE SQUAD ASSOCIATION FOR FY '08-'09 CAPITAL FUNDING:

Mr. Mike Hylton, President of the Rescue Squad Association and Captain of Axton Life Saving Crew, recognized members of the Fieldale-Collinsville Rescue Squad who were in attendance and discussed the Rescue Squad Association's Capital Funding for FY '08-'09.

The Board reviewed information that in FY '92, a Rescue Squad Capital Improvements Program was established for the purpose of providing contributions to the County-based rescue squads to purchase vehicles. Initially, the Board of

Supervisors agreed to contribute \$50,000 a year and in FY '94-'95 the contribution was increased to \$75,000 annually. In FY '05-'06 the contribution was increased to \$95,000. Funding policy for this program was later amended to include the purchase of portable equipment and new facilities/additions in some instances. The Board agreed to appropriate these funds each year, based on the recommendation of the Henry County-Martinsville Rescue Squad Association.

Mr. Hylton stated the Association is requesting that the County increase its operational funding to the squads by 5%, and that Fieldale-Collinsville Rescue Squad receive the annual appropriation for a new ambulance.

Mr. McMillian recognized members of the Fieldale Collinsville Rescue Squad and stated he was very proud of them. He also recognized Mr. Stuart Bowman, Chief of the FC Rescue Squad, for his dedicated service to Henry County.

Mr. Adams thanked everyone for coming out and stated he would also reiterate Mr. McMillian's comments and the Board would be considering the Rescue Squad Association's request during the FY '08-'09 process.

Mr. Adams stated he received a note from Mrs. Burnette in regards to the Axton Life Saving Crew that it will be holding a Child Safety Seat Program and Inspection on Saturday, April 5, 2008, from 10:00 am until 3:00 pm.

PUBLIC HEARING – REZONING APPLICATIONS:

R-08-03 – George Michael Westmoreland

Mr. Clark reviewed Application R-08-03 for George Michael Westmoreland. (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 6:12 pm. There being no one present who wished to speak the public hearing was closed at 6:12 pm.

Mr. Vaughn moved that the Board accept the recommendation of the Planning Commission to approve the rezoning request, second by Mrs. Buchanan. The motion carried 5 to 0. Mrs. Burnette was absent.

R-08-04 – Lisa I. Kester

Mr. Clark reviewed Application R-08-04 for Lisa I. Kester. (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 6:14 pm. There being no one present who wished to speak the public hearing was closed at 6:14 pm.

Mr. McMillian moved that the Board accept the recommendation of the Planning Commission to approve the rezoning request, second by Mrs. Buchanan. The motion carried 5 to 0. Mrs. Burnette was absent.

GENERAL HIGHWAY MATTERS:

Ms. Lisa Price-Hughes, Residency Administrator of the local VDOT Office, and State Trooper R. L. Via, were present to give a presentation on the Highway Safety Challenge sponsored by the Virginia Department of Transportation, the Virginia State Police and the Virginia Department of Motor Vehicles.

Ms. Hughes gave a power point presentation regarding a partnership between VDOT, Virginia State Police, and the Virginia Department of Motor Vehicles called the Highway Safety Challenge. She stated the question is "Are You

Virginia's Next Traffic Fatality." Ms. Hughes stated the three agencies have joined forces to improve traffic safety in Virginia and put the brakes on highway fatalities. Ms. Hughes reviewed statistics regarding crashes due to not wearing a seat belt and alcohol related incidents and fatalities.

State Trooper R. L. Via reviewed a report of the 2005-2006-2007 Virginia Traffic Crash Facts. Trooper Via distributed bumper stickers with the logo of "Are You Virginia's Next Traffic Fatality." (A Copy Included in Board's File).

The Board thanked Ms. Hughes and Trooper Via for their presentation.

Ms. Hughes stated that Route 650 (Irisburg Road) and the 220 Bridge Project will be advertised soon. The signal on Route 87 and Route 220 may be operational next week.

Mr. McMillian thanked Ms. Hughes for VDOT's work on drainage ditches and new pipe in the Collinsville District

Mr. Summerlin stated the Board agreed to build the turn lane at the Patriot Centre. He asked if it would be built with VDOT forces and if the rest of Nautica Way would be taken into the State System.

Ms. Hughes stated that is correct.

Mr. Slaughter advised Ms. Hughes of a drainage problem on Reed Creek Drive. He stated at Route 657 and Route 655 near Route 657 improvements there is a terrible sight problem at this location. He requested VDOT to check into the two problems.

Mr. Vaughn stated he received another request for guardrails on the Chestnut Knob Road.

Ms. Hughes stated that funds are not included in the budget for this year for guardrails.

There being no further business to discuss Mr. McMillian moved at 6:45 pm to continue its meeting to April 3, 2008, at 5:00 pm, second by Mrs. Buchanan. The motion carried 5 to 0. Mrs. Burnette was absent.

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HENRY COUNTY BOARD OF SUPERVISORS MINUTES

April 3, 2008 – 5:00 pm

The Henry County Board of Supervisors held a meeting on April 3, 2008, at 5:00 pm in the Fourth Floor Conference Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The purpose of the meeting was to hear the presentation of the FY '08-'09 County Budget. The following Board members were present: Chairman Jim Adams; Vice Chairman H. G. Vaughn; Debra Buchanan, Paula Burnette, Jim McMillian and Tommy Slaughter.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Jimmie Wright, Director of Accounting; Darrell Jones, Assistant Director of Accounting; and Mrs. Susan Reynolds, Human Resources/Public Information Director.

Debbie Hall of the Martinsville Bulletin was present.

Sheriff Lane Perry, Major Steve Eanes and Captain Nelson Thomas were present.

Chairman Adams called the meeting to order and stated the meeting is a continuation of the Board's March 25, 2008 meeting. He then turned the meeting over to Mr. Summerlin for his presentation on the FY '08-'09 Proposed County Budget.

Mr. Summerlin gave an overview of the following narrative of the Discussion and Analysis for Fiscal Year 2009 Proposed Operating Budget for the County of Henry and the Capital Improvements Plan.

In the annals of budget narratives, the text provided to you in the FY 2008 Budget Discussion and Analysis may go down as the most prescient words ever provided by your current administrative staff.

As you may recall, the FY 2008 narrative was based on the theme that “If you build it, they will come,” from the 1989 movie “Field of Dreams.”

And so you built it. And RTI International Metals came.

Any discussion of Henry County’s performance in Fiscal Year 2008 and its anticipation regarding FY 2009 must begin with RTI. This perfect marriage of company and community will help us define who we are and what we want to be for many years to come.

When the RTI announcement was made January 8, our current vice chairman, H.G. Vaughn, said the following:

“RTI is internationally renowned for its vision, its professionalism, and its products. Fortune Magazine recognized it as the seventh-fastest growing company in the United States for 2007. The military and the aerospace industries, among others, rely on RTI products to keep their operations moving smoothly. This is not a company that could grow into something significant – RTI is already significant. RTI International could build its new facility anywhere in the world – yet it has chosen to build it right here in our Patriot Centre. That says a lot about the company, but it also says a lot about the people of Martinsville and Henry County.”

Those words may be even more accurate today than they were January 8. Since the announcement of the RTI project, both County staff and the staff at the Economic Development Corporation have become even more impressed with this company, its ethics, its business model, and its plans for Henry County. The basic facts are the same: RTI will be Henry County’s largest water and sewer customer; largest natural gas customer; and largest electricity customer. The company has employees on the ground in Henry County, and it

anticipates moving dirt on its Patriot Centre site later this month. It has targeted mid-2009 as its full operational opening.

However, while we eagerly anticipate the beginning of the project and its ultimate opening, the “soft” benefits continue to grow – the fact is, we *feel* better about where we are as a community because RTI chose to locate here.

That feeling was captured perfectly in the item on the cover of this presentation. The editorial cartoon previously printed in the *Roanoke Times* shows Henry County in a perfect position – on the top level, the ultimate platform of achievement. That is where we want to stay.

To do so will require the continued hard work of this Board of Supervisors and the County staff. We know that we have partners in this journey – the City of Martinsville, the Martinsville-Henry County Economic Development Corporation, the Commonwealth of Virginia, our current businesses and industries, the Tobacco Commission, the Harvest Foundation, and every citizen in our community. It takes each entity to make this community better.

A great example of this teamwork is found in the RTI story too. Appalachian Power and Southwest Virginia Gas Company were vital players in each meeting with RTI. We used executives from such companies as Stanley Furniture and Virginia Blower Company to meet with RTI’s team during negotiations to give a feel of the private sector’s relationship with Henry County.

In the end, RTI was comfortable with us and we were comfortable with them. It is that level of scrutiny, trust, and commitment that leads to home runs like RTI. We want more home runs in FY 2009, and we are working each day toward that goal.

But if you want to hit home runs, you need a place to play. That’s why staff recommends that Henry County and its economic partners move ahead with the construction of another shell building in the Patriot Centre. The shell building in which RTI will move was the key chip in those negotiations; while everyone liked and trusted each other, the deal still would not have been made if this Board and others had not

shown the foresight to construct that building. Without that building, RTI would not be here. As Mark Heath likes to say, we cannot sell from an empty wagon – we need physical inventory for prospects to see and touch.

Our engineering staff, under the impressive leadership of Tim Pace, has created a suggested rendering of the new facility's footprint, including a building of 100,000 square feet. That rendering is attached at the end of this narrative. Your County Administrator recommends that the shell building process be crafted similarly to the way the RTI building came together, with a price tag of \$3.5 million and fiscal participation from the same partners as with the first one - Henry County, the City of Martinsville, the EDC, and the Harvest Foundation. Discussions with these potential partners need to happen.

While the RTI event topped the accomplishments of FY 2008, it certainly wasn't the only accomplishment. Listed below are some others:

- Construction has begun on the Smith River Sports Complex. What began as a \$4 million soccer complex has grown into an \$8.9 million sports facility with two synthetic fields, four natural grass fields, picnic areas, walking trails, and playgrounds. This generous gift from the Harvest Foundation will be a tremendous attraction for our residents and for our visitors. Henry County provided the 91-acre site and \$140,000 in funding for an access road to the site, to go along with \$425,000 from the Commonwealth. The Henry County Public Service Authority will construct a water line to the facility, which means the complex will not have to rely on well water.
- We completed the purchases of the 1,200-acre Bryant property and the 620-acre ROMA property. Staff has interviewed several companies for the role of doing master plans for each site. Master planning will take approximately 12 months to complete.

- The County's new emergency services radio system, a \$7.2 million project more than 10 years in the planning stage, should be implemented by the end of the calendar year. Installation of the new radios in law enforcement, fire, and rescue vehicles has begun. Staff would like to give a nod to Public Safety Director Dale Wagoner, who managed this project through the maze of logistical, regulatory, and financial requirements.
- The \$1.2 million addition to the Emergency Services Training Center was completed. The new neighbor of our Public Safety department, the Piedmont Regional Criminal Justice Training Academy, is well pleased with its new facility and the cooperation it received from the Board of Supervisors.
- Our motor racing industry is in a growth mode, with the success of HT Motorsports, the addition of BHR-Virginia Group Racing, and the emergence of Darrell Cox Racing. With this Board's partnership with the Patrick Henry Community College motorsports program and with Joey Arrington's research and development facility in the Patriot Centre, Henry County's impact on racing continues to grow.
- The long-awaited designation of the Mayo River as a scenic river was achieved in the 2008 General Assembly. The feasibility study indicated the Mayo River area meets the criteria for establishment of a state park. The Board requested the Commonwealth to add this site for consideration as a future state park to complement the 1,800-acre Mayo River State Park in North Carolina, which is adjacent to the Virginia site.
- We also are nearing completion of the Gravely Nature Preserve, with a groundbreaking set for April 26, and we opened another river access point near the Doe Run Park. We currently have easements for two other access points on the Smith River and plan to identify another access point on the Mayo.

- We completed the Fieldale Demonstration Trail and we have received another grant from Dominion Resources for additional work on the trail.
- We made major changes to our refuse collection system by placing gates and restricting hours at all seven sites, and placing employees at two of those sites as part of a pilot program. These changes have been met with resounding approval from the public and have resulted in monthly savings averaging \$20,000 in tipping fees. Staff is recommending more changes regarding site staffing for FY 2009.
- Our Assign-A-Highway program is getting more participants through the court system, and our coordinator is very diligent in working with his probationers and in checking the Convenience Center sites.
- In January we unveiled a new Henry County website and a new URL address, ***www.henrycountywa.gov***. Consumers seem to like the new site. For the month of January, there were 10,190 visits to the site; in February, there were 16,082 visits. Those February visits included 47,440 pages viewed.
- The New College Institute in uptown Martinsville is proving to be all that we expected and more. NCI doubled its enrollment from year one to year two, and Dr. Barry Dorsey continues to work diligently to make NCI an exciting product.
- Patrick Henry Community College is growing through its athletics program. PHCC is the first community college in the Commonwealth to be a member of the National Junior College Athletic Association, and it is making major strides in bringing in student-athletes from all over the country.
- Through the teamwork of the Board of Supervisors and the School Board, Drewry Mason Elementary School is scheduled to open for the 2008 fall term. In addition, Henry County was one of just 18 school

districts in the Commonwealth to have all of its schools and subgroups make the grade on the Average Yearly Progress (AYP).

- We made progress toward our new mapping project. Aerial photos of the County were taken earlier this year, and we hope to have the new images available soon. This \$245,000 project is shared by Henry County, the Sheriff's Office, the EDC, the Public Service Authority, and the 9-1-1 Communications Center.
- Two major public water projects began this year. The Chestnut Knob Water Project will eventually provide public water to Magna Vista High School, and the line also will be first leg of getting public water to the ROMA site. The Pittsylvania County/58 East water will eventually bring Henry County water to the Brosville Industrial Park in Pittsylvania County, and en route will provide water service to the Bryant property. A study of utilities demand along the Route 58 West corridor also was completed. A grant application has been submitted to the Virginia Department of Health for Phase I of desired improvements.
- Through our Department of Public Safety, Henry County adopted and enacted a new Emergency Operations Plan. Some of our department heads, in conjunction with state and federal agencies, have gone through a series of tabletop exercises dealing with a mock terrorism event at Martinsville Speedway.
- The Board of Supervisors provided funding for renovations to the evidence room at the Sheriff's Office, which now is much more spacious and functional than before.
- The Board of Supervisors authorized our participation in the Southern Virginia Regional Jail Authority, with Patrick County and the City of Martinsville. This action will allow Patrick County to move forward on its dire inmate housing issues, and

it allows Henry County the possibility in the future of using some beds in a new facility.

- Our Enterprise Zones were redesigned to take in some burgeoning industrial areas, including the ROMA site in Ridgeway and the Bryant property, and to encourage redevelopment of the Collinsville commercial corridor along Virginia Avenue.
- We received an \$80,000 grant for the Collinsville Enhancement Project. Our Planning Department is working on how to best implement the project along the Virginia Avenue corridor.
- The Board authorized a pilot project with the City of Martinsville in which a public transportation system would be placed in the community. Staff is very excited about this pilot project and believes that it could have a significant impact on the quality of life for our citizens.
- The Board, particularly Iriswood District Supervisor Paula Burnette, played a key role in the designation of the Dr. Martin Luther King Bridge on Route 58.
- The Board and staff continue to closely monitor the repayment of the 5B's debt. The company provided a payment of \$245,568.78 to Henry County in FY '08. As a result of a pending lawsuit filed by the County, negotiations are under way with 5B's to accelerate its payments to Henry County.
- As reflected in the attachments in this document, and per our audits, our General Fund Balance increased from \$19,507,862 on June 30, 2006 to \$20,570,700 on June 30, 2007. Our undesignated amount in the General Fund increased from \$9,171,440 on 6/30/06 to \$10,406,486 on 6/30/07. These increases were realized even after we spent \$1.65 million on the Athena building and \$1.2 million on the police academy addition at our Public Safety Training Center.
- Work continues on the 4.5 mile rail-to-trail project. Staff is currently awaiting authorization from VDOT to acquire right of way. The City of Martinsville has

requested transfer of \$300,000 unexpended from its grant to this project to assist with it.

- Our relationship with our representatives in the United States Congress proved fruitful. Henry County received Congressional earmarks for the old Henry County Courthouse, the Pittsylvania County water line, the Bassett Historical Society, and the Corps of Engineers' 216 Study at Philpott Lake.
- Planning began for the housing rehab project in Bassett. We are seeking project funding through a Community Development Block Grant.
- Elections in 2007 gave us a new Sheriff in Lane Perry and a new Commissioner of the Revenue in Linda Love. Staff has been impressed with their work so far and finds them extremely easy to work with, as we do with Amy Tuttle, the new director of Social Services.

We had a significant number of challenges in FY 2008 too. Our community endured downsizings at Hooker, Bassett, and Stanley furniture companies, as well as the closures of Dutalier, Ridgeway Furniture, and American Standard Homes.

Our employment numbers continue to fluctuate. In January 2007, Henry County had 24,150 people employed out of a workforce of 25,417, for a 5% unemployment rate. In January 2008, our number of residents in the workforce was up to 26,523, with the number employed up to 24,528, but our unemployment rate had risen to 7.5%.

All of the above brings us to this point – what does FY 2009 look like? It isn't as pretty as we hoped, but better than it could have been.

Proposed FY 2009 County Budget

Even with these successes outlined above, staff was faced with a very difficult budget process for FY '09. Trickle-down economics is in play; when the federal government suffers, it

shares its pain with the states; they, in turn, share theirs with localities.

Given the economic situation we find ourselves in, coupled with fuel prices that are rising so fast that stores should post their gas prices in pencil, and this budget preparation was one of the most difficult years ever encountered by your current administration. For instance, we project that in FY '09, fuel costs for County vehicles will increase \$119,938 over FY '08, a 28.6% increase! Most of the fuel increase is in the Sheriff's Office budget (\$87,100) and the Refuse Department budget (\$16,000).

Staff is presenting a budget for FY '09 that totals \$127,756,265. This is an increase of \$5,436,972, or 4.4%, over FY '08; however, the vast majority of that increase is from the Commonwealth of Virginia directly to the school system, in the amount of nearly \$3.4 million. The balance is primarily due to the CDBG grant and the shell building projects. **Staff recommends no tax increase for FY '09**, for the same reason as expressed in years past – our residents simply cannot afford it.

We have included a pay raise for employees, including those in constitutional offices, of 2%, effective July 1; they deserve much more, but there is no revenue to provide it. The Commonwealth is budgeting a 2% raise for constitutional offices effective December 1, but staff felt it was more equitable to include them in the July 1 raise. Staff recommends that the County continue to cover the single-subscriber health insurance costs, which will rise 4.1% in FY '09.

Staff recommends a local contribution to the school system of \$17,451,958 for FY '09. That is an increase of \$59,117 over last year's local contribution of \$17,392,841. The school system requested an increase of \$500,000, but the stagnant revenue growth prevents County staff from recommending the bigger amount. And, as indicated above, the school system is getting a significant bump from the Commonwealth.

The additional revenue to the school includes approximately \$1.3 million from the change in our composite index, which means Henry County's ability to pay has

decreased. As indicated above, the school system is recommended to receive a proportionate share of the County's new discretionary revenue; the remainder of the budget is balanced primarily by a reallocation of existing reserves.

Staff is recommending the staffing of three additional Convenience Center sites – Red Oak, Axton, and Jack Dalton. While new part-time personnel will be hired for these positions, we also will be able to reduce our staffing on the refuse cleanup crew.

Staff also recommends that Henry County participate in the creation of a service center with the PSA. The Public Service Authority Board of Directors recently approved the purchase of the former motor pool at Bassett Furniture Industries for use as the PSA's maintenance shop. The facility is big enough to also meet the County's needs for vehicle and equipment storage for our refuse trucks, Parks and Recreation vehicles and machines, and similar items.

This proposed budget eliminates three positions in the Sheriff's Office. The Sheriff currently has six vacancies and has averaged three vacancies throughout FY '08. The recommended budget gives the Sheriff flexibility to determine the specific cost centers to absorb the reductions and minimize their impact on services.

Details about our revenue and expenditure projections are outlined below.

Projected Revenues

- The General Assembly reduced its aid to localities by \$50 million for the FY '09 budget year, with a similar amount for the FY '10 budget year. This reflects about a 5% reduction in state aid to localities, excluding schools. Henry County's share of that state aid reduction is \$400,000 per year. Most state aid is for constitutional office expenses, but the localities can choose to absorb those cuts in any area. Combined with the loss of ABC and wine tax profits, Henry County is receiving \$468,477 less in state revenue this year over last year. The Commonwealth is still

tweaking its final numbers, so additional action on our budget may be required after those final numbers are disseminated.

- General Property Taxes increased only .2%, or \$42,990 - this reflects almost no growth in the tax base. This projection was based on a 95% collection rate.
- Utility taxes are down 34.4%, or \$1,520,000. However, most of this revenue is now reflected in the Communications Tax allocation from the Commonwealth.
- The local sales tax revenue is up 3.3%, or \$130,000.
- Revenue from the use of property is down 5.1%, or \$44,830, primarily because of lower interest rates on County deposits.
- Sale of recyclables is up 557.1% or \$19,500, to a total of \$23,000. This is due to the increased emphasis at our manned Convenience Centers.
- The General Assembly repealed the sharing of ABC profits and wine tax revenue with localities, decreasing our revenue by \$68,477.
- The mobile home titling tax increased 140% or \$70,000.
- Car Tax relief continues to be frozen by the Commonwealth at \$1,771,828.
- Last year the Commonwealth repealed various communications taxes and enacted a statewide tax with a percentage returned to localities. We project to receive \$1,685,200 from the Commonwealth, which is less than we received under the old system.
- Bank stock taxes are down 38.1% or \$81,571 due to lower deposits.
- Our food and beverage tax is up 2.2% or \$39,000, based on what we project to receive by the end of FY '08.
- The courthouse security fee is down 31.1%, or \$23,050 based on actual collections. As you may recall, we doubled the fee in FY '08 but the result was a decrease in collections.

Projected Expenditures

- The Board of Supervisors cost center includes \$18,585 for “professional other” services for the second installment on the regional water supply plan due for submission to the Department of Environmental Quality in 2011.
- The Virginia Retirement System rate went from 11.64% to 12.64%
- We are scheduled for our four-year reassessments effective January 1, 2009, which requires additional expenses in the FY '09 budget for public notices and work by the Board of Equalization. The assessor’s budget is up 10.2% or \$16,310.
- The first year payment of \$711,518 is included on a seven-year commitment toward debt service on the new radio system.
- As outlined above, staff is recommending that we staff three additional Convenience Center sites. This drives the cost center expenses up 189.4% or \$97,039. This is offset by our refuse tipping expenses declining \$100,000 due to the additional monitoring at the gated and manned sites. This comes in spite of an increase in the tipping fee per ton and a surcharge by North Carolina on all trash received. Staff recommends that the operational hours remain at 7 a.m. to 7 p.m. Monday through Saturday. As you recall, the Board discussed leaving some sites opened but unmanned on Sundays; however, staff believes this would be ill-advised. Staff believes that most of the trash would wind up on the ground and blowing around the County because we could not collect and dispose of that trash at the transfer station. Opening the transfer station on Sunday is cost prohibitive.
- Capital expenditures to prepare the three additional manned sites will be funded from the current refuse department budget.

- Most outside agencies are recommended to receive level funding. A list of those agencies and their funding levels is included later in this presentation. Unfortunately, level funding in many cases will not allow agencies to continue to deliver services at their current levels. New agencies requesting funding, but which are not recommended for funding, include We Care; the Patrick Henry Community College Foundation; the Martinsville-Henry County Historical Society; the Roanoke River Basin Association; the West Piedmont Better Housing Coalition; the Smith Mountain Lake 4-H Center; the Mill Mountain Theatre; the Virginia Legal Aid Society; and the Southeast Rural Community Assistance Project.
- The EDC is recommended for level funding of \$500,000. The budget also reflects a payment by the EDC, on behalf of Henry County and the City of Martinsville, of \$200,000 toward the debt payment on the Bryant and ROMA purchases.
- The contingency fund is budgeted at \$117,010.

Capital Improvement Projects

The following Capital Improvement Projects are recommended for funding:

- \$101,004 for Clerk of Circuit Court technology projects, which will be reimbursed by the Commonwealth.
- \$23,000 to replace a vehicle for Building Inspection.
- \$30,000 to replace an Emergency Medical Services vehicle in Public Safety.
- \$42,000 for computer replacements and technological upgrades through our Information Systems department.
- \$16,000 for Parks and Recreation ballfield equipment.
- \$12,000 for software upgrades in Parks and Recreation.

- \$25,000 for the final installment toward the Bassett Historical Center's capital campaign. This is part of the local match for the CDBG grant.
- \$685,000 for the County's share of the Pittsylvania County/58 East water line and the service center project with the PSA at the former Bassett motor pool facility. This money would come from the County's uncommitted balance.
- Replacement of 14 vehicles in the Sheriff's Office budget, at an overall cost of \$440,200.
- \$95,000 for a new ambulance for the Fieldale-Collinsville Rescue Squad, as recommended by the Rescue Squad Association.
- \$175,000 for a new fire truck for the Fieldale Fire Department, as recommended by the Firefighter's Association.

Thanks to our staff's dedication to spending no more money than it has to, we will be able to make several purchases in the current fiscal year instead of forcing them into next year's budget. These items include:

- \$30,000 for ball field improvements to the former Bassett Middle School athletic field adjacent to the Bassett Library. This will allow us to leverage a request for CDBG funds on the Riverside Housing Project.
- \$18,575 for the required match of \$80,000 for the Collinsville Enhancement Project.
- \$100,000 from the Sheriff's Office's unexpended salary/fringe benefits line item for the following projects:
 - \$6,000 for polygraph school
 - \$5,000 for K-9 school
 - \$6,000 for tactical team equipment
 - \$4,000 for silent alarms
 - \$6,500 to purchase a K-9 and associated supplies
 - \$4,000 for police equipment
 - \$35,000 to replace security cameras in the jail
 - \$33,500 to replace computer equipment

- \$20,000 for improvements to the Beaver Creek Reservoir, contingent on the City of Martinsville's equal participation. Staff has discussed this project with the City Manager. This project was included as one of the Board's goals during a prior Planning Session.
- \$18,000 to replace the Board of Supervisors' meeting room audio system and to add a ceiling-mounted video projector.
- \$30,000 for a replacement vehicle in the Fire Marshal's budget.
- \$20,000 for three additional river access points on the Smith River and one on the Mayo River.

Goals and Objectives

Listed below are the Goals and Objectives the Board created at its 2008 Planning Session. It should be noted that this proposed FY '09 Budget does little to implement many of these items, compensate employees fairly, or deliver services desired by the public.

Short-Term (One Year)

- Develop Master Plan for Roma and Bryant
- Explore grants to fund 58W water project
- Support accreditation of Sheriff's Office
- Complete access road to soccer complex
- Initiate Comprehensive Plan
- Continue to explore ways to address public safety response times issue (improve relationships)
- Discuss storm water run-off issues
- Investigate new shell building opportunity
- Resolve Social Services facility issues
- Staff two more Convenience Centers
- Increase fund balance
- Explore ways to increase visibility and availability of services to citizens

- Continue to work on promoting better regional cooperation
- Complete an assessment of the services in Henry County with marketing strategies

Long-term and Continuous Goals

- Continue to work on Comprehensive Plan (include industrial site in plan)
- Continue to develop ways for County/City to work together to create efficiencies
- Explore ways to advertise “reasons to live in Henry County”
- Explore ways to increase tourism to the area
- Explore ways to preserve the environment
- Identify and develop strategies to address post-employment/retirement benefits
- Continue to promote community pride
- Work toward decreasing unemployment and increasing job opportunities
- Initiate a specific plan (perhaps within the Comprehensive Plan) to ensure that we have good development where I73 comes through the County
- Expand the water infrastructure for the Route 58 East corridor
- Continue to pursue delinquent taxes
- Continue to vigorously support, create, and supplement cleaner community efforts
- Push for completion of Route 58 improvements (i.e. lobby with the General Assembly, VDOT, etc.)
- Continue to support and fully fund the EDC
- Continue to work with existing industry to assist with expansions
- Continue to support and promote the Airport
- Continue to push for I-73
- Continue to work for the improvement of our educational system and facilities

- Continue to support NCI and Patrick Henry Community College

Looking to the Future

- Staff recommends revisiting the idea of merging our Parks and Recreation Department with the City's Leisure Services department. There is ample opportunity to provide more programming for the same amount of money, if the departments could be merged, and the real winner would be the community. This is a venture that staff feels strongly about pursuing.
- We need to continue discussions with the Southern Virginia Regional Jail Authority concerning our future jail needs. As of April 1 the Henry County Jail contained 167 inmates and has 103 beds.
- Changes to generally accepted accounting standards could have a significant impact on the County's balance sheet in the near future. The Government Accounting Standards Board (GASB) has ruled that governments must show future liabilities for health insurance and other post-retirement benefits as liabilities on their balance sheets or must fund the liabilities through an Other Post-Employment Benefits trust fund. The County should soon receive the actuarial study commissioned in FY '08, which will identify the associated costs of this edict. The County will not have the information in time to consider it in the FY '09 Budget, but it is imperative that it be done as soon as possible. The school system's liability will be significantly greater than the County's.
- A resolution to the facilities needs of Social Services and the Health Department is essential. Both agencies are currently housed in woefully inadequate buildings. As you know, Henry County purchased the Athena building and offered it as the cheapest solution for housing both agencies in a new facility. Even though this is a shared expense with the Commonwealth, there should be no realistic expectation of additional

funding from the Commonwealth for the foreseeable future. The Health Department's lease at its current facility expires June 30, 2008.

- Henry County and the City of Martinsville need to continue to monitor the saga of the Virginia Employment Commission's local office. While Governor Tim Kaine recently said the facility isn't targeted for closure, everyone realizes how fluid these issues can be. We should not lose our local VEC office, and we must do all we can to ensure it remains open.
- Little progress has been made in improving our emergency medical services system. One of our volunteer rescue squads collapsed in FY '08, and the system will continue to deteriorate if significant measures are not taken to improve services. Any resolution to this problem will be expensive and will require hiring personnel or contracting for services. The longer the County waits the more expensive and expansive these improvements will be.
- The County Administrator recommends that the job title of our Director of Accounting be changed to Director of Finance to properly reflect the responsibilities of the position. He also recommends changing the department name from the Department of Central Accounting to the Department of Finance. An amendment to the Henry County Code is required to implement these changes.

Given all this evidence, both good and bad, staff believes that ultimately FY '09 will be a difficult one. Staff also believes that the FY '10 budget may not be much better than the FY '09 budget. It is imperative that we position ourselves now to deal with continued reduction in state funding in the FY '10 Budget. That budget will include a new property reassessment, which should provide a modest increase in local revenue.

However, staff is convinced that the RTI project, and the peripheral growth that will follow RTI, is an indication of better times for this community. We are blessed to be in a

community that has proven its resiliency time and time again, but we want to move away from proving how tough we are and instead start proving how fast we can grow.

We succeeded in making our FY '08 budget narrative come true. There is no reason why we can do the same thing in FY '09.

After presentation of the FY '09 County Budget, Mr. Summerlin distributed copies to the Board, staff and news media. (A Copy is on File in the County Administrator's Office). He suggested that the Board review the documents and be prepared to discuss it at the Budget Work Session scheduled for Thursday, April 10, 2008 at 5:00 pm. He stated the Public Hearing on the School and County Budgets is scheduled for April 14, 2008 at 7:00 pm. The adoption of the School Budget and Total County Budget is scheduled on April 29, 2008. He stated the Budget is available for review at all of the branches of the Blue Ridge Regional Library and is also on the County's website.

The Board thanked Mr. Summerlin and staff regarding the preparation of the FY '09 County Budget.

Mrs. Burnette moved that the Board advertise the public hearing on the Proposed FY '09 County Budget and the Proposed FY '09 School Budget on April 14, 2008, in the amount of \$127,756,265.00 second by Mr. McMillian and unanimously carried.

INFORMATIONAL ITEMS:

Mr. Adams noted that the groundbreaking ceremony scheduled on Saturday, April 5, 2008, for the Sports Authority Soccer Complex facility has been postponed and rescheduled on Saturday, April 12, 2008 at 3:00 pm.

Mrs. Burnette reminded the Board that Axton Life Saving Crew will be hosting a Child Safety Seat Program on April 5, 2008, from 10:00 am until 3:00 pm.

Mrs. Buchanan reminded the Board that Horsepasture Volunteer Rescue Squad has scheduled a BBQ Dinner scheduled on Saturday, April 5, 2008, from 4:00 pm to 7:00 pm.

Mrs. Burnette thanked the Board for voting to change the household income limit for tax relief at its March 25th Board Meeting.

Mrs. Burnette stated she would like to commend emergency personnel on its immediate response to an emergency call at the Roses parking lot recently.

Mr. McMillian stated he would like to request an item be placed on the April Agenda concerning rescue squads and anticipated improvements.

There being no further business to discuss Mrs. Buchanan moved at 5:50 pm that the Board continue its meeting to April 10, 2008, at 5:00 pm, second by Mr. McMillian and unanimously carried.

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

April 10, 2008 – 5:00 pm

The Henry County Board of Supervisors held a meeting on April 10, 2008, at 5:00 pm in the Fourth Floor Conference Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The purpose of the meeting was to hold a work session on the FY '08-'09 School Budget and Total County Budget. The following Board members were present: Chairman, Jim Adams; Vice Chairman, H. G. Vaughn; Debra Buchanan, Paula Burnette, Jim McMillian and Tommy Slaughter.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Jimmie Wright, Director of Accounting; and Darrell Jones, Assistant Director of Accounting.

Debbie Hall of the Martinsville Bulletin was present.

Sheriff Lane Perry and Major Steve Eanes were present.

Chairman Adams called the meeting to order and welcomed everyone present. He stated the meeting is a continuation of its April 3, 2008 meeting. Mr. Adams recognized guests from the Sheriff's Office and School Board who were in attendance. Mr. Adams turned the meeting over to Mr. Summerlin.

Mr. Summerlin stated the Board would proceed reviewing the budget by category and if the Board has any questions he would respond.

REVENUE

Mr. Adams inquired about the collection of revenues.

Mr. Wright stated it is based on 95%.

Mrs. Burnette stated in the budget narrative it was noted that combined with the loss of ABC and wine tax profits, Henry County is receiving \$468,477 less in state revenue. She stated Pittsylvania County has only one ABC store and they recently passed a resolution requesting the State to close the store since the County would not be receiving any profits back from the State. She stated this is a loss of tax profits from ABC and it's another way of the State pushing its responsibility over on local government. She stated it's a loss of money that was clearly designated for local governments.

Mrs. Buchanan noted that under miscellaneous revenues it appears recycling is up and that should increase once the three new sites are manned starting July 1.

EXPENDITURE

- **General Government Administration**
- **Judicial Administration**

Mr. Adams inquired about the State's hiring freeze on the Clerk of Court's office since it will be losing one employee to retirement. He asked if there would be any flexibility in the Clerk's budget to hire a replacement.

Mr. Summerlin stated the Compensation Board put a hiring freeze on Constitutional Officers with the exception of the Sheriff and Commonwealth Attorney. He stated if you have a vacancy then you would have to hold it for 90 days before refilling a position. He stated next year the Compensation Board is placing the same restriction on all Constitutional Officers and those savings would go to the State.

- **Public Safety**

Mrs. Burnette asked if staff expects any of the State funding to come back to the Sheriff's Office if they needed to replace the three eliminated positions.

Mr. Summerlin stated he would only expect State funding to get worse and the only hope is future growth among revenue to help restore some of the funding needed.

- **Public Works**

- **Health and Welfare**

Mr. Adams asked if the budget addresses the building needs of the health department.

Mr. Summerlin stated that would fall under Public Works; however, the City is the fiscal agent for the maintenance of the health department building. He stated the County budgeted \$6,500 to be matched by the City of \$6,500 for maintenance.

- **Education**

- **Recreation/Culture**

- **Community Development**

- **Non-Departmental**

- **Special Funds**

- **Capital Improvements**

Mrs. Burnette stated the FY '09 budget does not call for a tax increase. She asked where the money is being saved.

Mr. Summerlin stated the County took a \$466,000 cut in funding. He stated for the most part savings primarily came from the Enterprise Zone benefits and Refuse Collection.

Mr. Vaughn stated he had concerns of whether or not the County has enough funds allocated for increases in fuel costs and diesel fuel. He stated the County needs to be overly cautious.

Mr. Summerlin stated staff also is concerned with the rising increase in fuel cost and an allowance was made for increases but you don't know where it's going to stop. He suggested that as you go into the budget that fuel expenses need to be carefully monitored and it may be a need to shift resources from other areas of the budget to accommodate fuel prices.

There were some general comments on the new proposed shell building, which would be owned by the Industrial Development Authority and funded by the Board of Supervisors and the County and City looking at joint services of the Parks and Recreation Department and City Leisure Services for more cost efficient services.

Mr. Summerlin stated another item that needs to be addressed is the job title change of the Director of Central Accounting to Director of Finance and also the department name of Central Accounting to Department of Finance. He stated the Board has a draft ordinance amendment and will require holding a public hearing. (A Copy of Proposed Ordinance Amendment Included in Board's File).

Mrs. Burnette moved that the Board set a public hearing at its May 27th meeting on the proposed ordinance amendment, second by Mr. McMillian and unanimously carried.

Mr. Summerlin noted that the public hearings on the School and County Budgets will be held Monday, April 14, 2008. He noted the School Budget has to be adopted by May 1, 2008.

There being no further business to discuss Mr. McMillian moved at 5:30 pm to continue the meeting to April 14, second by Mrs. Burnette and unanimously carried.

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HENRY COUNTY BOARD OF SUPERVISORS MINUTES

April 14, 2008 – 7:00 pm

The Henry County Board of Supervisors held a meeting on April 14, 2008, at 7:00 pm in the Board Meeting Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The purpose of the meeting was to hold public hearings on the FY '08-'09 School Budget and Total County Budget. The following Board members were present: Chairman Jim Adams, Vice Chairman H. G. Vaughn, Debra Buchanan, Paula Burnette, Jim McMillian and Tommy Slaughter.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Jimmie Wright, Director of Accounting; Darrell Jones, Assistant Director of Accounting; and Mrs. Susan Reynolds, Human Resources/Public Information Director.

Mickey Powell of the Martinsville Bulletin was present.

Sheriff Lane Perry, Major Steve Eanes, Sergeant Eric Hairston and Lieutenant Nelson Thomas were present from the Sheriff's Office.

Chairman Adams welcomed everyone present. Before calling the meeting to order, the Board held a moment of silence in honor of the victims and families who lost loved ones in the tragedy one year ago on April 16, 2007, at Virginia Tech. Mr. Lyle then gave the invocation.

Chairman Adams called the meeting to order which was a continuation of the Board's April 10, 2008 meeting. He stated there are two public hearings scheduled with the first public

hearing on the FY '09 School Budget and following is the public hearing on the FY '09 Total County Budget.

Mr. Adams stated if anyone wishes to address the Board to come to the podium and state your name and the district in which you live. He noted those wishing to speak will agree to exhibit respect to the Board and they also would receive the same level of respect. He asked that comments be kept to three to five minutes.

PUBLIC HEARING ON PROPOSED FY '08 SCHOOL BUDGET:

Mr. Adams opened the public hearing at 7:04 pm. The following persons spoke and expressed basically some of the same concerns regarding the School Budget being fully funded by Henry County. Concerns discussed were continuing accreditation of schools, student/teacher ratios, competitive teacher salaries, encouraging economic growth, and no programs being cut. Another concern discussed was that bus drivers, janitors, cafeteria workers and teacher's aides are not covered under Henry County's Healthcare Plan.

- Kathy Rogers, Chairman, School Board-Collinsville District
- Susan Crews – Horsepasture District
- Kathy Byrd, Co-President of the Henry County Education Association – Ridgeway District
- Tim Durham – Ridgeway District
- Sally Rogers, Principal at Sanville Elementary
- Tameia Easley – Collinsville District
- Leigh Eden – Business Owner in Henry County
- Teresa Nichols – Horsepasture District
- Paige Wilkinson – Pleasant Grove Community
- Desiree Childress – Henry County Resident
- Sharon Quigg – Ridgeway District
- Yvonne Pack – Henry County School Bus Driver
- Genelle Brown – Horsepasture District

- Kenny Lovelace – Collinsville District
- Alton Foley – Collinsville District

There being no further comments on the FY '09 School Budget the public hearing was closed at 7:37 pm.

PUBLIC HEARING ON PROPOSED FY '09 TOTAL COUNTY BUDGET:

The public hearing was opened at 7:38 pm.

Mr. Chris Cousins a representative of the Southside Business Technology Center, on behalf of Ms. Eva Doss, Executive Director, expressed SBTC's sincere thanks to the Board of Supervisors for its leadership and support.

Mr. Dick Ephgrave, Executive Director of the Longwood University Small Business Development Center, thanked the Board for its financial support over the past eleven years; however for the past two years their funding requested has been cut in half. He asked the Board to consider reinstating full funding of \$10,000 to the Longwood Small Business Development Center.

There being no one else present to speak on the FY '09 County Budget the public hearing was closed at 7:43 pm.

Chairman Adams on behalf of the Board thanked each speaker for their comments.

Mr. Summerlin reminded the Board that the budget calendar previously adopted provides for adoption of the School and Total County Budget at its April 29th meeting. He stated before the Board adjourns its meeting tonight staff would need indication of any changes to the proposed budget.

Mr. Vaughn noted that the Board of Supervisors fully funded the School Budget in 1996, which included \$1,000,000 out of the County's surplus funds for the laptop program. He

stated the Board of Supervisors fully understands the importance of education; unfortunately, Henry County has taken a hit for several years and also on a national level. He said it is especially tough this year because the County has no idea how many more hits it's going to take.

Mrs. Buchanan stated as she listened to the comments tonight, most were of the same opinion; everyone wants to see the best for their children and the best education possible. She stated fully funding the School budget is not going to be the answer for all the problems. She stated the County is going through tough times and the Board has tried to balance the budget without a tax increase. She stated on behalf of the Board it will do the best it can with the finances and resources available.

Mrs. Burnette stated after hearing comments there probably should be some points of clarification regarding funding from the State for SOL's. She stated those funds come through the County and back to the schools as a direct pass through. She stated as far as the additional \$440,000 requested in the School budget, she did not know where those funds would come from. She stated next year funding is going to be worse and would ask for everyone's patience. She stated what's included in the budget is the best the County can do at this point with what they have to work with.

Mr. Slaughter stated he appreciated the dedication of employees in law enforcement, school teachers, public works, and other government employees. In the County Administrator's preparation of the budget he felt it was fair with what staff had to work with. He stated this year is tough but next year will be even tougher.

Mr. Adams stated he had confidence in the School Board and its administrative staff to work within the confines of what has been proposed. He stated the School Board and staff had always done a great job and he attributed a lot of the hard work to its teachers and support units. The Board of

Supervisors is trying to fund and support education, one of the most important concerns in the community; however, at the same time the Board is also trying to be considerate and supportive of other important offices such as Social Services, Constitutional Officers, etc. Mr. Adams noted that several comments were made during the public hearing regarding school bus drivers having no health insurance. He stated that would be a policy decision of the School Board, and perhaps the School Board could look into that issue further.

Mrs. Burnette stated another issue the Board of Supervisors would not be able to determine is if the Board could fund the \$440,000 that's not being funded. It would be up to the School Board as to what category those funds would be placed.

Mrs. Buchanan stated the lottery was also mentioned along with State funding, which the Board of Supervisors has no jurisdiction over.

Mr. Adams asked if there were any comments on the Total County Budget. The Board had no comments.

Mr. Vaughn moved that the Board direct the County Administrator to proceed with the FY '09 Total County Budget as presented, second by Mrs. Burnette and unanimously carried.

There being no further business to discuss Mr. McMillian moved at 8:05 pm to adjourn, second by Mrs. Buchanan and unanimously carried.

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

May 27, 2008 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on May 27, 2008, at 3:00 pm in the Board Meeting Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The following Board members were present: Chairman Jim Adams, Vice Chairman H. G. Vaughn, Debra Buchanan, Paula Burnette, Jim McMillian and Tommy Slaughter.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Jimmie Wright, Director of Accounting; Darrell Jones, Assistant Director of Accounting; and Susan Reynolds, Director of Human Resources.

Sheriff Lane Perry was present.

Amanda Buck of the Martinsville Bulletin was present.

Mr. Vaughn gave the invocation and Mrs. Burnette 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) April 29, 2008

(Copy included in Board's File).

Approval of Accounts Payable

(Copy included in Board's File).

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

INTRODUCTION OF DR. GORDON GREEN, DIRECTOR, WEST PIEDMONT HEALTH DISTRICT:

Mr. Summerlin introduced Dr. Gordon Green, the new director of the West Piedmont Health District. Mr. Green was present to discuss his role as the new health director.

Dr. Green stated he moved to the community in 1996, and has practiced family medicine up until the last four weeks, when he became the new director of the West Piedmont Health District. Dr. Green stated the Health Department's funding is expected to be cut in the upcoming fiscal year. He stated he hoped to provide the County with continued services to the community without cuts and he looked forward to a long relationship with the Board.

The Board welcomed Dr. Green and thanked him for attending the meeting.

CONSIDERATION OF REQUEST FROM MARTINSVILLE-HENRY COUNTY HISTORICAL SOCIETY FOR DONATION OF OLD HENRY COUNTY COURTHOUSE:

Mr. Summerlin stated Ms. Virginia King and other representatives of the Martinsville-Henry County Historical Society are present to discuss the future of the Old Henry County Courthouse. He stated the old courthouse was vacated in 1996, when the court functions were moved into the new facility on King's Mountain Road. The County has been leasing the existing facility to the Historical Society.

Ms. King stated she serves as President of the Martinsville-Henry County Historical Society. She stated she was present to speak to the Board about the Historical Society's desire and commitment to restore the historic Henry County Courthouse. Ms. King gave the Board an update of the Historical Society's efforts to restore and maintain the courthouse since 1996.

Restoration and Preservation Activities to Date:

- 1996 - Historical Society leased courthouse from County with verbal understanding that County would donate building to Historical Society if they developed a plan to restore and maintain it.
- 1999 – Historical Society funded architectural study of courthouse to determine how building could be restored for reuse. Estimated cost of \$4 million to remove current annexes and build usable historically relevant annex.
- 2002 – Historical Society funded feasibility study to determine if a capital campaign to raise funds for restoration of courthouse would be successful in the community. Tremendous community support but not economically feasible at that time.

- 2004 – Historical Society received \$290,000 in HUD grants for courthouse rehabilitation. The two annexes were demolished, new roof and gutters installed, drainage issues addressed, window air conditioners removed, window panes repaired – work completed in 2007.
- 2006 – Historical Society received Harvest Foundation Grant to conduct a Marketing and Reuse Plan for the Courthouse. Plan provides that building should be configured in a way that is revenue producing – rented office space on first floor, courtroom available as a public meeting and event space.
- 2007 – Historical Society’s mission statement is revised to include “promoting interest in our history and collecting, preserving and interpreting our history to students, citizens and visitors” – all of which is embodied in the courthouse preservation project. Membership grows to 170 people.
- 2008 – Harvest Foundation Grant (\$6,100) and Historical Society funds (\$3,000) used to make necessary repairs to courthouse property.
- \$98,000 Department of Interior “Save America’s Treasures” Grant – requires cash/in-kind match by Historical Society, and easement agreeing to maintain restored property in perpetuity. State Department of Historic Resources works with property owner to address emergency issues if funding to maintain property is unavailable.

Historical Society Requests:

- 1) County grants a preservation easement to the Department of Historic Resources along with a long-term lease to Historical Society whereby Historical Society agrees to restore and maintain property.

Phase 1: “Save America’s Treasures” Grant would be used for stabilization work making courthouse available for limited use. Historical Society would update prior fundraising feasibility study, develop a capital campaign plan, and develop a plan for long range development and use of site.

Phase 2: Capital Campaign would provide funds to rehabilitate building for reuse and to develop the grounds. First floor office space would be rented and the courtroom would be used for educational purposes, special events, and public speeches.

Alternatively,

- 2) County transfers ownership of courthouse property to Historical Society. As property owner, Historical Society grants preservation easement to the State Department of Historic Resources accessing “Save America’s Treasures” Grant. Historical Society would also be eligible for Enterprise Zone grants of up to \$250,000 and Historic Tax Credits of up to \$600,000 that are not available to county owned buildings. Historical Society would continue Phases 1 and 2 as stated above.

Following some discussion the Board requested the Historical Society to provide the County with an audited budget for the past two fiscal years and a list of its Board of Directors.

Ms. King stated the Historical Society would provide the Board with the requested information as well as a proposed agreement to take over ownership for the Board’s consideration.

Mrs. Burnette moved that the Board advertise a public hearing for the July meeting to discuss possible transfer of ownership of the old courthouse to the Historical Society, second by Mrs. Buchanan and unanimously carried.

INTRODUCTION OF JEANNIE FRISCO, EXECUTIVE DIRECTOR, ACTIVATE MARTINSVILLE-HENRY COUNTY:

Mr. Summerlin introduced Ms. Jeannie Frisco, Executive Director of Activate Martinsville-Henry County. Ms. Frisco stated the purpose of Activate Martinsville-Henry County is to improve the health, quality of life and economic vitality of Martinsville and Henry County through the development of a more walkable/bikeable friendly community. She distributed brochures for more information on Activate Martinsville-Henry County. (A Copy is Included in Board's File).

The Board welcomed Ms. Frisco and thanked her for attending the meeting.

CONSIDERATION OF RESOLUTION ESTABLISHING PROVIDENCE EMS TRANSPORT LLC AS A DESIGNATED EMERGENCY RESPONSE AGENCY:

Mr. Summerlin stated Mr. Bryant Carter of Providence EMS Transport, LLC of Bassett is seeking the Board of Supervisors' approval to establish his company as a Designated Emergency Response Agency in Henry County, which would operate as a private entity. The Code of Virginia dictates that the governing body must approve, by resolution, the creation of any new EMS agency formed after July 1, 1984. (A Copy of the Resolution is Included in Board's File).

Mr. Summerlin stated that Mr. Carter has a County business license and is present should the Board have any questions. Mr. Summerlin noted if the Board adopts the proposed resolution the County would have no regulation over the company and it would have to meet requirements of the State.

Following some discussion Mr. McMillian moved that the Board adopt the proposed resolution to establish Providence

EMS Transport LLC as a designated Emergency Response Agency, second by Mr. Vaughn and unanimously carried.

CONSIDERATION OF PRE-CONTRACT ACTIVITY ITEMS FOR COMMUNITY IMPROVEMENT GRANT FROM THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE RIVERSIDE DRIVE NEIGHBORHOOD IMPROVEMENT PROJECT:

Mr. Summerlin stated that through utilization of a Community Development Block Grant (CDBG) Planning Grant, Henry County is undertaking a study of community improvement needs for a community located in Bassett which once served as workforce housing for employees of the Bassett Furniture Company for the Riverside Drive Neighborhood Improvement Project. Through this planning grant process, the County has developed plans and submitted a Community Improvement Grant (CIG) application to the Virginia Department of Housing & Community Development (VDHCD) to make improvements identified by needs assessment for this Neighborhood Improvement Project.

Mr. Summerlin stated there are a number of pre-contract activities required by the Virginia Department of Housing and Community Development (VDHCD) for the Riverside Drive Project, which includes the following items requiring approval by the Board:

1. Local Business and Employment Plan: Both the locality and its contractors will try to use businesses located in Henry County and Martinsville.
2. Non-Discrimination Policy: Neither the County nor its employees will discriminate against an employee or applicant for employment because of race, age, handicap, creed, religion, color, sex or national origin.
3. Residential Anti-Displacement and Relocation Assistance Plan: Henry County commits to minimizing

project-related displacement and hardships. As needed, Henry County will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing, or by the direct result of assisted activities. Such assistance shall be that provided under Section 104(d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

4. Fair Housing Certification: Henry County will take at least one action each year during the course of the grant to further fair housing. The action taken will be selected from a list provided by DHCD.
5. Section 504 Grievance Procedure: Henry County will adopt an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD), implementing Section 504 of the Rehabilitation Act of 1973, as amended.

Following some discussion Mr. Vaughn moved that the Board adopt the above items as required by Virginia Department of Housing and Community Development (VDHCD) for the Bassett Community Riverside Drive Neighborhood Improvement Project, second by Mrs. Buchanan and unanimously carried.

DISCUSSION OF COUNTY CAT ORDINANCE:

Mr. McMillian requested this item be placed on the agenda to discuss the option of creating a cat ordinance for Henry County. Mr. McMillian stated he had received a lot of complaints in his district regarding cats and he would like to see the Board move forward in looking at a cat leash law.

Sheriff Perry and Sergeant Ben Rea, Supervisor of the Animal Control Officers, came forward to further discuss

complaints the Sheriff's Office receives regarding cats. Sheriff Perry stated cats have been a problem for some time such as roaming at large, no tags, digging in gardens, paw prints on vehicles, foaming at the mouth, etc. He stated the Sheriff's Office receives approximately 4,000 calls per year on cats alone and has stayed constant over the years. Sheriff Perry stated to address and enforce cat problems would add at a minimum the need for two additional people, equipment and expansion of the pound to house cats.

Mr. McMillian stated the County should require cats to be tagged just like dogs due to rabies and other diseases that cats are prone to.

Mr. Summerlin stated dog tags do not pay for the Animal Control Budget and the County spends roughly \$150,000 a year on Animal Control and dog tags only bring in \$9,000 per year. He stated if the Board decides to have an ordinance and regulate cats he didn't think it would generate enough revenue to make it anywhere near self supporting.

Mr. Vaughn stated the first thing the Board should do is to direct the County Attorney to research drafting an ordinance.

Mr. McMillian stated at a bare minimum he felt the Board needs to look at licensing cats and it would be better done if made County-wide.

Mr. Lyle stated first thing you should look at is all cats should be vaccinated and second, no running at-large. Mr. Lyle stated the problem with all the animal laws is that it is widely accepted that there is a very low compliance with tagging dogs. He stated if the Board wants to regulate cats they can put the ordinance into effect because at this point the Board has no authority to do any thing about cats.

Following further discussion the Board agreed to have Mr. Lyle look at other localities and come back to the Board with a draft ordinance.

APPROPRIATION OF THE FY 2008-09 COUNTY BUDGET:

Mr. Summerlin stated the Board of Supervisors, at its April 29, 2008 meeting, adopted the FY 2009 Total County Budget. He stated this would include setting of tax codes and adoption of the School Budget. He stated no County funds can be expended or obligated until an appropriation has been made. He stated the Board has a draft Appropriations Resolution for consideration, which reflects categorical appropriation, based on previous Board decisions regarding appropriations. Mr. Summerlin stated the Board also must adopt the effective reimbursement rate for the Personal Property Tax Relief Act on a qualifying vehicle at 45 percent.

Mrs. Burnette moved that the Board adopt the Appropriations Resolution, and adopt the effective reimbursement rate for the Personal Property Tax Relief Act on a qualifying vehicle at 45%, second by Mrs. Buchanan.

Mr. McMillian offered a substitute motion that the Board disburse School Board appropriations on a month-to-month basis, second by Mrs. Burnette for discussion.

Mr. McMillian stated the Board should take a closer look at what's being spent by the School Board. Mr. Summerlin stated he thought the County's Finance staff would think a month-by-month appropriation would be unbearable. Dr. Beckner also commented on several issues whereby if the School Board received appropriations on a month-by-month basis it would be difficult.

The substitute motion was defeated on a vote of 1 to 5. Mr. McMillian voted in favor of the motion.

The Board voted on the original motion and was carried 5 to 1. Mr. McMillian voted in opposition.

FINANCIAL MATTERS:

Acceptance of RSAF Grant and Additional Appropriation re: Defibrillator – Public Safety

Mr. Dale Wagoner, Director of Public Safety, requested the Board to accept a grant in the amount of \$10,477.65 from the Rescue Squad Assistance Fund to use toward the purchase of an advanced defibrillator/heart monitor for use in training and emergency responses. The grant requires a 50% local match, which Mr. Wagoner proposes be taken from uncommitted funds in the current Public Safety budget. The defibrillator/heart monitor would be purchased from Medtronic/Physio-Control in the amount of \$20,955.30.

Mrs. Burnette moved that the Board approve the request to accept the RSAF grant in the amount of \$10,477.65 and the purchase of the defibrillator/heart monitor in the amount of \$20,955.30 from Medtronic/Physio-Control, with the balance of the purchase price being taken from uncommitted funds in the current Public Safety budget, second by Mr. Slaughter and unanimously carried.

Consideration of Transfer Appropriation – School Board

Dr. Beckner was present on behalf of Dr. Sharon Dodson who is requesting that the Board approve a Transfer Appropriation request of \$230,000 within the current School Board budget. According to information provided by Dr. Dodson, the money would be moved from instruction, administration/attendance and health, and operation and maintenance categories into the facilities budget. It would be used to renovate spaces at Magna Vista High School and Axton Middle School.

Dr. Beckner briefly commented on a renovation at Magna Vista involving changing a locker room into a health classroom for the purpose of better utilizing space.

Mr. Vaughn moved that the Board approve the Transfer Appropriation in the amount of \$230,000, second by Mr. Slaughter. The motion carried 5 to 1. Mr. McMillian voted in opposition.

Award of Contract – Animal Shelter Floor Coating

Mr. Summerlin stated bids were sought to replace the floor coating at the Henry County Animal Shelter to comply with State regulations. Three vendors responded, and the low bidder was Blue Ridge Coatings & Supply in the amount of \$16,002, which would be taken from the Contingency Fund.

Mrs. Buchanan moved that the Board award the contract to Blue Ridge Coatings & Supply in the amount of \$16,002 for the replacement of the floor coating in the Animal Shelter, second by Mr. Vaughn and unanimously carried.

Transfer Appropriations re: Various items in the FY 2008 Budget

Mr. Summerlin stated as referenced on pages 11 and 12 of the County Administrator's proposed FY 2009 Budget, several items originally targeted for inclusion in the FY '09 Budget may be purchased with current budget funds because of judicious spending by County departments in FY '08. In approving the FY '09 Budget as presented, the Board authorized the purchases in the current year. In order to make those purchases, several transfer appropriations are required. The specific purchases are as follows:

- \$30,000 for ball field improvements to the former Bassett Middle School athletic field adjacent to the Bassett Library. This will allow us to leverage a request for CDBG funds on the Riverside Housing Project.

- \$18,575 for the required match of \$80,000 for the Collinsville Enhancement Project.
- \$20,000 for improvements to the Beaver Creek Reservoir, contingent on the City of Martinsville's equal participation.
- \$18,000 to replace the Board of Supervisors' meeting room audio system and to add a ceiling-mounted video projector.
- \$30,000 for a replacement vehicle in the Fire Marshal's budget.
- \$20,000 for three additional river access points on the Smith River and one on the Mayo River.

The Sheriff's Office transfer appropriations would purchase the following:

- \$6,000 for polygraph school
- \$5,000 for K-9 school
- \$6,000 for tactical team equipment
- \$4,000 for silent alarms
- \$6,500 to purchase a K-9 and associated supplies
- \$4,000 for police equipment
- \$35,000 to replace security cameras in the jail
- \$33,500 to replace computer equipment

Mrs. Burnette moved that the Board approve the Transfer Appropriations as outlined, second by Mr. McMillian and unanimously carried.

Additional Appropriation – County Communication System

Mr. Summerlin stated the Board needs to consider an additional appropriation in the amount of \$400,000 to construct the new County's Communication System.

Mrs. Burnette moved that the Board approve the additional appropriation in the amount of \$400,000, second by Mr. McMillian and unanimously carried.

INFORMATIONAL ITEMS:

Mr. Summerlin advised the Board that the County received an additional payment from 5B's in the amount of \$184,176.59. He stated staff is expecting another payment by mid-Summer.

Mr. Summerlin stated with the leadership of Dale Wagoner, Henry County along with the City of Martinsville, Patrick County and Franklin County, is receiving a U.S. Department of Homeland Security Grant for an Inner-Operability Radio Grant in the amount of \$1,040,000. He stated the grant would require a 20% match.

Mr. Summerlin stated a Community Tour has been scheduled for the Board on Thursday, May 29, 2008, and will be joined by members of the Henry County IDA, members of City Council and EDC staff. He stated the school system has provided a bus and it will leave the Administration Building at 9:30 am. He stated stops of interest will include Patriot Centre/BHR-VA Race Shop at Arrington Manufacturing, Lot 5-RTI and Lot 10-Proposed Shell Building on Bryant Property, Drewry Mason Elementary School Renovations, Roma Property Site on Route 220 South, Spencer-Penn Centre and Blue Ridge Airport.

Comments from the Board

Mrs. Burnette noted that the Assign-A-Highway Program now has 23 participants which picked up over one tons of trash during the month of April.

Mrs. Buchanan stated she was approached by Mr. Curtis Millner regarding a plaque that was taken down from the old Courthouse in regards to the Persian Gulf Veterans. She stated Mr. Millner was inquiring if the Historical Society would

be willing to allow the plaque to be re-placed at the old Courthouse.

CLOSED MEETING:

Mrs. Burnette moved that the Board enter into a closed meeting at 4:45 pm to discuss the following, second by Mr. Slaughter and unanimously carried.

- 1) §2.2-3711(A)1 for Discussion of Appointees to the Planning Commission, Parks and Recreation Board, Focus on Youth, Henry-Martinsville Social Services Board, Patrick Henry Community College Board, Piedmont Regional Community Services Board, West Piedmont Business Development Center, and Fieldale Sanitary District Board.
- 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.
- 5) §2.2=3711(A)1 for Discussion of Personnel Matters.

OPEN MEETING:

The Board returned to open session at 5:59 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.

APPOINTMENTS:

Parks and Recreation Board

Mr. Slaughter moved that the Board appoint Mervin L. Brown, Jr. of the Iriswood District and Scott Prillaman of the Reed Creek District to the Parks and Recreation Board for a term expiring June 30, 2011, second by Mrs. Buchanan and unanimously carried.

Patrick Henry Community College Board

Mrs. Burnette moved to reappoint Betty Jane Simpson and Dale Wagoner to the Patrick Henry Community College Board, second by Mr. Vaughn and unanimously carried.

Piedmont Regional Community Services Board

Mrs. Buchanan moved that the Board appoint Steve Eanes to the Piedmont Regional Community Services Board for a term expiring June 30, 2011, second by Mrs. Burnette and unanimously carried.

West Piedmont Business Development Center

Mr. Vaughn moved that the Board reappoint Tim Hall to the West Piedmont Business Development Center for a term expiring on June 30, 2011, second by Mrs. Burnette and unanimously carried.

Easement - Greenway Walking Trail

Mrs. Burnette moved that the Board authorize a Greenway Trail Easement with James C. Stone for extension of

the Fieldale Walking Trail, second by Mr. Vaughn and unanimously carried.

RECOGNITION OF RETIRING EMPLOYEE MARY ANN CLARK:

Mr. Summerlin stated that Mary Ann Clark, a deputy clerk in the Circuit Court Clerk's Office, is retiring after serving the citizens of Henry County since 1962.

Ms. Vickie Helmstutler, Clerk of Court and Mr. Jim Adams presented Ms. Clark with a plaque on behalf of the Board of Supervisors. The Board wished Ms. Clark many happy years of retirement.

MATTERS PRESENTED BY THE PUBLIC:

Mr. Adams read a brief statement that the Board is here to listen to public comments and not to engage in a question and answer period or a debate. He stated if anyone wishes to address the Board to come to the podium and state your name, subject matter and the district in which you live. He stated by coming to the podium you have agreed to exhibit respect to the Board and its members and each one will conduct themselves with dignity. He stated everyone would receive the same level of respect from the Board. He asked that those who wish to speak to keep his or her comments between three to five minutes.

Mr. John Staples of the Ridgeway District commented on the matter of illegal immigrants. He distributed a recent copy of an update regarding illegal immigrants sent to him by Congressman Goode. He stated he would appreciate the Board continuing to work on the local illegal immigrant situation.

Mr. Don Gilbert of the Collinsville District stated he lives on Halifax Drive and the problems at the apartment complex still exist such as shootings, trash, speeding, no upkeep on the apartments, etc. He stated he wanted to see if the County

can help the residents in any way further to address these problems.

Mr. Doug Jackson of the Ridgeway District stated the County has a mowing ordinance and there is a street in Ridgeway where there is no grass in the yards due to cars coming in and out. He stated he spoke to County officers regarding the activities going on at that particular residence; and heavy traffic is still coming in and out. He stated the County should have officers setting up road checks in areas such as this to help eliminate problems.

PUBLIC HEARINGS – REZONING APPLICATIONS:

R-08-06 – Roma Realty, L.L.C.

Mr. Clark reviewed Application R-08-06 for Roma Realty, L.L.C. (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 6:18 pm. The applicant was present.

There being no one present who wished to speak the public hearing was closed at 6:18 pm.

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

R-08-07 – Helen W. Hylton

Mr. Clark reviewed Application R-08-07 for Helen W. Hylton. (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 6:19 pm. The applicant was present.

There being no one present who wished to speak the public hearing was closed at 6:20 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.

GENERAL HIGHWAY MATTERS:

Ms. Lisa Hughes, Resident Engineer for the Virginia Department of Transportation, was present to discuss General Highway Matters.

Ms. Hughes informed the Board of several changes in the Revenue Sharing Program. She stated the entire program has been revised and the deadline for application is August 1, 2008. She stated when the last changes went through there was a million dollar match required to be in tier 1. She stated there is still a tiered system of approving projects but the million dollar limit has been deleted. She stated the first tier projects that get funded will be from localities that commit more general funds than they are required to match and will get the first priority with no dollar limit. In the second tier projects you can receive allocations when the allocation will go towards accelerating a project on the six-year plan. The third tier projects are going to be any other projects that fall out of the range such as rural additions.

Ms. Hughes stated on July 1, 2008, VDOT will have a new set of access management regulations. She stated until 2009, for the first year they will be effective for any commercial development, commercial entrances that connect to principal arterial roads only. She stated for Henry County that would include 220 and 58.

Ms. Hughes reviewed several miscellaneous highway projects:

- English Construction was low bidder on the Ridgeway Bridge Project.
- Route 687 Project completed.
- 220 North Safety Improvements near Draper's Florist is almost complete.

Mr. Vaughn read a letter from Richard Caywood, District Administrator of VDOT in Salem, Virginia, regarding the I-73 Resolution proposed to go to the Commonwealth Transportation Board. (A Copy Included in Board's File).

Mr. Vaughn moved that the Board direct the County Administrator to write a letter to Richard Caywood reaffirming Henry County's existing resolution on I-73, second by Mr. McMillian and unanimously carried.

Request for "Watch for Children" Sign on Crestview Drive in the Blackberry District

Mr. Adams requested Ms. Hughes to comment on a petition he received regarding posting a 15mph speed limit on a publicly maintained road by VDOT.

Ms. Hughes stated that the Code of Virginia states that the speed limit on a residential street is 25mph. She stated the street in question is definitely a residential street and is posted at 25mph. She stated a 15mph speed limit is not reasonable.

Mrs. Burnette moved that the Board request VDOT to place a "Watch for Children" sign on Crestview Drive and Dalewood Drive in the Blackberry District, second by Mrs. Buchanan and unanimously carried.

PUBLIC HEARING – CHANGING HENRY COUNTY’S DIRECTOR OF ACCOUNTING TO FINANCE DIRECTOR AND ACCOUNTING DEPARTMENT TO FINANCE DEPARTMENT:

Mr. Summerlin stated as part of the FY 2009 Henry County Budget, staff recommended – and the Board approved – some changes regarding the Accounting Department. These changes include changing the title of the department to the Finance Department, and changing the titles of the Director of Accounting to Finance Director. It also was recommended and approved that the bond for the Director increase from \$5,000 to \$1,000,000. Since the Accounting Department and the Director of Accounting are titles included in the Henry County Code, a public hearing is necessary to make these changes.

The public hearing was open at 6:33 pm.

There being no one present who wished to speak the public hearing was closed at 6:33 pm.

Mrs. Buchanan moved that the Board approve the recommended changes as outlined, second by Mr. McMillian and unanimously carried.

Discussions regarding Halifax Drive

Mr. McMillian stated several months ago the Board heard from citizens on Halifax Drive in the Collinsville District regarding some issues going on in their neighborhood. He has requested additional discussion take place on these issues because the problems have deteriorated. Mr. McMillian stated there is a statute in the Virginia State Code that allows a locality to give residents an opportunity to request the Circuit Court to summons a special grand jury to investigate the issues.

Mr. Lyle stated he met with the residents and the owner of the apartments on Halifax Drive back in December to discuss complaints received by the County. He stated

basically it is a civil procedure and any five of the residents of Halifax Drive or five citizens of the County can petition the Circuit Court if there is enough evidence to show that a certain property of the County is a public nuisance. He stated once the Circuit Court is petitioned the Court would summon a special grand jury to take testimony and investigate the allegations. Mr. Lyle stated he has prepared a form for signatures and the Commonwealth Attorney has agreed to coordinate and facilitate the presentation of evidence to a grand jury.

Mr. McMillian moved that the Board direct the County Attorney to assist Halifax Drive residents in filing the petition for submission to the Circuit Court, second by Mrs. Buchanan and unanimously carried.

Mr. Summerlin stated basically the Board previously committed the County Attorney in helping the citizens in navigating the process to the point of filing the petition. He stated Mr. Lyle has complied with the motion on the floor and once the petition is signed it would basically be a hand off to the Commonwealth Attorney who is ready to present the evidence.

CLOSED MEETING:

Mr. Vaughn moved that the Board enter into a closed meeting at 6:40 pm to discuss the following, second by Mrs. Burnette and unanimously carried.

- 1) §2.2-3711(A)1 for Discussion of Personnel Matters.

Mr. McMillian left the meeting.

OPEN MEETING:

The Board returned to an open meeting at 7:24 pm on a motion by Mrs. Buchanan, second by Mrs. Burnette. The motion carried 5 to 0. Mr. McMillian was absent.

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, Mrs. Burnette, Mrs. Buchanan, Mr. Vaughn and Mr. Adams.

Mr. Vaughn moved that the Board approve a two-year employment contract with George Lyle, County Attorney, second by Mrs. Burnette. The motion carried 5 to 0. Mr. McMillian was absent.

There being no further business to discuss Mrs. Buchanan moved that the Board adjourn at 7:24 pm, second by Mrs. Burnette. The motion carried 5 to 0. Mr. McMillian was absent.

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

June 24, 2008 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on June 24, 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, Debra Buchanan, Paula Burnette, Jim McMillian and Tommy Slaughter. Vice Chairman H. G. Vaughn was on vacation.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Jimmie Wright, Director of Accounting; Darrell Jones, Assistant Director of Accounting; and Susan Reynolds, Director of Human Resources.

Major Steve Eanes and Deputy Mike Hooper were present from the Sheriff's Office.

Mickey Powell of the Martinsville Bulletin was present.

Chairman Adams gave the invocation and Jim McMillian led in the Pledge of Allegiance.

CALL TO ORDER

Chairman Adams called the meeting to order and welcomed everyone present. He stated that anyone who wishes to be on the Agenda for the Board's regular business meeting held at 3:00 pm must contact the County Administrator's Office seven days prior to a scheduled meeting. Those wishing to speak at the Board's public meeting starting at 6:00 pm may do so under Agenda Item -

Matters Presented by the Public without contacting the County Administrator's Office.

ITEMS OF CONSENT:

Confirmation of Minutes of Meetings

1) May 27, 2008

(Copy included in Board's File).

Approval of Accounts Payable

(Copy included in Board's File).

Mr. McMillian moved that the Board approve Items of Consent as presented, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. Vaughn was absent.

INTRODUCTION OF KAY DUNKLEY, DIRECTOR OF REYNOLDS HOMESTEAD:

Mr. Summerlin stated Dr. Kay Dunkley, the new director of Virginia Tech's Reynolds Homestead Continuing Education Center in Critz, requested time on the Board's agenda to introduce herself and discuss activity at Reynolds Homestead.

Dr. Dunkley thanked the Board for the opportunity to meet with them. She stated she has been the new director of Virginia Tech's Reynolds Homestead in Critz since April. She briefly discussed the three aspects of Reynolds Homestead.

- 1) **Reynolds Homestead** is a research center and Virginia Tech has placed on site a laboratory setting conducting research with grasses, timber, proteoides, pesticides, streams, waterways and wildlife.
- 2) **Reynolds Homestead** is the historic home of R. J. Reynolds in the Rock Spring Plantation built on the property in Critz, VA in 1843. R. J. Reynolds was a

banker and tobacco manufacturer and farmer. It was through his brothers and his sons and the lineage of his family which created the development of Reynolds Metals and R. J. Reynolds Tobacco Company.

- 3) **Reynolds Homestead** is a Continuing Education Center, and currently offers lectures by famous authors and provides performances both vocal and instrumental.

Dr. Dunkley stated Virginia Tech feels Reynolds Homestead needs to improve and expand in economic development. She stated she would like to request the Board of Supervisors' assistance in how they can better serve and share their expertise of its faculty of Virginia Tech Campus to come and provide the Board with leadership opportunities in graduate courses for citizens and constituents in each community. Dr. Dunkley distributed a package of information regarding highlights on Reynolds Homestead Continuing Education Center to each Board member. (Copy included in Board's File).

Dr. Dunkley also noted that rooms at the Reynolds Homestead are available for meetings, weddings, etc. and seating capacity is approximately 300. She stated they also offer tours of the historic home which takes place on Saturday and Sunday between 1:00 pm and 4:00 pm.

The Board thanked Dr. Dunkley for her comments.

CONSIDERATION OF EXTENSION OF TRANSITION DAY PROGRAM CONTRACT AND PROPOSED FY 2009 BUDGET:

Mr. Summerlin stated that Henry County, the County's Community Policy and Management Team (CPMT) and Henry County Schools are charged with providing an educational program specifically designed to address the needs of certain special education students. CPMT and the school system are recommending that ANCHOR continue to run the program for the 2008-09 academic year under the name ANCHOR

Transitional Day Program. The program is run cooperatively by the school system and CPMT, with the administrative costs being borne by CPMT and the costs of two teachers and two paraprofessionals being borne by the school system. The program would again be on site at ANCHOR. The proposed budget for '09 is \$105,893, which is included in the CPMT budget for next year. Henry County is a party to the agreement and must approve the extension of the contract with ANCHOR. The extension already has been approved by the CPMT and the School Board. A copy of ANCHOR's FY 2009 Budget was distributed to each member of the Board. (A Copy of the Proposed FY '09 Budget and FY '08 Contract is included in Board's File).

Mrs. Buchanan moved that the Board extend the contract with ANCHOR in the amount of \$105,893 to run the Transitional Day Program for the 2008-09 academic year, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

CONSIDERATION OF RESOLUTION OPPOSING APPALACHIAN POWER COMPANY'S REQUESTED RATE INCREASE:

Mr. Summerlin stated Supervisors McMillian, Buchanan, and Burnette requested that this item be placed on the agenda. Appalachian Power Company has petitioned the State Corporation Commission for permission to increase its rates by nearly 24 percent. The rate increase, if granted, would take effect in November. Staff has drafted a resolution opposing the rate increase. If approved, it would be submitted to the SCC for its consideration. (A Copy of the News Release from the State Corporation Commission and Proposed Resolution is included in Board's File).

Mr. Larry Jackson, Manager External Affairs of American Electric Power, was present to answer any questions.

Mrs. Burnette stated additional information would be helpful. She noted that one item in the resolution acknowledges the unemployment rate that is out-of-line with the state average and certainly out-of-line with the national average. She stated there was a request last year for a similar rate increase and the State Corporation Commission turned it down. The hearing this year is scheduled for October 29, 2008, at 10:00 am in the SCC's courtroom on the second floor of the Tyler Building in Richmond.

Mr. Jackson stated AEP is aware of the resolution and the rate increase involves two separate increases. He stated he would provide the Board with additional information in the near future.

Mrs. Burnette moved that the Board delay this item until the July meeting to allow AEP to provide the Board with additional information, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. Vaughn was absent.

CONSIDERATION OF RESOLUTION REGARDING REGIONAL WATER SUPPLY PLAN:

Mr. Summerlin stated that Henry County is in ongoing discussions regarding the preparation of a regional water supply plan, as directed by the Commonwealth of Virginia, to be in place by November 2011. The West Piedmont Planning District Commission has taken the lead for this region and is working with Henry County, Patrick County, Pittsylvania County, City of Danville, City of Martinsville, Town of Ridgeway; Town of Stuart, Town of Chatham, Town of Gretna, and Town of Hurt in the development of a regional water supply plan. The resolution is part of the process in crafting the regional plan, and caps Henry County's cost of participation at \$18,585 for FY '09. Funds were included in the budget for this purpose. (A copy of the Resolution is included in Board's File).

Mrs. Burnette moved that the Board approve the resolution, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

CONSIDERATION OF RESOLUTION REGARDING GENERAL ASSEMBLY'S SPECIAL SESSION FOR TRANSPORTATION:

Mr. Summerlin stated the Virginia General Assembly began a special session on transportation issues on Monday in Richmond. At the urging of the Virginia Association of Counties (VACo), staff has drafted a resolution urging the General Assembly and Governor Kaine to work together to create a meaningful plan for Virginia's transportation crisis. (A copy of the Proposed Resolution is included in Board's File).

Mrs. Burnette moved that the Board approve and authorize the resolution be sent to members of the General Assembly and Governor Kaine, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. Vaughn was absent.

FINANCIAL MATTERS:

Award of Contract re: Jail Cameras – Sheriff's Office

Mr. Summerlin stated Sheriff Perry is requesting that the Board award a contract in the amount of \$63,398.86 to EMI Security LLC to replace security cameras in the jail. The purchase would be made on a continuation from a previous bid, and therefore no bids were issued specific to this purchase. The money for the purchase would come from the Sheriff's Office's current budget.

Mrs. Buchanan moved that the Board award the contract in the amount of \$63,398.56 to EMI Security LLC to purchase replacement security cameras for the Henry County Jail, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

Award of Contract re: Replacement Vehicle – Public Safety

Mr. Summerlin stated Dale Wagoner, Director of Public Safety, is requesting an award of contract in the amount of \$28,295 for the purchase of a replacement vehicle for the Fire Marshal's office. The 2009 Ford Expedition would be purchased from Sheehy Ford of Richmond. Sheehy had previously submitted the low bid to Henry County for this type of vehicle and is willing to provide this price for the 2009 model. The money would be taken from the current budget. The Board of Supervisors made the additional appropriation for this purchase at its May 27 meeting.

There was some discussion regarding delivery of new vehicles and the transfer of old vehicles to other County departments and agencies.

Mrs. Burnette moved that the Board award a contract in the amount of \$28,295 to Sheehy Ford of Richmond for the purchase of a 2009 Ford Expedition as a replacement vehicle for the Fire Marshal's Office, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

Acceptance of Interoperability Grant – Public Safety

Mr. Summerlin stated last month the Board was told of an Interoperability Grant secured by the Department of Public Safety to assist Henry County, Patrick County, Franklin County, and the City of Martinsville. Director of Public Safety Dale Wagoner is requesting that the Board formally accept the grant in the amount of \$1,040,000 from the Department of Homeland Security. As indicated by Mr. Wagoner the grant will address tactical radio interoperability among the jurisdictions. The grant requires a 20% cash or in-kind match from the localities, and details of that match and other items are still being considered. Mr. Wagoner is asking that the Board accept the grant, and he will come back to the Board at a later date for appropriation of the money, after all details are

complete. Mr. Wagoner also requests approval of a resolution that designates Henry County's Public Safety Director, the County Administrator, and the Finance Director as the authorized agents for the grant. (A Copy of Resolution is included in Board's File).

Mrs. Buchanan moved that the Board approve acceptance of the grant and approve the resolution as outlined, second by Mr. Slaughter. The motion carried 5 to 0. Mr. Vaughn was absent.

Mr. Adams asked Mr. Wagoner to comment on the new tower on 57 West of Bassett as to how long it will take to have the equipment in place and in particular additional cell phone providers.

Mr. Wagoner stated not only is there a new tower on 57 West of Bassett but also in Axton and Chestnut Knob. Mr. Wagoner stated the radio project itself, which the towers are a big component of the project, is moving along well. He stated all the infrastructure and technology has been designed and signed off on and is here locally. He stated the sites will be ready as soon as they are signed off on and the 911 Center is ready to accept the equipment. He stated new radios have been installed in all law enforcement and public safety vehicles and installations have begun in the fire departments this week.

Mr. Wagoner stated the County has a contract with a cellular provider for the Bassett tower and as soon as the site is turned over it should be ready to go. He stated the County's contract is with Vista PCS and there are other sites being built in the County. He stated the date he has heard is early 2009 that all sites should be turned on.

Mrs. Burnette asked if the County was at the top of the list in the group of grant requesters.

Mr. Wagoner stated the Commonwealth of Virginia only received \$25,000,000 total allocation from the Department of Homeland Security for this grant. He stated the Commonwealth of Virginia kept 20% for state-wide projects and Henry County and surrounding localities only received the largest distribution and was at the top of the list for \$1,040,000. He stated once this project is implemented it will be a good environment for the County where they will be able to talk with all surrounding localities in a good and positive way using newer technology and will give secure communication capabilities for the Sheriff's Office to further expand its data capabilities with more affordable radios at the grassroots level with fire and rescue so volunteers do not have to purchase those items. He stated just looking at Henry County's section of the Commonwealth it will do a lot to improve interoperability in a VHF Region. He stated with other localities as far away as Roanoke County or northern Virginia, Henry County will have the technology in place to communicate with those agencies should they have to come to Henry County.

The Board thanked Mr. Wagoner for his comments.

Acceptance of and Additional Appropriation of Fire Programs Grant – Public Safety

Mr. Summerlin stated the Director of Public Safety Dale Wagoner is asking the Board to accept and appropriate a grant in the amount of \$4,500 from the Virginia Department of Fire Programs. The grant requires no local match and would be used for maintenance on the Henry County Burn Building.

Mrs. Buchanan moved that the Board accept the grant and approval of the additional appropriation, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

INFORMATIONAL ITEMS:

Mr. Summerlin discussed a press release with the Board regarding the Commonwealth Transportation Board approving funding for a public transportation pilot program in the Martinsville-Henry County area. The grant is in the amount of \$114,000 with the total project costing \$130,000. The administrator of the grant will be run by RADAR (a non-profit organization) based in Roanoke, VA. (Copy in Board's File).

Mr. Summerlin stated the General Joseph Martin Celebration is scheduled Saturday, June 28 beginning 10:00 am at the Historic County Courthouse. On July 8 bids will open on the Patriot Centre/58 East Water Interconnection. On July 15 the Virginia Court of Appeals will be in Henry County to hear appeals. River Access near A. C. Wilson Campground below Martinsville Hydroelectric Dam has been installed and Parks and Recreation still has some fencing and signage, etc. to complete. The County is also prepared to staff the three convenience centers at (Red Oak, Axton and behind the County Administration Building) beginning July 1.

Comments from the Board

Mrs. Buchanan requested staff to do a press release regarding the three convenience centers. She also reminded everyone of the upcoming July 3 Celebration at Martinsville Speedway.

Mrs. Burnette stated she was invited by several members of the Board of the Artisan Center to attend a two-week economic development meeting focusing on a Creative Economy.

Mr. McMillian commented on the progress of RTI's construction. Mr. Summerlin noted they are progressing approximately 20,000 yards a day, 20 hours a day, and six days a week.

Mr. Adams stated he spoke with Mr. Vaughn and he wished to make a comment regarding the Commonwealth

Transportation Board's stance on several issues last week. Mr. Vaughn requests the Board to send a letter in appreciation to Mr. Dana Martin, local representative on the CTB.

Mr. McMillian moved that the Board request staff to send a letter of appreciation to Dana Martin the County's Commonwealth Transportation Board representative, second by Mr. Slaughter. The motion carried 5 to 0. Mr. Vaughn was absent.

CLOSED MEETING:

Mrs. Burnette moved that the Board enter into a closed meeting at 4:41 pm to discuss the following, second by Mr. Slaughter. The motion carried 5 to 0. Mr. Vaughn was absent.

- 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, and Roanoke River Basin Association.
- 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 5:07 pm on a motion by Mr. McMillian, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. Vaughn was absent.

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 and Mr. Adams. Mr. Vaughn was absent.

APPOINTMENTS:

Planning Commission

Mrs. Buchanan moved to appoint Mr. Paul Setliff from the Ridgeway District to the Planning Commission for an unexpired term ending March 31, 2012, second by Mr. Slaughter. The motion carried 5 to 0. Mr. Vaughn was absent.

Transfer of Funds for Purchase of Property

Mrs. Burnette moved that the Board authorize the purchase of land pursuant to an option contract with the Sharpe family and transfer \$387,000 from the Enterprise Zone account to the Purchase of Land account, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. Vaughn was absent.

Purchase of Property

Mr. Slaughter moved that the Board purchase 1.618 acres from Columbus Properties Incorporated in the amount of \$12,000 for the Blackberry District Convenience Center Site, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

Lease Agreement

Mrs. Burnette moved that the Board authorize a lease with Vista PCS on the Axton Tower in the amount of \$18,000 per year, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. Vaughn was absent.

There being no further business until the 6:00 pm meeting the Board recessed at 5:10 pm.

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

PUBLIC HEARINGS – REZONING APPLICATIONS:

R-08-08 – Property Unlimited, L.L.C.

Mr. Clark reviewed Application R-08-08 for Property Unlimited, L.L.C. (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 6:02 pm and it was noted the applicant was present.

Mr. Don Gravely with Gravely Auto Salvage and also Property Unlimited, L.L.C. spoke regarding his rezoning request.

There being no one else present who wished to speak the public hearing was closed at 6:02 pm.

Mrs. Burnette moved that the Board accept the recommendation of the Planning Commission to approve the rezoning request, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

R-08-09 – Donna R. Bristow

Mr. Clark reviewed Application R-08-09 for Donna R. Bristow. (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 6:04 pm and it was noted the applicant was present.

There being no one present who wished to speak the public hearing was closed at 6:04 pm.

Mrs. Buchanan moved that the Board accept the recommendation of the Planning Commission to approve the rezoning request, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

R-08-10 – William Carter

Mr. Clark reviewed Application R-08-10 for William Carter. (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 6:05 pm and it was noted that the applicant was present.

There being no one present who wished to speak the public hearing was closed at 6:05 pm.

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

R-08-11 – Akers E. Sheppard

Mr. Clark reviewed Application R-08-11 for Akers E. Sheppard. (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 6:07 pm and it was noted that the applicant was present.

There being no one present who wished to speak the public hearing was closed at 6:07 pm.

Mrs. Buchanan moved that the Board accept the recommendation of the Planning Commission to approve the rezoning request, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

R-08-12 – Marilyn D. Waller

Mr. Clark reviewed Application R-08-12 for Marilyn D. Waller. (Copy of Application included in Board's File). Mr. Clark stated that following a public hearing the Planning Commission expressed concerns to rezoning the property to rural residential. He stated the Planning Commission was unanimous that the character of the area supported the rezoning to mixed residential, but not rural residential as requested by the applicant. He stated following the public hearing the Planning Commission and staff recommend denial of the request to rural residential.

Mr. Adams asked if there was any willingness on the applicant's part to compromise on the recommended rezoning classification.

Mr. Clark stated the applicant expressed to the Planning Commission that she had already acquired a used single-wide

mobile home from a dealer outside of the area. Mr. Clark stated he contacted the dealer and he was not aware of the issue surrounding the rezoning request. He stated mixed residential was discussed with the applicant and because of her circumstances that she had already purchased a single-wide, it would not suit her needs; therefore, she was not willing to amend her request to mixed residential.

The public hearing was open at 6:09 pm and it was noted that the applicant was not present.

There being no one present who wished to speak the public hearing was closed at 6:09 pm.

Mrs. Burnette moved that the Board accept the recommendation of the Planning Commission to deny the rezoning request, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

GENERAL HIGHWAY MATTERS:

Ms. Lisa Price-Hughes, Residency Administrator of VDOT, was present to present general highway matters. The first item discussed was regarding I-73. Ms. Hughes distributed a resolution to the Board that was passed by the Commonwealth Transportation Board. She stated the CTB has accepted the Board of Supervisors' resolution to consider the designated route of I-73 through Henry County; however, the CTB has not changed the route of I-73. She stated the Commonwealth Transportation Board has directed VDOT to work with the Federal Highway Administration to do additional research to help CTB make an informed decision as to whether or not to reopen the issue of an alternative alignment for I-73.

Ms. Hughes discussed several miscellaneous highway matters with the first being in reference to a line and paving contract, which will begin on July 7th on the 58 Bypass from Route 650 down 58. She stated VDOT has begun surface treating (tar and gravel) overlays in the Mountain Valley area.

Ms. Hughes stated VDOT was funded for a proposed safety project for construction of concrete median in Bassett Forks at Food Lion.

Request for “Watch for Children” Sign on Colonial Hill Drive, Reed Creek District

Mr. Slaughter moved that the Board request a “Watch for Children” Sign on Colonial Hill Drive in the Reed Creek District, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

Mr. McMillian stated as a matter of information he spoke with Ms. Hughes about the possibility of temporarily blocking off some streets in Collinsville where there seems to be a lot of drive-through traffic from one street to another to get to 220. He stated Ms. Hughes is supposed to get back with him regarding the matter.

CONSIDERATION OF ISSUES REGARDING REQUESTED CAT ORDINANCE:

Mr. Adams stated last month the Board of Supervisors directed staff to research issues surrounding the possibility of enacting a Cat Ordinance in Henry County and Mr. Lyle, County Attorney, is prepared to present his research to the Board.

Mr. Lyle stated he was asked to investigate options available to the Board for controlling problems related to cats in Henry County. The identified problems to be addressed included:

- 1) Keeping cats from roaming off their owners’ property.
- 2) A method of identifying or licensing cats so that domesticated or owned cats can be distinguished from feral cats.
- 3) Requiring vaccinations to help reduce the spread of rabies in our community.

Mr. Lyle noted that whenever investigating ordinances that can be adopted by the Board, it should be remembered that the starting point is always the Code of Virginia. The Virginia Supreme Court has long recognized the “Dillon Rule.” The rule basically limits the authority of local governments in Virginia to those matters the Virginia General Assembly has either expressly, or by implication, allowed local governments to regulate. The Dillon Rule has been part of the law of Virginia since 1896 and is a fundamental rule for construing the scope of governmental powers. Attempts to repeal or modify its rigors by a constitutional amendment, as was attempted in 1971, or by legislative enactment are routinely sent to slumber in the committees of the General Assembly.

Mr. Lyle discussed with the Board several answers to some basic questions he researched from the State Code.

1) Can Henry County require the purchase of cat licenses similar to dog licenses?

Yes. Virginia Code Section 3.1-796.85 gives the Board the option of requiring cat owners to purchase a tag similar to a dog tag. The fee (or tax) must be set between \$1 and \$10 annually.

2) Can Henry County require cats to be vaccinated for rabies?

Yes. Virginia Code Section 3.1-796.97 requires a county licensing cats and dogs to require rabies vaccination for animals four months and older.

3) Can Henry County restrict cats from running at large and require they be on their owners’ property or under the owners’ control?

No. In 1993 the General Assembly amended numerous sections of the “...Licensing of Dogs” section of the agriculture

Title of the code. The 1993 amendments inserted “or cat” in 3.1-796.85 through 3.1-796.92 clearly indicating the General Assembly’s intent to allow local government to require rabies vaccinations, a license tax and require tags for both dogs and cats. Prior to the amendments, local governments only had the authority to regulate and license dogs. However, when inserting “or cat” into the Code the General Assembly appears to have specifically omitted 3.1-796.93 which is the code section that specifically authorizes a governing body to “...prohibit dogs from running at large.” This reflects the General Assembly’s intent to give localities some authority to regulate cats, but stop short of allowing localities to prevent cats from roaming at large.

4) What penalties could the Board authorize for those who do not comply with any of the above adopted ordinances?

The Board has discretion to authorize civil penalties of up to \$250. As an alternative, and not in addition to, the Virginia code seems to only authorize a criminal penalty of up to \$250 (Class 4 misdemeanor). Repeat violations could be subject to additional penalties and there are circumstances where the animal could be seized by the Court.

Mr. Lyle stated with this information in mind, the question remains what can the County do to alleviate problems created by cats?

Mr. Lyle stated this information does not deal with resource issues related to the ordinance; however, it should be noted that adopting an ordinance will not alleviate problems if the ordinance cannot be enforced. Dog license and leash laws have been on the books in Virginia localities for years, and it is widely accepted by those who deal with dogs that there is probably less than a 20 to 25 percent compliance rate with those ordinances. He stated he could find no scientific data, but many veteran local government attorneys and other officials agreed with the estimate. In other words, some 75

percent of all dogs are not in compliance with long existing dog ordinances and officers dedicated to enforcing the ordinances. So there is some belief that these ordinances simply do not substantially change behaviors.

Mr. Lyle stated Henry County has two animal control officers and they simply cannot adequately police the thousands of dogs that roam the 385 square miles of our County to regulate total compliance with all the laws. Like all law enforcement, they must prioritize their work and deal with thousands of complaints, address the most troublesome and conduct the sometimes time-consuming capture and investigation of the animals. Additionally, they must feed, care for, and dispose of the impounded animals 365 days a year and maintain the animal pound in compliance with numerous state veterinary regulations. To add responsibility to animal wardens for enforcing regulations on cats, without additional resources, would seem to be an exercise in futility.

Mr. Lyle stated accordingly, any proposed vaccination and licensing regulations should take into consideration the resources available to enforce the new regulations. Mr. Lyle stated before adopting any ordinance he would urge the Board to consider the following:

- 1) Does the need for an ordinance and its associated expenses sufficiently outweigh other needs in the county to move forward with an ordinance?
- 2) If the answer is “yes,” the drafting of an ordinance should include involvement from the Sheriff’s Office, the Commonwealth Attorney’s Office and other stakeholders and a committee should be formed to present a draft regulation for board consideration.

Mr. Lyle stated any proposed ordinance being considered for a vote by the Board would have to be properly advertised for a public hearing before adoption.

Mr. Adams asked Mr. Summerlin to restate his comments made at the last meeting as to what would be the minimal costs if the County doubled its animal enforcement to include cats.

Mr. Summerlin stated in the Animal Control Budget there are two full-time animal control officers exclusively dedicated for dog issues. He stated the Animal Control Budget is approximately \$150,000 a year, which does not include capital costs such as vehicles, etc. He stated for the animal license sold in the Treasurer's Office the County collects approximately \$9,000 per year. He stated if the Board chooses to regulate cats it may require some expansion to the animal shelter and those costs would be considerable.

Mr. Adams asked regarding enforcement of licensing, how many people are actually complying with tagging and licensing.

Mr. Lyle stated after talking with law enforcement and other local government attorneys it is widely considered that there is probably less than 25% compliance with dog licensing. He stated in general for every 100 dogs in Henry County only 25 are in complete compliance with ordinances. Mr. Lyle stated as a matter of government regulating domestic animals it is a very difficult proposition to get overly satisfactory results.

Mr. Adams asked if in a court of law without having an ordinance would it come down to a civil suit between owners with respect to damages.

Mr. Lyle stated normal rules of property apply. He stated if you do something negligent that damages or injures someone else's property or person, then you would be negligent and could be held responsible.

Mr. McMillian stated he was also considering this in conjunction with Supervisor Vaughn from the Ridgeway

District, who also has had constituents who have been having problems with cats. Mr. McMillian stated he did not care if a cat doesn't have a license on it. He stated he never intended for a cat to have a leash on it and there has been a misconception that since the County has a dog leash law that a dog has to be kept on a leash if it's taken off the owner's property. He stated as long as the dog is under the owner's control then it doesn't have to be on a leash.

Mr. McMillian stated he checked with Franklin County and they have an ordinance under S.4-66 and there are some items he liked in the ordinance. He stated in order to keep an animal from being a nuisance the animal needs to be kept on the owner's property. He stated he intends to do everything possible to see that an animal nuisance ordinance is successfully implemented in Henry County. He stated he did not think it would require that much more in terms of costs to respond to complaints of an animal nuisance. He stated he was only concerned about the ordinance being implemented in the Collinsville District. He stated the houses in the Collinsville District are closer together and there needs to be more protection for property rights.

Mrs. Burnette stated one district at a time was initially done with dogs and it was found that it was not very helpful. She stated she was concerned with costs involved. She stated if the dog ordinance is only 20% compliant on dogs then she felt the dog ordinance needs to be fixed first before the Board starts doing any thing with cats. She stated she would not support studying any thing to do with the cats until the Board finds out if there is a way to make the dog ordinance or owners more compliant.

Mrs. Buchanan stated she agreed with Mrs. Burnette not to invest more funds for cat control when the dog ordinance is not in compliance.

Mr. McMillian stated regarding discussions of spending an additional \$150,000 to control cats that was when there

was a misconception that a cat would have to be on a leash and that's not the case. He stated this would be complaint driven.

Mrs. Burnette asked Mr. McMillian how many complaints had he received from the Collinsville District and are any of those people in attendance to support a cat ordinance.

Mr. McMillian stated he could not recall the number of complaints; however, it was a lot. He stated those people in Collinsville District who have concerns will not be here tonight. He said they were not expecting to have to do anything since it was not a public hearing. They were informed there may be a public hearing on the matter in July. He stated there are people in the Collinsville District in support of an animal nuisance ordinance.

Mrs. Burnette stated the Board has not discussed an animal nuisance ordinance; what has been discussed is specifically restrictions on cats.

Mr. McMillian stated he didn't care what it is called he just wanted to get the problem solved. He stated cats and dogs are being a nuisance and he wanted to include both in some type of nuisance ordinance.

Mr. Slaughter stated he lives in a rural area and he would not go along with a leash law; however, the population, rabies and diseases do concern him.

Mr. Adams stated the issue starts with spay and neutering of animals and then you control the population. He stated most of the people he has heard from in the Blackberry District do not support a cat ordinance. He stated it basically comes down to enforcement and cost factors.

Mrs. Burnette reiterated her comments regarding the enforcement of dogs. She said if you have an ordinance that's only 20% effective why should the Board put something else

into effect that's not going to work real well. She stated the Board should focus on making the dog ordinance a more efficient and effective ordinance and then address the cat issue.

Mr. Adams thanked Mr. Lyle and Mr. Summerlin for their work and input on the cat issue.

There being no further comments Mr. McMillian moved that the Board direct the County Attorney to research the Animal Nuisance Ordinance on the books in Franklin County and come back to the Board at the July meeting for a report.

The motion died for lack of a second.

MATTERS PRESENTED BY THE PUBLIC:

Mr. Adams read a brief statement that the Board is here to listen to public comments and not to engage in a question and answer period or a debate. He stated if anyone wishes to address the Board to come to the podium and state your name, subject matter and the district in which you live. He stated by coming to the podium you have agreed to exhibit respect to the Board and its members and each one will conduct themselves with dignity. He stated everyone would receive the same level of respect from the Board. He asked that those who wish to speak to keep his or her comments between three to five minutes.

Mr. John Staples of the Ridgeway District discussed a recent article in the Martinsville Bulletin regarding action taken by Loudon County to deport illegal immigrants. He asked if the Board of Supervisors has discussed anything regarding local illegal immigrants since a resolution was passed approximately four months ago. He stated he would request the Board to take some kind of action against illegal immigrants.

Mr. McMillian stated he requested Stuart Bowman to update the Board regarding improvements being under taken concerning rescue squads in Henry County.

Mr. Stuart Bowman gave the Board an update on a presentation given at the Board's April 29, 2008, meeting entitled Making a Difference One Life at a Time. The presentation provided the Board with information on the actions that have been taken by the rescue squads and what each squad sees as opportunities for improvement to the current system. Mr. Bowman stated all rescue squads were also presented with the information. He stated overall the information was very favorable and each squad was asked which item out of three (call coverage, response time or patient care) do they see as the priority. He stated the most common feedback was the need for the retention program, recruitment activities, also support for an emergency medical dispatcher program. He stated after a meeting with the Rescue Squad Association, a committee is working on a 911 Education Program presentation for the public. The Commonwealth's Attorney has put together a guide for the squads to use to start the process to prosecute people who repeatedly abuse the 911 system. He stated Public Safety needs a request from the Board of Supervisors to change its current reporting system regarding percent of calls covered, credit given for mutual aid or adjusted to show refusals of third party service. He stated another major concern was of the support personnel. He stated the focus was not that it would replace the 911 personnel; however, it may damage the system that is currently in place. He stated it would draw from the current volunteers and from the third party providers that provide backup to the rescue squad volunteers.

Mrs. Burnette asked if the Association had made a specific request to Public Safety for recommendations of changing the report system.

Mr. Bowman stated he called the Public Safety Office and was told that the request would have to come from the Board of Supervisors.

Mr. Summerlin stated he would talk with the Public Safety staff to see if the report could be changed. He stated the report the Board currently receives is not something they can just push a button and print out. He stated it requires a lot of manual checking and regardless of how the report is shown it still shows the system continuing to experience great difficulty. He stated one agency last month was unable to respond to 35% of its calls and in fact, all the agencies had difficulty responding to 20% of its calls. He stated the pattern is the system continues to deteriorate. He stated last month there were 419 calls turned over to Stone Ambulance and 25% of the calls were answered by mutual aid.

Mr. Adams thanked Mr. Bowman for his update.

Mr. McMillian requested that EMS Matters be placed on the July Agenda.

Mr. McMillian recognized classmates of an English 400 Class (Active Citizenship) from the New College Institute. The Board welcomed those guests.

Ms. Florence Rea Wright of the Ridgeway District came forward to discuss the cat ordinance. She discussed a spay and neutering program called TNR (Trap-Neuter-Return) located in Roanoke. She stated she had been following the discussions regarding the cat ordinance since she owns six cats. She stated she hoped no one decides to put a leash on a cat. Ms. Wright stated Ms. Leslie Hervey of the SPCA has helped her tremendously. She stated if there is a committee formed she would recommend that the Board consider appointing Leslie Hervey and Dr. Lock Boyce in Stuart.

Ms. Mary Martin of the Ridgeway District also commented on the proposed cat ordinance. She stated if there

are extra funds available to enforce a cat ordinance wouldn't it be better utilized by the Sheriff's Office to help solve crimes. Ms. Martin also discussed the proposed AEP resolution whereby AEP is proposing a 24% rate increase. She encouraged the Board to attend the hearing on October 29th at 10:00 am in the Tyler Building in Richmond. Ms. Martin noted the Board needs to check into the ordinance in Manassas, Virginia regarding illegal immigrants. She stated the Manassas County Board of Supervisors has deported over 3,000 immigrants since enacting its ordinance.

Ms. Debby Zdeb of the Blackberry District commended the County Attorney regarding his thorough research on the nuisance law for cats. She stated she didn't see passing a law that would penalize responsible pet owners. She agreed the Sheriff's Office should be given more funds to solve crimes. The Board should also look at bringing businesses in and open up jobs for the people who are dumping their pets they no longer can afford to keep.

Ms. Angela McCloy of the Blackberry District stated she was concerned with the excessive rate of speed that vehicles are traveling on Orchard Drive in Bassett. She requested the Board look into getting the speed limit reduced now posted at 25mph, monitor speeds on a regular basis by radar as well as installing a watch for children play sign.

Mr. Adams requested the Board add to the Agenda Children at Play Signs.

Children at Play Signs - Orchard Drive-Bassett

Mr. Adams suggested to Ms. McCloy that she talk with Sergeant Eric Hairston of the Sheriff's Department who was in attendance and also contact the Virginia State Police. Mr. Adams said he was concerned that in a half-mile span starting from one area of Stone's Dairy Road including Orchard Drive that within a six-month period of time there have been several

fatalities. Also within an eight-day period of time, three separate incidents have required people to be air-lifted.

Mrs. Burnette moved that the Board request VDOT install Children at Play Signs on Orchard Drive in Bassett, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. Vaughn was absent.

There being no further business Mr. McMillian moved that the Board adjourn at 7:30 pm, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. Vaughn was absent.

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**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.

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

**Special Called Meeting
August 11, 2008 – 4:00 pm**

The Henry County Board of Supervisors held a special called meeting on August 11, 2008 at 4:00 p.m. in the Fourth Floor Conference Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The following Board members were present: Jim Adams, Chairman; H. G. Vaughn, Vice Chairman; Debra Buchanan, Paula Burnette, and Tommy Slaughter. Jim McMillian was unable to attend.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Jimmie Wright, Finance Director; Darrell Jones, Deputy Director of Finance; and Tim Pace, County Engineer.

Sheriff Lane Perry and Major Steve Eanes were present from the Sheriff's office.

Mickey Powell of the Martinsville Bulletin, Charles Roark with Roark Media, and Ron Morris of B99 were present.

CALL TO ORDER:

Chairman Adams called the meeting to order.

DISCUSSION OF PROPOSED SHELL BUILDING

Mr. Summerlin distributed a proposed Resolution of the Henry County Board of Supervisors regarding the construction of a new shell building on Lot 10 in the Patriot Centre (a copy of the Resolution is on file). He pointed out to the Board that the Resolution calls for a maximum of \$3.5 million to be financed, which is the same amount as the most recent shell building in which RTI International Metals is locating. Mr. Summerlin pointed out that the RTI building cost \$2.8 million. Some general discussion ensued over details of the Resolution, and further discussion ensued over the

Board's July 29 meeting and information disseminated at that time. On a motion by Mrs. Burnette and a second by Mr. Slaughter, the Board voted 5-0 on a roll call vote (Mr. McMillian was absent) to adopt the Resolution as presented.

CLOSED MEETING:

Mr. Vaughn moved that the Board enter into a closed meeting at 4:18 pm to discuss the following, second by Ms. Buchanan and carried 5-0:

- 1) §2.2-3711(A)7 for Consultation with the County Attorney re: Pending Legal Matters.

OPEN MEETING:

The Board returned to open session at 4:49 pm on a motion by Ms. Burnette, second by Mr. Vaughn and carried 5-0.

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, Mrs. Burnette, Mrs. Buchanan, Mr. Vaughn, and Mr. Adams. Mr. McMillian was absent.

On a motion by Ms. Burnette and a second by Mr. Vaughn, the Board voted 5-0 (Mr. McMillian was absent) to appropriate \$50,000 from its uncommitted balance to the contingency fund to create a criminal apprehension fund.

There being no further business, the meeting was adjourned at 4:51 p.m.

**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 29th. 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 28th 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.

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

September 23, 2008 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on September 23, 2008, at 3:00 pm in the Board Meeting Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The following Board members were present: Chairman Jim Adams, Vice Chairman H. G. Vaughn; Debra Buchanan, Paula Burnette, Jim McMillian and Tommy Slaughter.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Jimmie Wright, Director of Finance; Darrell Jones, Assistant Director of Finance; and Lee Clark, Director of Planning and Community Development.

Sergeant Eric Hairston was 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:

George Lyle gave the invocation and Jim McMillian led in the Pledge of Allegiance.

CALL TO ORDER:

Chairman Adams called the meeting to order and welcomed everyone present. He stated that anyone who wishes to be on the Agenda for the Board's regular business meeting held at 3:00 pm must contact the County Administrator's Office seven days prior to a scheduled meeting. Those wishing to speak at the Board's public meeting starting at 6:00 pm may do so under Agenda Item -

Matters Presented by the Public without contacting the County Administrator's Office.

ITEMS OF CONSENT:

Confirmation of Minutes of Meetings

1) August 26, 2008 – 3:00 pm

(Copy included in Board's File).

Approval of Accounts Payable

(Copy included in Board's File).

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

CONSIDERATION OF RESOLUTION DECLARING "GED Day" AND "GED WEEK" IN HENRY COUNTY:

Mr. Summerlin stated Ms. Kim Adkins, Executive Director of the West Piedmont Workforce Investment Board, is present to discuss a resolution asking for the Board's approval that establishes October 13-19, 2008, as GED Week and October 15, 2008, as GED Day in Henry County.

Mrs. Buchanan read the proposed resolution and offered a motion to adopt the resolution, second by Mr. Vaughn and unanimously carried.

Mrs. Buchanan and Chairman Adams presented a copy to Ms. Adkins. (A Copy Included in Board's File).

Ms. Adkins thanked the Board as well as other adjoining localities for support of the program. She briefly discussed upcoming activities scheduled by local agencies and businesses participating in the GED Recognition Week.

CONSIDERATION OF RESOLUTION ASKING GOVERNOR TIM KAINE TO DECLARE HENRY COUNTY A DROUGHT DISASTER AREA:

Mr. Summerlin stated Melanie Barrow, Extension Agent for the Virginia Cooperative Extension Service, is requesting the Board's approval of a resolution asking Governor Tim Kaine to declare Henry County a Drought Disaster Area. According to information provided by Ms. Barrow, this year's conditions have negatively impacted 18,000 acres of pasture, with losses estimated at 69%; 6,000 acres of hay land, with losses estimated at 55%; 100 acres of tobacco, with losses estimated at 100%; 200 acres of forage corn, with losses estimated at 60%, and 200 acres of grain corn, with losses estimated at 79%. This would total \$2,986,059 in value of crops lost in Henry County. (A Copy of the resolution is Included in Board's File).

Mr. Vaughn moved that the Board adopt the proposed resolution and authorization to send it to Governor Kaine's office, second by Mr. Slaughter and unanimously carried.

CONSIDERATION OF ISSUES REGARDING COUNTY DECALS:

Mr. Vaughn stated he requested this item be placed on the Board's Agenda. He stated this issue has been discussed on several occasions by the Board and he has received calls from citizens regarding other localities doing away with decals. In talking with other Board members, Mr. Vaughn stated the consensus seems to be that decals do serve a very useful purpose as far as identifying County residents who use the convenience centers as well as law enforcement officers who stop vehicles. He stated some other concerns he has received is the inconvenience of the decals as far as placement and location. Mr. Vaughn suggested that perhaps the Board could consider the location and type of decal. Second, the decal itself imposes another deadline on the citizens, that being

April 15, which is the deadline for a decal to be purchased and placed on a vehicle. He stated he previously asked to look at the possibility of having the County Treasurer send the decals out with a receipt for the personal property taxes after being paid which would eliminate the extra deadline along with considerable expense. He stated there were two mailings involved, one sending out the notice of the decal and form stating how much a person owes and secondly, once it is remitted to the County then sending out the decal itself. One exception is where the volunteer fire departments and one rescue squad provide that service for the citizens.

Mr. Grindstaff stated decals are a good collection tool and one of the best uses of the decal is to identify citizens at the manned convenience centers. He stated as far as moving the due dates of April 15 and December 5, some logistics need to be worked out first. He stated if given instructions on what the Board wants considered, he would be glad to get some answers and report back to the Board. He stated decal size is specified according to State Code.

Mr. Adams asked Mr. Lyle to check with the Virginia State Police regarding the placement of decals. Mr. Lyle stated he would research the State Code and get back to the Board.

Mr. Adams stated in reference to Mr. Vaughn's comments on the joint mailing, he asked Mr. Grindstaff would it be safe to assume if mailed out together and the due date was sooner would the County's revenue collections increase during that time period.

Mr. Grindstaff stated the County would get the revenue in December rather than in April which would be six months earlier. He stated the personal property taxes usually go out by November 1 each year and he normally sends out the decal application by the end of February in order to go on sale by March 1 to April 15. Mr. Grindstaff stated real estate taxes went out this year on September 8 with a due date of October 1. He briefly discussed the DMV Stop Program. He stated the

program is quite effective and the Treasurer's Office should have full access to the program by the end of the year. He stated the debt setoff program is still being utilized through the State for state income taxes and he has had great success with that program for personal property taxes. He stated the Treasurer's Association is still pushing a federal tax setoff which is going through legislation now and Virginia will serve as one of the pilot states. Mr. Grindstaff also commented on the five year write-off of delinquent taxes. He stated the County is at approximately 97% of collections on the FY '07 Personal Property Taxes; however, there are delinquent taxes written off each year.

Mr. Summerlin noted that the County has contracted with an outside attorney to help with collection of delinquent taxes.

Following some further discussion Mr. Vaughn moved that the Board direct County staff to work with the Treasurer on decals and existing state laws such as placement or size of a decal and look into combining an existing mailing for property taxes and decals and report back to the Board, second by Mrs. Buchanan and unanimously carried.

Mr. Summerlin noted the Board has an upcoming legislative package and anything they would like to add or update they may do so.

CONSIDERATION OF ISSUES REGARDING HENRY COUNTY NOISE ORDINANCE:

Mr. Vaughn stated he asked this item be placed on the Board's Agenda. He stated he is not against dogs and he owns one himself; however, he has received numerous dog complaints over the years. He stated the complaints reference excessive continuous dog barking which has become a nuisance and annoyance to a lot of people. Mr. Vaughn said he made recommendations to people who have called him with complaints such as calling the owner of the dog, or if renting

to call their landlord or dog warden. He stated several weeks ago he was contacted by several residents that live on a street in his district which is a rural area but populated as if it were residential with all lots zoned agriculture. He stated a resident living in rental property on that particular street has 15 to 20 pit bulls staked out in the yard on chains, antagonizing each other and barking continuously all night long. He stated the two residents have talked with the property owner and dog warden to get some relief and the County has nothing in its noise ordinance to address extreme situations. Mr. Vaughn stated he is asking the Board to do two things; first, ask the staff to study the noise ordinance to see if they can come up with something to take care of extreme situations. Second, to take a look at the kennel ordinance to see if a review process is in place to consider the location of a kennel to make sure there are certain precautions in place to ensure it does not create a nuisance in the location that a kennel is located.

Mr. Adams asked Mr. Clark if there was a policing mechanism within the special use permit as far as receiving complaints to revoke a kennel permit.

Mr. Clark stated yes, if it is a situation on a residential piece of property where a special use permit had to be issued for a kennel license. He stated if he receives a complaint the first thing he does is have the animal control officers go out and inspect the kennel for violations. He stated if the problems continue after a person has been made aware of the violation, he then could bring the issue back to the BZA and have the special use permit either amended or revoked. He stated there is no mechanism in place when a kennel owner has a "by right" use such as in an agricultural zone as mentioned by Mr. Vaughn. He stated in an agricultural zone you can have a kennel license for up to 20 dogs by right and there is no review process and no special use permit required. He stated in those cases there is no such mechanism in place as long as it is located in an agricultural zone and less than 20 dogs kept on the location.

Mr. Adams asked in issuing a special use permit is there any restriction as to where the property owner can place the kennel as far as property lines.

Mr. Clark stated that would be some of the criteria looked at every time a kennel license is issued by a special use permit. Even on the by right uses the setback is not from a property line but a distance from adjoining residences. He stated it would be on the more rural residential classifications. He stated he did not think there was a setback in the agricultural classifications, but that is something that can be looked at as a means of dealing with by right uses for kennels as a distance from either their property line or as it is currently written the distance from an adjoining residence.

Mr. Vaughn stated one person was walking his dog on a leash and a pit bull broke loose and attacked his dog. He stated in the kennel permitting process before a permit is renewed if there are complaints filed during the time frame a permit is active, complaints should be taken into consideration before renewing a kennel permit.

Mr. Clark reviewed the permitting process for a kennel license. He stated each year the Treasurer's Office sends out letters to kennel permit holders stating their license needs to be renewed. He stated if it's a new application they would have to see him before getting their first permit. Once a person has a kennel license up to 20 dogs it is renewed every year whether issued by special use permit or a by right use without being further reviewed.

Mr. Adams asked if that was a matter of procedure or could that be changed where a person would have to reapply.

Mr. Clark stated the question probably needs to be forwarded to the Planning Commission for debate. He stated it would require a change in the ordinance and staff would have to come up with some type of system whereby if complaints were received the Treasurer's Office and Planning Office would

be able to flag a person's license. He stated the ordinance could be changed to deal with the set backs and come up with a certain number and impose it on every permit as it is renewed or they could ask for that person to appear before the BZA and take public comments.

Mr. Vaughn stated he would like to reemphasize that this issue is not about barking dogs but excessive extreme situations on a continuous basis (24 hours a day), but primarily from 10:00 pm at night until 6:00 am. He stated the County does not have a tool for law enforcement to use in an extreme situation as in the case he discussed earlier. Mr. Vaughn stated he sees this as a situation that if you have something in place, law enforcement could inform a person of violations and give them an opportunity to remedy the situation. If not, within a certain period of time they would be issued a written notice. In an extreme situation a person making the complaint would have to go to court with a deputy to testify when charges occur. He stated if the person making the complaint is not willing to go to court then they really don't have a problem.

Mr. Summerlin stated in general and with a number of exceptions, most misdemeanors are not committed in law enforcement's presence; therefore, someone would have to swear out a warrant. Mr. Lyle noted this issue would not be covered in the County's ordinance regarding disturbing the peace.

Following some further discussion Mr. Adams asked Mr. Lyle to research other localities as to how this issue is addressed in extreme situations and bring that information back to the Board.

Mr. Vaughn also requested Mr. Clark and Mr. Grindstaff research information to bring back to the Board regarding the kennel permitting process, number of kennels, record of complaints, etc.

DISCUSSION OF CONVENIENCE CENTER REGULATIONS:

Mr. Summerlin stated the Board has been provided a copy of the Board of Supervisors Minutes of February 24, 1998, regarding disposal of mobile home trash. Mr. Summerlin stated since the County has been manning the convenience centers one issue has come up that staff needs guidance from the Board on how to proceed. He stated in the past ten years the County has amended the entire refuse collection ordinance. He stated in 1998 there was an issue regarding owners of mobile home parks taking their residents trash to unmanned green box collection centers. The County Administrator at that time determined that mobile home park operators were not in violation of the County Code by paying someone to haul their residents' trash to the green box centers. Mr. Summerlin stated Mike Amos has at least five situations he is aware of where mobile home park operators are paying someone to haul their trash off. Mr. Summerlin stated he sees this issue as a commercial use just as if you hired First Piedmont Corporation. He stated one particular owner is using a dump truck to haul the trash. He stated the way he interprets this is, if you live in a mobile home park and you take your own trash off that's fine because you are a resident of Henry County; however, if you pay someone to take the trash off as a private enterprise he sees this as commercial.

Mr. Lyle stated the County requires as part of a land use permitting process when you open up a mobile home park is to provide trash removal service either by providing a dumpster to the residents and have a commercial company pick up the garbage or collect it from your residents and take it to the transfer station. He stated in the past ten years many operators have taken the garbage to the green box sites.

Mr. Vaughn stated mobile home residents are residents of Henry County and whether they are renting or own the mobile home someone is paying real estate tax on the home and someone is paying for that service.

Mr. Summerlin stated if you live in a subdivision and First Piedmont Corporation picks up the garbage the person living in that subdivision is paying real estate taxes and is also paying First Piedmont to pick up their trash. He stated the difference is First Piedmont is taking it to the transfer station and paying the cost of disposal rather than it being taken to the convenience centers and have the County pay the costs of disposal. He stated First Piedmont/Waste Management has door-to-door trash pick up through out most of Collinsville.

Mr. Amos came forward and discussed issues related to mobile home park owners dumping garbage in the manned convenience centers. He stated if a person owns a mobile home park that would be classified as a business and the County does not allow other businesses to use the convenience centers for trash disposal. He stated his main goal is to be consistent.

Mr. Vaughn stated whether it is a mobile home park, apartments, or condominiums, you have a group situation and it is still residential just not spread out and those people pay the same taxes and share the same burdens in the County as everyone else.

Mr. Summerlin asked if the Board wants to consider this issue as residential and continue as is or does the Board consider the issue commercial and make provisions to have the trash taken to the transfer station.

Mrs. Buchanan stated if the people hauling garbage are operating as a business then they should have a business license and be treated just like any other business owner.

Following some further discussion Mrs. Burnette moved that the Board direct the County Administrator make a policy change defining trash collected at mobile home parks and apartment complexes as commercial trash, second by Mr.

Slaughter. The motion carried 4 to 2. Mr. Vaughn and Mrs. Buchanan voted in opposition.

PRESENTATION BY THE MARTINSVILLE-HENRY COUNTY ECONOMIC DEVELOPMENT CORPORATION TOURISM OFFICE:

Mr. Summerlin stated Mr. Mark Heath and Ms. Felicia Rupert of the Martinsville-Henry County Economic Development Corporation are present to give a presentation on the EDC's tourism office. Mr. McMillian requested this item be placed on the Board's Agenda.

Mr. Heath introduced Ms. Felicia Rupert, EDC's Tourism and Film Assistant. A package of information on M-HCEDC Office of Tourism was distributed to each Board member. (A Copy is Included in Board's File). Mr. Heath reviewed the tourism package outlining key issues:

- Background of the M-HCEDC Office of Tourism.
- Importance of Tourism.
- Increase Lodging Tax Revenue by 10% over 3 years.
- Increase Sales Tax Revenue 10% over 3 years.
- Increase Restaurant Tax Revenue by 10% over 3 years.
- Entertain 2,000 visitors in the Visitor Center annually.
- Signs.
- Tourism Website.
- UpTown Initiatives: Furniture Cluster.
- UpTown Initiatives: Visitor/Artisan Center.
- Buxton Hotel Study.
- Training Initiatives.
- Arts Across the Piedmont
- Work with the Southern Virginia Regional Facilities Authority (SVRFA).
- Advertisements placed by the EDC Office of Tourism.
- Film Division Created.

Mr. Heath also reviewed the M-HCEDC Ad published in the 2008 Virginia Tourism Guide located on pages 158 and 159.

The Board thanked Mr. Heath and Ms. Rupert for their presentation.

FINANCIAL MATTERS:

Additional Appropriation re: interoperability Grant – Public Safety

Mr. Summerlin reviewed information regarding a request from Dale Wagoner, Director of Public Safety, asking the Board to appropriate a grant from the Department of Homeland Security and several localities' matching funds for that grant, for a total of \$1,248,000, to be used for tactical level interoperable communications. The participating localities are Henry, Franklin, and Patrick counties and the city of Martinsville. The Board of Supervisors accepted this grant in June 2008. Mr. Wagoner indicated the grant requires a 20% match from each locality, which equals a Henry County contribution of \$153,000 and would come from the uncommitted balance.

Mr. Summerlin stated Henry County will manage the grant, which was approved by the Board in June 2008. Mr. Wagoner is asking the Board to appropriate the total of \$1,248,000, which is comprised of the \$1,040,000 grant, Henry County's match of \$153,000, and the matches from Franklin, Patrick, and Martinsville that total \$55,000.

Mrs. Burnette moved that the Board approve the additional appropriation as outlined, second by Mrs. Buchanan and unanimously carried.

Award of Contracts re: Master Plans of Bryant, ROMA Tracts

Mr. Summerlin stated the Board purchased the 620-acre ROMA tract and the 1,206-acre Bryant tract in 2007 for use as business and industrial parks. Staff issued a Request for Proposals (RFP) for engineering and architectural firms to master plan the two sites. Responses were received from 17 firms, and an interview panel met with six firms. The panel's recommendation is that the firm of Wiley & Wilson of Lynchburg be awarded a contract in the amount of \$104,100 to provide a master plan for the ROMA tract, and the firm of Timmons Group of Richmond be awarded a contract in the amount of \$125,000 to provide a master plan for the Bryant tract. Funding for these contracts will come from the Martinsville-Henry County Economic Development Corporation (\$200,000) and the Henry County Industrial Development Authority (\$29,100). IDA funding is included in the FY 2009 County Budget.

Mrs. Buchanan moved that the Board award a contract in the amount of \$104,100 to Wiley & Wilson to provide a master plan for the ROMA tract, and the awarding of a contract in the amount of \$125,000 to the Timmons Group to provide a master plan for the Bryant tract, with the EDC providing \$200,000 and the IDA \$29,100 to cover the costs, second by Mr. Slaughter and unanimously carried.

Award of Contracts re: Replacement Vehicle-Building Inspection

Mr. Summerlin stated the FY 2009 Budget includes funds for a replacement vehicle for the Building Inspection Department. Five bids were received and it is recommended that the Board award a contract in the amount of \$17,900 to Jim Mills Nissan of Martinsville for a new 2008 Nissan Exterra.

Mr. Vaughn moved that the Board award the contract as outlined, second by Mrs. Buchanan and unanimously carried.

INFORMATIONAL ITEMS:

Mr. Summerlin stated a staff meeting was held earlier this morning and County Department Managers were advised that the County will be closely monitoring its revenue and expenses. As the Board may be aware, State revenues have declined beyond what was budgeted and the Governor has ordered a 5, 10, and 15% budget reduction plan. However, it has not been implemented to date, but he felt it was reasonable to expect as the economy slows the County may have issues collecting revenues and in particular, some received from the Commonwealth and at some point the County may have to make some budget adjustments.

Mr. Summerlin stated on October 2, City and County staff will begin planning for the Public Transit Demonstration Grant. Staff will begin meeting with its contractor to begin the planning process.

Mr. Summerlin stated more than a year ago the State gave the County a small amount of funds to do some preliminary planning for block grant projects on Riverside Drive and South Street. A block grant was submitted and the County received a fairly sizable grant for Riverside Drive and would now like to revisit South Street which had a lot of problems other than housing rehabilitation such as storm water, road problems, and other issues in the Reed Creek District. He stated staff went back to the State and asked for another planning grant to continue a more detailed study on how to fix a number of problems related to South Street to prepare for another block grant. The State has given the County an additional \$3,000 for professional engineering services and if the State receives the information within a specified time some additional planning money may become available. Staff would need permission from the Board to receive and appropriate \$3,000 from DHCD for additional work on South Street.

Mr. Slaughter moved that the Board approve to accept and appropriate \$3,000 from DHCD for additional work on

South Street, second by Mrs. Burnette and unanimously carried.

Mr. Summerlin stated that Mr. Wagoner received a letter last week from the Department of Emergency Management indicating if the County wanted the State Emergency Management Assistance for the Sprint Cup race held in Martinsville in October the County would have to pay for their services. He stated this assistance has been offered since 9/11 with increased emergency preparedness and Homeland Security present at major events such as the races and never received a bill. The County has also received assistance from the Virginia State Police which has committed its resources for the upcoming race which includes a bomb unit and bomb dogs. The County has also received assistance from the Virginia Department of Health, Virginia Department of Transportation and the United States Government ATF and never received a request for reimbursement for any of the agencies. Mr. Summerlin stated he sent the Department of Emergency Management an email asking them to reconsider their request; however, it may be appropriate if the Board express its displeasure with the new policy and ask them to reconsider. He stated the costs is approximately \$6,000 plus expenses.

Following some discussion Mr. Vaughn moved that the Board direct the County Administrator to send a letter expressing the Board's opposition and to include the statistics of the sales tax ratio and where the funds go, second by Mrs. Burnette and unanimously carried.

Mr. McMillian stated he would like to commend FC Rescue Squad for their call percentage last month which was 98%.

Mrs. Burnette stated this upcoming Saturday is the Axton Volunteer Fire Department Fair with lots of activities.

Mrs. Burnette stated the Community Clean up Day will be held October 10 and 11. She stated the Smith River Clean Up is scheduled for October 4.

Mrs. Buchanan stated she will be holding a District Community Meeting on Tuesday, October 14 at 7:00 pm at the Horsepasture Ruritan Building. She states the Annual Coat Drive for Kids is also under way. She stated the Veteran's of Foreign Wars will be holding a meal and auction on October 14 at the Horsepasture Fire Department as well as the Horsepasture Ruritan's will be having a Brunswick Stew on October 11. The Horsepasture Rescue Squad will be holding a BBQ Dinner on October 25.

Mr. Adams thanked Mr. Vaughn for covering the race this past weekend in his absence.

CLOSED MEETING:

Mr. McMillian moved that the Board enter into a closed meeting at 5:04 pm to discuss the following, second by Mrs. Buchanan 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 5:58 pm on a motion by Mrs. Buchanan, second by Mrs. Burnette 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.

APPOINTMENTS:

FOCUS ON YOUTH

Mrs. Buchanan moved that the Board appoint Sheilla Coplin to the FOCUS on Youth Board for a three year term to expire on June 30, 2011, second by Mr. Vaughn and unanimously carried.

Southern Virginia Recreation Facilities Authority

Mr. Vaughn moved that the Board appoint Mark Heath and William Kirby to the Southern Virginia Recreation Facilities Authority to four year terms to expire October 13, 2012, second by Mrs. Burnette and unanimously carried.

Memorandum of Understanding re: Historical Society

Mrs. Buchanan moved that the Board approve the Memorandum of Understanding between the Historical Society regarding the Henry County Courthouse, second by Mr. Slaughter. The motion carried 5 to 1. Mr. McMillian voted in opposition.

MATTERS PRESENTED BY THE PUBLIC:

Mr. Adams welcomed everyone present and read the following statement: 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. Doug Jackson from the Ridgeway District commented on the Inoperative Motor Vehicle and Grass Mowing Ordinances. He stated such ordinances are being used in rural areas of the County as a bullying method. He stated the ordinances need to be enforced or revised to where it would apply to everyone.

PUBLIC HEARING – PROPOSED AMENDMENT TO FLOODPLAIN ORDINANCE:

Mr. Lee Clark reviewed information from The Virginia Department of Conservation and Recreation which has reviewed the County's Floodplain Ordinance. He stated additional language is required to be added to the County's Ordinance for it to remain in compliance with State regulations. The changes will add a category called a "Special Floodplain District", which is an area inside of the 100-year floodplain which has not had a detailed study prepared.

The public hearing was open at 6:09 pm. There being no one present who wished to speak the public hearing was closed at 6:09 pm.

Mrs. Burnette moved that the Board approve the proposed amendments to the County Floodplain Ordinance, with an effective date of September 26, 2008, second by Mr. McMillian and unanimously carried.

GENERAL HIGHWAY MATTERS:

Ms. Lisa Price-Hughes, Residency Administrator was present to discuss general highway matters. She stated she would like to remind the Board that the Six-Year Plan Public Hearing has been scheduled for the Board's October 28, 2008 meeting. She stated next year's budget is based on \$2.1 million and expects those figures to change and should be updated by the middle of October. She stated the project that will be receiving all the funding for the next 3 or 4 years is Preston Road from Route 58 to Route 787. She stated they also have another section of Preston Road after that and the Bridge on Route 701 in Fieldale.

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

There being no further business to discuss Mr. McMillian moved to adjourn at 6:25 pm, second by Mrs. Burnette and unanimously carried.

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

October 28, 2008 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on October 28, 2008, at 3:00 pm in the Board Meeting Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The following Board members were present: Chairman Jim Adams, Vice Chairman H. G. Vaughn; Debra Buchanan, Paula Burnette, Jim McMillian and Tommy Slaughter.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Jimmie Wright, Director of Finance; Darrell Jones, Assistant Director of Finance; and Susan Reynolds, Director of Human Resources.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Tim Hall gave the invocation and Jim McMillian led in the Pledge of Allegiance.

CALL TO ORDER:

Chairman Adams called the meeting to order and welcomed everyone present. He stated that anyone who wishes to be on the Agenda for the Board's regular business meeting held at 3:00 pm must contact the County Administrator's Office seven days prior to a scheduled meeting. Those wishing to speak at the Board's public

meeting starting at 6:00 pm may do so under Agenda Item - Matters Presented by the Public without contacting the County Administrator's Office.

ITEMS OF CONSENT:

Confirmation of Minutes of Meetings

1) September 23, 2008 – 3:00 pm

(Copy included in Board's File).

Approval of Accounts Payable

(Copy included in Board's File).

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

MATTERS PRESENTED BY THE PUBLIC:

Mr. Adams read a brief statement that the Board is here to listen to public comments and not to engage in a question and answer period or a debate. He stated if anyone wishes to address the Board to come to the podium and state your name, subject matter and the district in which you live. He stated by coming to the podium you have agreed to exhibit respect to the Board and its members and each one will conduct themselves with dignity. He stated everyone would receive the same level of respect from the Board. He asked that those who wish to speak to keep his or her comments between three to five minutes.

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

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

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

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

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

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

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

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

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

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

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

MATTERS PRESENTED BY THE PUBLIC CONTINUED:

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

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

Empowerment.

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

Mr. Adams thanked Reverend Millner for his comments.

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

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

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

Mr. Wright stated that is possible.

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

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

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

There was no further discussion regarding the reassessment issue.

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

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

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

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

Mr. Summerlin stated on June 25 Governor Tim Kaine announced the award of a Community Improvement Grant for the Riverside Drive Neighborhood Improvement Project. Through this grant, the County plans to accomplish the following activities: Rehabilitation of twenty-three low-to-moderate income residential units to include: twelve owner-occupied single-family units, four tenant-occupied single-family units, two temporarily vacant units, one multi-family unit containing two apartments, and one tenant-occupied mobile home. The project will also provide an opportunity to create homeownership for two qualified LMI households through the acquisition, rehabilitation, and re-sale of two currently vacant units. Additional project activities include pedestrian safety improvements through spot repair of sidewalks as well as the installation of a crosswalk and signage between the Bassett Public Library and the Bassett Historical Center. Mr. Summerlin stated as part of this project, a Housing Rehabilitation Board must be created and

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

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

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

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

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

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

FINANCIAL MATTERS:

Consideration of Resolutions Approving Applications to Literary Fund – School Board

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

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

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

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

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

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

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

Following some further general discussion the following action was taken.

Resolution of Fieldale-Collinsville Roof Project

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

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

Vote

Adams Yes

Vaughn	Yes
Buchanan	Yes
Burnette	Yes
McMillian	No
Slaughter	Yes

The motion carried 5 to 1.

Resolution for Magna Vista High School Roof Project

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

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

Vote

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

The motion carried 5 to 1.

Resolution for Magna Vista High School HVAC Project

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

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

Vote

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

The motion carried 5 to 1.

Additional Appropriation of Sales Tax Revenue – School Board

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONSIDERATION OF ISSUES REGARDING HENRY COUNTY NOISE ORDINANCE:

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

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

No person shall keep or permit the keeping of any animal which, by causing frequent, loud or long-continued noise, (including, but not limited to, frequent, loud or long continued barking, whining, howling, caterwauling or crying), annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) of ordinary sensibilities, regardless of the time of day. Such noise shall be deemed to be in violation of this subsection when a sound level measurement, administered by the Sheriff or other law-enforcement officer at the property boundary of the receiving land, exceeds the maximum sound levels set forth in subsections (a) and (b) hereof. If administration of such sound level measurement is not practicable, then the determination of a probable violation of this subsection shall be made by the Sheriff or other law-enforcement officer based on the frequency and duration of the noise and evidence of its injurious effect upon the complaining party or parties.

Any person complaining of a violation of the noise control ordinance regarding any animal may enter a complaint by warrant returnable to the general district court, where the complaint shall be heard as all other complaints under criminal warrants are heard. The same standards set forth in paragraph (1) above as to determination of an animal noise control violation shall apply to an adjudication of such complaint under this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

INFORMATIONAL ITEMS:

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

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

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

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

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

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

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

Comments from the Board

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

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

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

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

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

CLOSED MEETING:

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

- 1) §2.2-3711(A)1 for Discussion of Appointees to Anchor Commission, West Piedmont Planning District Commission Technical Advisory Committee, Fieldale Sanitary District Board, Ninth District Development Financing, Inc., and Focus on Youth.
- 2) §2.2-3711(A)7 for Consultation with the County Attorney re: Pending Legal Matters.
- 3) §2.2-3711(A)3 for Consultation with the County Attorney re: Acquisition/Disposal of Real Estate.
- 4) §2.2-3711(A)5 for Consultation with the County Attorney re: Discussion of As-Yet Unannounced Industries.

OPEN MEETING:

The Board returned to an open meeting at 6:00 pm on a motion by Mr. McMillian, second by Mrs. Buchanan and unanimously carried.

CERTIFICATION OF CLOSED MEETING:

Mr. Hall read the Certification of the Closed Meeting and took a roll call vote affirming that the Board only discussed public business matters lawfully exempted and identified in

the motion to enter closed session. Those voting in the affirmative were Mr. Slaughter, Mr. McMillian, Mrs. Burnette, Mrs. Buchanan, Mr. Vaughn and Mr. Adams.

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

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

Mr. Adams welcomed everyone present to the evening meeting. He stated that anyone who wishes to be on the Agenda for the Board's regular business meeting held at 3:00 pm must contact the County Administrator's Office seven days prior to a scheduled meeting. Those wishing to speak at the Board's public meeting starting at 6:00 pm may do so under Agenda Item - Matters Presented by the Public without contacting the County Administrator's Office.

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

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

MATTERS PRESENTED BY THE PUBLIC:

Mr. Adams read a brief statement that the Board is here to listen to public comments and not to engage in a question and answer period or a debate. He stated if anyone wishes to address the Board to come to the podium and state your name, subject matter and the district in which you live. He

stated by coming to the podium you have agreed to exhibit respect to the Board and its members and each one will conduct themselves with dignity. He stated everyone would receive the same level of respect from the Board. He asked that those who wish to speak to keep his or her comments between three to five minutes.

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

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

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

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

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

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

GENERAL HIGHWAY MATTERS:

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

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

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

The Board reconvened at 6:55 pm.

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

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

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

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

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

HENRY COUNTY BOARD OF SUPERVISORS MINUTES

November 25, 2008 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on November 25, 2008, at 3:00 pm in the Board Meeting Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The following Board members were present: Chairman Jim Adams, Vice Chairman H. G. Vaughn; Debra Buchanan, Paula Burnette, Jim McMillian and Tommy Slaughter.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Jimmie Wright, Director of Finance; and Darrell Jones, Assistant Director of Finance.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Sergeant Eric Hairston 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) October 28, 2008 – 3:00 pm

(Copy included in Board's File).

Approval of Accounts Payable

(Copy included in Board's File).

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

CONSIDERATION OF 2009 LEGISLATIVE PACKAGE:

Mr. Summerlin reviewed the proposed 2009 Henry County Legislative Package to the Virginia General Assembly as listed below:

Legislative Positions Henry County Board of Supervisors 2009 General Assembly Session

Positions

- Henry County favors increased support for public education. The Board supports increases in operating funds, technology funding, and financial assistance in the construction of new school buildings and the improvements and expansion of existing buildings.
- Henry County supports the completion of the "Super 58" project that will make U.S. 58 four lanes from Virginia Beach to the Cumberland Gap. Of critical importance is the completion of the section between Stuart and Hillsville, Virginia.
- Henry County urges the Commonwealth to expedite the financing and construction of Interstate 73 between Roanoke

and the North Carolina line. The Board again emphasizes its request that construction begin in Henry County and proceed south toward the North Carolina line.

- Henry County urges the continued support of the New College Institute and its ultimate conversion into a stand-alone four-year university.
- Henry County supports increased appropriations for the Governor's Opportunity Fund.
- Henry County requests full funding of the offices of local Constitutional officers.
- Henry County supports continued funding of the Virginia Museum of Natural History and its many educational outreach programs.
- Henry County requests "Tax Equity." The Board supports all revisions to the tax code that grant localities additional revenue generating options and authority which can lead to diversifying the local tax revenues. The County opposes the reduction, elimination, or restriction of local funding sources.
- Henry County urges a bipartisan effort to address the issues that arise when an elected official faces criminal prosecution, including a process for appointing a temporary replacement to carry out the duties and responsibilities of the office until the legal process is complete.
- Henry County supports the creation of a statewide anti-litter campaign.
- Henry County supports the maintaining of sovereignty of counties in the Commonwealth.
- Henry County encourages the Commonwealth to develop new economic development incentives that allow the state and localities to be more competitive with neighboring states. In

developing economic development incentives the County urges the Commonwealth to put special emphasis on incentives for communities heavily impacted by federal trade policies.

- Henry County supports changes in the code section that specifies health insurance credit for retirees of local government, constitutional officers, school division employees, and state employees. All classes of retirees should receive the same health insurance credit.
- Henry County supports legislation that would allow any County wanting a referendum on mixed beverages be allowed to place the item on the ballot after a majority vote by the County's Board of Supervisors.
- Henry County requests additional funding to relocate the Henry-Martinsville Department of Social Services and the Henry-Martinsville Health Department to a larger and more adequate facility.
- Henry County supports the placing of the Mayo River State Park on the Commonwealth's list for future capital funding.
- Henry County supports the development of a multiuse trail traversing Southern Virginia from the Blue Ridge Parkway to the Chesapeake Bay in order to stimulate economic growth and promote regional tourism.
- Henry County supports legislation that promotes land conservation and the preservation of open space as a means to protect water quality and preserve wildlife corridors.
- Henry County supports legislation that improves the recruitment and retention of volunteer fire and EMS workers without placing additional burden on localities. Additionally, Henry County asks that the Commonwealth provide matching funds for the *Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund* (VOLSAP), §§ 51.1-1200 through 51.1-1211.

- Henry County requests that the General Assembly leaves intact the fire programs fund and the rescue squad assistance funds and not use these funds as a way to balance the state budget.

Mrs. Burnette discussed Item 1 and 4 on Page 1 which states Henry County favors increased support for public education and the New College Institute. She noted that in the Chamber's legislative package regarding education a request was made for restoration of funding. Mrs. Burnette recommended that on Items 1 and 4 that the Board asks for no reduction in funding, continued support of funding as well as restoration of funding.

Mrs. Burnette discussed Item 1 on page 2 which states Henry County urges a bipartisan effort to address the issues that arise when an elected official faces criminal prosecution, including a process for appointing a temporary replacement to carry out the duties and responsibilities of the office until the legal process is complete. She asked does that mean starting with indictment or should it be more specific.

Mr. Summerlin stated it speaks of a concept and not a particular bill. He stated if a legislator decides to introduce a bill they would work with legislative services to try and craft a bill that would have a chance of passage.

Mrs. Burnette discussed Item 4 on Page 2 which states Henry County encourages the Commonwealth to develop new economic development incentives that allow the state and localities to be more competitive with neighboring states. In developing economic development incentives the County urges the Commonwealth to put special emphasis on incentives for communities heavily impacted by federal trade policies. She asked if high unemployment in Virginia is always due to federal trade policies. If not, she would recommend adding impacted by the federal trade policies or higher than the State average unemployment.

Mr. Vaughn stated he would prefer Item 1 on page 1 and Item 1 on page 2 be left as is. He stated he agreed with the changes on Item 4 on page 1 and Item 4 on page 2.

Following some discussion Mrs. Burnette moved that the Board approve the 2009 Legislative Package with the following amendments, second by Mr. Vaughn and unanimously carried.

Item 4 on Page 1 – Change to: Henry County urges the continued support of the New College institute and its ultimate conversion into a stand-alone four-year university. The Board also supports restoration of funds to NCI and to Patrick Henry Community College.

Item 4 on Page 2 – Change to: Henry County encourages the Commonwealth to develop new economic development incentives that allow the state and localities to be more competitive with neighboring states. In developing economic development incentives the County urges the Commonwealth to put special emphasis on incentives for communities heavily impacted by federal trade policies or that are above the state average unemployment rate.

CONSIDERATION OF MARTINSVILLE-HENRY COUNTY CHAMBER OF COMMERCE’S 2009 LEGISLATIVE AGENDAS:

Mr. Adams welcomed Ms. Amanda Witt, President and Mr. Richard Eanes, Chairman of the Chamber of Commerce who were present to discuss the Chamber’s State and Federal Legislative Agendas. (Copies included in Board’s File).

Mr. Adams stated he noticed in the Federal Legislative Agenda that the Chamber opposes the Employee Free Choice Act as currently proposed. He stated he agreed with the Chamber’s position.

Mrs. Burnette stated regarding the Workforce Development statement she asked if there was any value in the County at some point adding a letter of support to the Chamber of Commerce or the Workforce Investment Board’s request.

Ms. Witt stated she felt it would be good for the County to support this issue individually as well.

Mrs. Burnette requested Mr. Adams contact the Local Elected Officials Board to request their localities to support the workforce letter individually.

Mrs. Burnette moved that the Board support the Chamber's State and Federal Legislative Packages, second by Mr. Vaughn and unanimously carried.

CONSIDERATION OF ENDORSEMENT OF VACO RESOLUTION REGARDING ECONOMIC STIMULUS PACKAGE:

Mr. Summerlin stated at the recent Virginia Association of Counties annual meeting, a resolution was adopted to seek an economic stimulus package from the federal government to include direct financial support to localities for infrastructure and other needs. (A Copy of Resolution is Included in Board's File). Mr. Summerlin read an excerpt from the resolution describing its purpose, which reads: "Now, therefore, be it resolved by the Board of Directors of the Virginia Association of Counties that the President of the United States of America and the U.S. Congress are urged to enact an additional Economic Stabilization Act to include direct assistance to guarantee and protect existing local investments; to include direct assistance for documented and unmet infrastructure needs; to create new jobs; and to meet mandated entitlements and programs."

Mrs. Burnette moved that the Board endorse the Virginia Association of Counties resolution and forward to the President Elect, Transition Team, and all federal representatives of Virginia, second by Mr. Slaughter. The motion carried 5 to 1. Mr. McMillian voted in opposition.

PRELIMINARY DISCUSSION OF FY 2009-10 COUNTY BUDGET:

Mr. McMillian asked the County Administrator what he felt the net results of the State funding increase for this year would be.

Mr. Summerlin stated he would be afraid to predict anything on state or local funding at this point. He said the national/state economy is changing rapidly and several months ago no one could guess the economy would be where it is today. He stated in the upcoming budget he wanted to have as much data as possible to try and make the best possible projections. He stated the upcoming

budget will probably be the most difficult ever. Mr. Summerlin stated staff usually includes a budget calendar on the Board's December Agenda. He stated staff typically presents the County Budget the first week in April and the Board is required by law to adopt the School Budget by the first of May.

Mr. Vaughn stated since the tax collection deadline is December 5, he asked if staff could provide the Board with some preliminary figures compared to last year for the December meeting to see how tax revenues from real estate and personal property taxes compare with last year.

Mr. Summerlin stated staff could probably provide the Board with some preliminary figures at its organizational meeting in early January in order to allow staff time to work the mail and get collections posted.

Mr. McMillian asked what the County's uncommitted cash balance is today.

Mr. Summerlin stated he would have to refer to last year's audit and he would provide that information to the Board later in the meeting. He noted that the upcoming audit should be available sometime in January.

Mr. McMillian stated he has received phone calls regarding real estate tax increases and he did not think the people of Henry County want a tax increase. He stated it is his intention to do everything he could to keep the real estate tax where it is or less.

FINANCIAL MATTERS:

Award of Contract re: Construction of Access Road to Smith River Sports Complex

Mr. Summerlin stated bids on the construction of the access road to the Smith River Sports Complex were opened November 20. He stated eight bids were received and the low bid was from Jimmy R. Lynch & Sons of Pilot Mountain, NC in the amount of \$306,775.09. The company currently is serving as the general contractor for the

Sports Complex, and its bid on the access road is within the budget for the project. Mr. Summerlin stated Woolpert, Inc., of Charlotte, NC, the consultant on the project for the Harvest Foundation has reviewed the bids and is recommending that Lynch be awarded the contract.

Mrs. Buchanan moved that the Board award the contract for the Smith River Sports Complex Access Road to Jimmy R. Lynch & Sons, Inc., in the amount of \$306,775.09, second by Mrs. Burnette. The motion carried 5 to 1 with Mr. McMillian voting in opposition.

Acceptance of Grant and Additional Appropriation re: Smoke Alarm Installations – Public Safety

Mr. Summerlin stated Henry County was awarded a Grant from the Virginia Department of Health to fund smoke alarm installations. The competitive grant of \$18,972.00 requires no local match. Funds will be used to purchase 800 smoke alarms and associated supplies, advertise the program, and fund compensation for part-time personnel to install the alarms. Mr. Summerlin stated fire prevention continues to be a high priority of the Public Safety Department and this will allow them to offer free smoke detectors to any County resident that needs one.

Mrs. Burnette asked how carbon monoxide detectors fit into this grant.

Mr. Wagoner stated the Public Safety Department was awarded a separate grant for carbon monoxide detectors. He stated it was appropriated by the Board some time ago and is currently in process.

Mrs. Buchanan moved that the Board accept the grant and the additional appropriation as requested, second by Mr. McMillian and unanimously carried.

Acceptance of Grant and Additional Appropriation re: Pagers – Public

Mr. Summerlin stated Henry County has been awarded a grant from the Martinsville Area Community Foundation to go toward the

purchase of pagers for the volunteer fire departments. The competitive grant of \$20,000 requires no local match. Public Safety Director Dale Wagoner is asking the Board to accept and appropriate the grant. Mr. Wagoner also intends to spend \$18,000 from contingency funds associated with the emergency communications systems budget to complete the pager purchases for the volunteers. That money has already been appropriated and is in the budget.

Mrs. Burnette stated for the record she would like to note: Item 10-C in the Board's working papers refers to Item 9-D, this should be changed to 10-D, and Item 10-D refers to Item 9-B and should be changed to 10-C.

Mrs. Burnette moved that the Board accept the grant and approve the additional appropriation, second by Mr. McMillian and unanimously carried.

**Award of Contracts re: Emergency Communications System
– Public Safety**

Mr. Summerlin stated as part of the ongoing implementation of the new emergency communications system in Henry County, Public Safety Director Dale Wagoner is requesting the Board to award contracts for four purchases related to the new system as noted in the following paragraphs with the fourth contract just approved by the Board.

- The first contract is in the amount of \$57,795 to Motorola to purchase portable radio equipment for the City of Martinsville. The funding is 80% grant money and a 20% match from the City.
- The second contract is in the amount of \$75,000 to GCS Electronics to purchase radio equipment for Patrick County. This also is funded by 80% grant money and a 20% match from Patrick County. The Board must approve these expenditures since Henry County is the fiscal agent for the project.
- The third contract is in the amount of \$455,000 to Motorola for the purchase of portable radio equipment for Henry County. This

funding also is 80% grant and requires a local match of 20%, which the Board previously approved.

- Information on the fourth contract under Item 9B regarding the purchase of radio pagers for the volunteer fire departments to accept the grant money in the amount of \$20,000, and the use of \$18,000 from the radio system contingency fund has already been approved by the Board.

Mr. Vaughn moved that the Board award the contracts as outlined, second by Mrs. Buchanan and unanimously carried.

Award of Contract re: Rehab Specialist Contract for the Riverside Drive Neighborhood Improvement CDBG Project

Mr. Summerlin stated the County has been awarded \$997,302 in Community Development Block Grant Funding (CDBG) for the Riverside Drive Neighborhood Improvement Project. The goal of this project is to provide housing rehabilitation for twenty-three (23) units as well as to provide some minor infrastructure improvements within the project boundaries.

Mr. Summerlin stated as part of this grant, a housing rehab specialist is to be hired to ensure construction supervision, quality, lead testing, cost control and the implementation of DHCD/HUD Housing Quality Standards (HQS) requirements. Following appropriate procurement procedures staff formed a selection committee to interview and review rehab specialist applicants. The selection committee recommended award of a contract to Southside Outreach Group, Inc of South Boston, VA, which is a non-profit agency. (A Copy of the Southside Outreach Group, Inc. Contract is Included in Board's File).

Mrs. Burnette moved that the Board award a contract in the amount of \$60,150 to Southside Outreach Group, Inc. for housing rehabilitation specialist work as well as \$500 per house for lead base clearance test lab fees as applicable (\$11,500 total), as approved by the Virginia Department of Housing & Community Development, second by Mr. Vaughn and unanimously carried.

Additional Appropriation re: Overtime Costs - Sheriff's Office

Mr. Summerlin stated Sheriff Lane Perry is requesting the Board to make an additional appropriation of \$11,230 into the department's "Hot Spots" line item to cover increased overtime costs. The funds as indicated by the Sheriff would come from a refund in the same amount from the department's postal machine provider for an overpayment in postage.

Mr. McMillian moved that the Board approve the additional appropriation as outlined, second by Mr. Slaughter and unanimously carried.

INFORMATIONAL ITEMS:

Comments from October 28, 2008 Public Hearing on Six-Year Secondary Road Plan

Mr. Summerlin stated that Lisa Price-Hughes of VDOT has provided the comments from the October 28 public hearing on the Six-Year Secondary Road Plan. It has been requested the Board delay action until VDOT has further information on state funding.

Mr. Summerlin stated he would like to recognize Sheriff Perry and the Henry County Jail regarding the Jail Costs Report released by the State. He noted that the Henry County Jail was ranked the second lowest in operating costs in the Commonwealth of Virginia at \$37.60 per inmate per day.

Mr. Summerlin stated Henry County received the final bankruptcy payment from 5B's awarded by the Court in the amount of \$45,000. He stated the County is continuing to negotiate and pursue the personal guarantee.

Mr. Summerlin noted that during the recent audit process it was brought to his attention of several accounts that have been dormant for some time. He stated one account includes funds for a Henry County Disaster Fund created back in 1997. It is staff's recommendation to transfer the remaining balance of \$4,220.50 to

the Social Services Emergency Fund to benefit Henry County residents.

Mr. McMillian moved to transfer \$4,220.50 from the Henry County Disaster Fund to the Social Services Emergency Fund to benefit Henry County residents, second by Mrs. Burnette and unanimously carried.

Mr. Summerlin stated bids are due on the proposed shell building on Tuesday, December 2 and bids were also open on the financing for the shell building. Carter Bank and Trust was the low bidder for a six-year term interest only at a rate of 3.4%. He stated assuming the County gets bids within the budget for the shell building he would try to schedule a meeting with the Industrial Development Authority within the next couple of weeks to consider the contracts.

Mr. Summerlin stated a public informational meeting on the pilot public transportation system for Martinsville and Henry County will be held December 8 from 6:00 to 7:00 pm at the County Administration Building.

Mr. Summerlin stated Board members who plan to attend the VML/VACo Legislative Day should confirm with Tim Hall today. He stated nominee scores for the Jack Dalton Award are also due today.

Comments from the Board

Mr. Slaughter stated after hearing Governor Kaine's comments last week he appreciated the Sheriff in keeping the costs of corrections below the average in Virginia.

Mr. McMillian stated he noticed in last week's newspaper City Council stated they may want to start looking at merging the two school systems. Mr. McMillian stated as a matter of information he is vehemently against merging the city and county school systems.

Mrs. Burnette stated she attended a very productive Neighborhood Watch in Piedmont Estates in the Iriswood District. She also attended the VACo Conference along with Mr. Adams, Mr.

Slaughter and Mr. Summerlin. She stated a break-out session she attended that she found most interesting and informative was the "Green Buildings-The Green Initiative by The Moseley Group."

Mrs. Burnette stated while attending several activities at the Administration Building last month an issue came up regarding the availability of defibrillators in County facilities. She stated after a conversation with Judge Armstrong he informed her one defibrillator is located in the Courthouse and a public access defibrillator was located in the Jail.

Mr. Wagoner stated approximately six months ago Public Safety secured a new defibrillator for the Courthouse. He stated Judge Armstrong and other individuals are trained to use the equipment. A defibrillator is also located in the School Board office on the third floor of the Administration Building as well as the Public Safety Training Center.

Mrs. Burnette inquired about obtaining a defibrillator for use in the Administration Building. She stated after talking with other members of the Board and staff, she would like the Board to authorize Mr. Wagoner to research grant possibilities of purchasing smaller public access defibrillators to equip County facilities that do not currently have access to one.

Mr. Wagoner stated he would be glad to research those opportunities and report back to the Board. He stated he would also work with the School Board to see how the County can better utilize the defibrillator in the School Board Office.

Mrs. Buchanan stated the Fieldale Festival of Lights will begin on November 28 starting at 6pm on Friday and will run through January 1. She stated the Annual Coat Drive is ongoing and anyone wishing to donate a coat should drop them off during evening hours of 6pm to 8pm at the Horsepasture Volunteer Rescue Squad. Mrs. Buchanan stated another issue she would like the Board to consider sometime in the upcoming year is an award similar to the Jack Dalton Award to recognize active veterans in the community once a year.

Mr. Vaughn stated he would like to comment on Mr. McMillian's statement made earlier regarding school merger. He stated as he read the paper the request was to ask the School Board to consult with the Board of Supervisors to look at ways City and County could cooperate to reduce funds. He stated in 1995, County voters decided to have its School Board members elected, which took effect in 1996. He stated there is a different structure in the County because of an elected Board versus the City who still has an appointed School Board. He stated the request for the School Boards to contact the Board of Supervisors would not be the best route to go. It seems to him that the procedure would be for the City School Board to contact the County School Board if there were ways they thought they could cooperate with the County and then from that point, the County School Board could contact the Board of Supervisors if they need to take any action.

Mr. Summerlin stated in terms of cooperation the only role the Board of Supervisors has is appropriate money to operate the schools.

Mr. Vaughn stated he thought some people read the article and thought it meant merger, but with the overall situation most school systems are going to be stressed for money. He stated if the City initiated the request perhaps the City and County could look at ways to save both localities some money in certain programs without an overall merger.

Mr. Adams stated he agreed with Mr. Vaughn and said there is a history of at least working together on some programs. Mr. Adams stated since the last meeting he and Mrs. Buchanan attended a meeting in Richmond and on the way back they attended an announcement in Brosville regarding the Pittsylvania County Phase II Water line along with other members of the Board. Mr. Adams thanked Mr. Vaughn for attending the grand opening of a new Walgreen's in the Ridgeway District. He stated he also attended the Homer Dillard VFW Post Annual Veteran's Day Banquet. Mr. Adams stated he would like to take a moment and congratulate the County Administrator who recently graduated from a seven month program in LEAD Virginia. He stated the intensity of the program that Mr. Summerlin just completed is quite an accomplishment as well a sacrifice of his personal time. The Board congratulated Mr.

Summerlin. Mr. Adams noted he has scheduled an upcoming Blackberry District Community Meeting on December 1 at 6:30 pm at Sanville Ruritan Club.

Mrs. Burnette stated she would like to comment on the article in the newspaper regarding the City School Board and City Council's joint meeting yesterday. She stated she was not aware of the meeting; however, after talking with several people over the weekend regarding fiscal shortcomings the Board would have to face she came up with an idea. The idea was to propose that a letter be written to the Chairman of the School Board from the Chairman of the Board of Supervisors asking for the School Board to take advantage of the opportunity in not just looking for a new superintendent but to step back and look at a bigger picture to consider some of the following issues:

- How the financial cutbacks anticipated will affect the School Board
- How it will affect the County
- Funds that the County will not have to give to the School Board
- What effects there might be on programs
- Continue to monitor the decline of student population

Mrs. Burnette stated that after reading yesterday's report and hearing other comments she would not ask that a letter be written, but to state the County is aware of the joint meetings and the Board of Supervisors are willing to work with the School Board.

Mr. Vaughn stated he felt the School Board was mindful of the situation. He said right now we're all just waiting to see what the effects of the state and federal monies will have on local government.

Mr. McMillian stated when the study was conducted several years ago to consider merging the City and County schools, savings at that point was projected to be less than \$1 million. He stated in light of the recent consolidations the schools now need \$79 million to operate 15 schools versus \$62 million to operate 20 schools. He stated he did not hold out much hope for a whole lot of savings.

CLOSED MEETING:

Mrs. Burnette moved that the Board enter into a closed meeting at 4:06 pm to discuss the following, second by Mrs. Buchanan and unanimously carried.

- 1) §2.2-3711(A)1 for Discussion of Appointees to Anchor Commission, West Piedmont Planning District Commission Technical Advisory Committee, Fieldale Sanitary District Board, Ninth District Development Financing, Inc., Building Code Board of Appeals, Fire Code Board of Appeals, and Public Service 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 5:51 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.

APPOINTMENTS:

Anchor Commission

Mrs. Buchanan moved that the Board reappoint Ms. Debbie Bliss and Bonnie Favero to the Anchor Commission to four-year terms expiring December 31, 2012, second by Mr. McMillian and unanimously carried.

West Piedmont Planning District Commission Technical Advisory Committee

Mrs. Burnette moved that the Board reappoint Tim Pace and Randolph Lester to three-year terms to the West Piedmont Planning District Commission Technical Advisory Committee, second by Mr. Slaughter and unanimously carried.

Ninth District Development Financing, Inc.,

Mr. Vaughn moved that the Board appoint Barry Jarrett to a two-year term to the Ninth District Developing Financing, Inc., second by Mrs. Burnette and unanimously carried.

Acquisition and Disposal of Real Estate

Mr. Vaughn moved the Board direct staff to advertise a public hearing at the Board's December 16, 2008 meeting at 6:00 pm to hear citizens input regarding the disposition of the former Ridgeway Elementary School, second by Mr. McMillian and unanimously carried.

The Board recessed its meeting at 5:53pm and reconvened at 6:00 pm.

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

MATTERS PRESENTED BY THE PUBLIC:

Mr. Adams read a brief statement that the Board is here to listen to public comments and not to engage in a question and answer period or a debate. He stated if anyone wishes to address the Board to come to the podium and state your name, subject matter and the

district in which you live. He stated by coming to the podium you have agreed to exhibit respect to the Board and its members and each one will conduct themselves with dignity. He stated everyone would receive the same level of respect from the Board. He asked that those who wish to speak to keep his or her comments between three to five minutes.

There was no one present who wished to speak.

PUBLIC HEARINGS – PLANNING:

Proposed Road Name Change, Welford Drive to Preston Farm Road

Mr. Lee Clark stated residents of Welford Drive have submitted a request to officially change the name of the road to Preston Farm Road located in the Ridgeway District off Cameron Road. The required advertising has been accomplished and the cost of replacing the sign has been paid.

The public hearing was open at 6:03 pm.

Ms. Ida Draper a property owner on Welford Drive asked if there would be a fee for having to change her deed from Welford Drive to Preston Farm Road.

Mr. Lyle stated there are a lot of deeds and maps at the courthouse that reference road names which have been changed or are out of date. He stated there should be enough property description in someone's deed that you can still find it. He stated what will happen at some point in the future someone will try to do something with the land that requires a survey. When that survey is complete it would be paid for by the purchaser or whoever is doing the work and a notation of the new road name change would then be made. He stated a legal description of property at the courthouse sometimes reference mailing addresses or street names; however it does not need to be changed when a road name is changed only when there is a new survey of property. He stated there is no cost at this time.

There being no one else present who wished to speak the public hearing was closed at 6:06 pm.

Mr. Vaughn moved that the Board approve the road name change, second by Mr. McMillian and unanimously carried.

Mr. Vaughn stated he had reservations about road name changes. He said there is so much tied into changing a road name such as house numbering for postal service, the 911 System, Map Quest for delivery services, etc. He stated if the Board has a policy of changing road names it can complicate the system. He stated the Board should direct staff to look at changing the ordinance to severely limit the freedom to change a road name unless there is a special circumstance.

Mr. Clark stated the services referenced, and there are a lot of others not referenced, are all individual businesses. He stated the County does not notify a business nor could it notify all of them. He stated all in-house databases are changed and no business or map search engines have ever requested the data from the County.

Following some further comments Mr. Vaughn moved that the Board direct staff to research the ordinance and bring it back to the Board for a recommendation in the future, second by Mrs. Burnette and unanimously carried.

Rezoning Application R-08-14 – David W. Moore

Mr. Clark reviewed Application R-08-14 for David W. Moore. (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 6:12 pm. It was noted the applicant was present.

There being no comments the public hearing was closed at 6:12 pm.

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

Rezoning Application R-08-15 – Ronald Wayne Stanley

Mr. Clark reviewed Application R-08-15 for Ronald Wayne Stanley. (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 6:13 pm. It was noted the applicant was present.

There being no comments the public hearing was closed at 6:13 pm.

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

Rezoning Application R-08-16 – Ronald L. and Wanda R. Hairston

Mr. Clark reviewed Application R-08-16 for Ronald L. and Wanda R. Hairston. (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 6:14 pm. It was noted the applicants were present.

There being no comments the public hearing was closed at 6:14 pm.

Mrs. Burnette moved that the Board accept the recommendation of the Planning Commission to approve the rezoning request, second by Mrs. Buchanan and unanimously carried.

GENERAL HIGHWAY MATTERS:

Request for “Watch for Children” Sign on Ellsworth Court in the Ridgeway District

Mr. Vaughn moved that the Board request VDOT install a Watch for Children Sign on Ellsworth Court in the Ridgeway District, seconded by Mrs. Burnette. The motion carried 5 to 0. Mr. McMillian abstained due to owning property on Ellsworth Court.

Ms. Lisa Price-Hughes, Residency Administrator, gave an overview of VDOT’s Transportation Budget Update. (Copy included in Board’s File).

Ms. Hughes stated VDOT has posted a willingness to hold public hearings on the turn lanes on Route 174 and the Route 220 Safety Project at Bassett Forks.

There being no further business to discuss Mr. McMillian moved the meeting be adjourned at 6:30 pm, second by Mr. Vaughn and unanimously carried.

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

December 16, 2008 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on December 16, 2008, at 3:00 pm in the Board Meeting Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The following Board members were present: Chairman Jim Adams, Vice Chairman H. G. Vaughn; Debra Buchanan, Paula Burnette, Jim McMillian and Tommy Slaughter.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Susan Reynolds, Director of Human Resources and Public Information; Jimmie Wright, Director of Finance; and Darrell Jones, Assistant Director of Finance.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

George Lyle gave the invocation and Paula Burnette 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) November 25, 2008 – 3:00 pm

(Copy included in Board's File).

Approval of Accounts Payable

(Copy included in Board's File).

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

PRESENTATION OF RESOLUTIONS TO RETIRING SHERIFF'S OFFICE EMPLOYEES:

Mrs. Buchanan read a resolution recognizing George "Buddy" Hooker a long time Sheriff's Office employee who retired November 1, 2008 with more than 28 years of service.

Mrs. Buchanan moved that the Board adopt the resolution, second by Mr. McMillian and unanimously carried.

Mrs. Burnette read a resolution recognizing Keith Wescott also a long time Sheriff's Office employee who is retiring December 31, 2008 with more than 29 years of service.

Mrs. Burnette moved that the Board adopt the resolution, second by Mr. Slaughter and unanimously carried.

Mr. Adams presented Mr. Hooker and Mr. Wescott with plaques and thanked them for their many years of service to the Henry County Sheriff's Office and to the citizens of Henry County. Members of the Sheriff's Office were in attendance.

PRESENTATION OF "READY VIRGINIA" INITIATIVE:

At the request of Paula Burnette, Ms. Lisa Garrett of the Henry County Public Safety Office gave a brief power point presentation on the "Ready Virginia" program a state-wide public education program for disaster and emergency preparedness and terrorist events.

MATTERS PRESENTED BY THE PUBLIC:

Reverend Tyler Millner

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.

Reverend Millner came forward and discussed the following recommendations to the Board for its consideration in the upcoming year.

- The Board during its planning session in 2009 look at a strategic plan for the community in which both the City and County can agree upon and consider holding quarterly meetings. If consolidation of local government and the school systems cannot be agreed upon to make a concerted effort to not

duplicate services. Engage in recruiting a larger pool of citizen participation in local government.

- Board express either collectively or individually for the public's information how the Board feels regarding a divided or a unified school system.
- Consider financial support of the Martin Luther King Day Luncheon scheduled on January 15; also provide a letter of support from the Board for the program as well as appoint a Board member to be part of the overall planning and committee responsibility.

CONSIDERATION OF DATE FOR 2009 ORGANIZATIONAL MEETING:

Mr. Summerlin stated the Board of Supervisors is required to have an organizational meeting on or soon after the first of the year. During this meeting the Board will set its meeting dates for the 2009 calendar year and elect a chairman and vice chairman for the 2009 calendar year.

Following some discussion Mrs. Burnette moved that the Board set its organizational meeting on January 5, 2009 at 3:00 pm, second by Mr. Slaughter and unanimously carried.

CONSIDERATION OF FY '10 BUDGET CALENDAR:

Mr. Summerlin stated the Board has been provided a proposed calendar for preparation of the FY 2009-10 County Budget. The calendar provides for preparation, adoption, and appropriation of the budget in accordance with the deadlines provided in the Code of Virginia.

**FY 2010
BOARD OF SUPERVISORS
BUDGET CALENDAR**

- County CIP Requests Due January 23
- Distribute Budget Documents January 30
- Budget Requests Due in County Administrator's Office February 20
- Joint Budget Work Session with the School Board February 24 (5pm)
- School Budget Request Due April 1
- Present Total County Budget to Board of Supervisors April 2 (5pm)
- Work Session on School Budget and Total County Budget April 7 (5pm)
- Advertise Public Hearing April 12
- Public Hearings: School and County Budgets April 20 (7pm)
- Adoption of School Budget and Total County Budget April 28
- Appropriation of School Budget and Total County Budget May 26

***Other Work Sessions as Needed**

Mrs. Burnette moved that the Board adopt the proposed budget calendar for the FY 2009-10 County Budget as presented, second by Mr. Slaughter and unanimously carried.

DISCUSSION OF ISSUES REGARDING SMITH RIVER:

Mr. McMillian stated after a conversation with Joseph Prater a few weeks ago regarding the cleanliness of Smith River he requested this item be placed on the Board's agenda for discussion. He asked Mr. Prater to come forward.

Mr. Joseph Prater distributed pictures showing trash, mattresses, tires and other debris in the Smith River. He

discussed the cleanliness of Smith River and its detriment to the environment and the fish.

Ms. Lois Christensen, Director of Gateway/Streetscape, came forward and stated Gateway is doing a great job and rather than focusing on negative issues she would suggest concentrating on how good they are doing and not what they have missed. She stated she was aware of the debris in the river and in 2008 over 20 tons of debris was removed from Smith River and it has improved 100% since she started the project ten years ago. Ms. Christensen stated the Smith River is not as polluted as stated by Mr. Prater. She thanked Henry County and the PSA for its support of the Smith River Cleanups with the next one scheduled on February 7, 2009.

Mrs. Burnette discussed the need for more community awareness and the need for more volunteers.

PRELIMINARY DISCUSSION OF FY 2009-10 COUNTY BUDGET:

Mr. McMillian stated he still receives many calls from citizens concerned about tax increases. He stated he feels people need some type of assurance that the Board is not going to turn a deaf ear to them.

Mr. McMillian moved that the Board instruct the County Administrator as a guideline to form a budget with a tax rate of no more than .46 per \$100 of value, second by Mrs. Burnette for discussion.

Mr. Summerlin stated a huge part of the Board's Planning Session this year will need to be focused on County services and priorities, because a lot of things are going to have to go out of the budget regardless of what the tax rate is. He stated setting a tax rate of .46 the County will not know what the values are until the Board of Equalization finishes its work.

Other Board members agreed it was too early to presume a tax rate until more information is received.

Following some further comments the motion was denied on a motion of 1 to 5. Mr. McMillian voted in favor of the motion. Mr. Adams, Mrs. Burnette, Mrs. Buchanan, Mr. Vaughn and Mr. Slaughter voted against the motion.

Mr. McMillian moved that the Board cut the amount of funds contributed to the Economic Development Corporation by \$100,000 for the next fiscal year.

The motion died for lack of a second.

Mr. McMillian moved that the Board decrease local funds to the School Board for the next fiscal year by \$1 million.

The motion died for lack of a second.

Mr. McMillian discussed the need for the County to tax antique cars appropriately. He stated he wanted to make sure that the County has made every effort to make sure that the law is being complied with in terms of those cars being registered/titled and taxed appropriately. He stated he had discussed this matter with the Commissioner of Revenue and would suggest that the County Administrator and County Attorney investigate the possibilities of increasing the revenue from cars that could be considered antiques.

Mr. Summerlin stated he wasn't sure what statute governs antique cars; however, it is the duty of the Commissioner of Revenue to follow any state law or local ordinances regarding taxation. He stated whether the Board has the authority to tax antique cars or whether the County is taxing them he was not sure what level the Board has in that matter.

Mr. Lyle stated he would report back to the Board.

DISCUSSION OF ISSUES REGARDING HENRY COUNTY SCHOOL SYSTEM:

Mr. McMillian stated the subject of merger was mentioned again in the local media and he again would like to state that he is vehemently opposed to the merger of the County and City Schools. Mr. McMillian stated he would like to see the Board look at appropriating School Board funds on a month-by-month appropriation as allowed by State law.

CONSIDERATION OF NOISE ORDINANCE REGARDING BARKING DOGS:

Mr. Lyle stated the Board of Supervisors recently discussed the needs and ramifications of an adjustment to the County Code regarding barking dogs and other nuisance cases. The Board directed County staff to research the issue and craft an ordinance that the Board could consider as a path forward. Mr. Lyle stated he has drafted a proposed ordinance for the Board's review. He stated should the Board choose to move forward with an ordinance adjustment, it would have to schedule a public hearing on the issue.

Following was discussion among the Board regarding the proposed ordinance. The Board agreed it would like to see an ordinance not exclusive to barking dogs but other types of excessive sounds; the euthanization option removed from the ordinance; replace two citizens initiating a complaint to one; and Section 5-401 take out the word "unnecessary noises" and replace with "chronic." The Board also discussed Campbell County's ordinance. Mr. Summerlin noted that Campbell County is in the process of reviewing its ordinance for amendments.

Mr. Bob Bushnell, Commonwealth Attorney, stated the Board may want to address an overall noise ordinance as generic as possible so that it will be enforceable as a Class IV Misdemeanor. He stated he would check with the

Commonwealth Attorney in Campbell County to see how court cases such as this are enforced.

The Board also discussed eliminating the use of noise meters and measuring decibels as used by Campbell County.

Mr. Vaughn moved that the Board request the County Attorney to take Campbell County's Noise and Excessive Sound Ordinance as a model ordinance in drafting an ordinance for the Board to consider, second by Mr. McMillian and unanimously carried.

APPROVAL OF DOCUMENTS FOR THE RIVERSIDE DRIVE NEIGHBORHOOD IMPROVEMENT PROJECT:

Mr. Summerlin stated contract negotiation activities required by the Virginia Department of Housing & Community Development (DHCD) include the formation of a Housing Rehab Board (formed November, 2008) as well as the approval of several documents needed to administer the project. The Housing Rehab Board held its first meeting on December 5, 2008 and at that meeting reviewed and approved: the Housing Rehab Board by-laws, the Housing Rehab Program Design (program guidelines), and the Housing Rehab Program Income Plan (specifies the uses of any program income earned). These same documents have been approved by DHCD and now require approval and adoption by the Board of Supervisors. (A Copy of By-Laws, Rehab Program Design and Rehab Program Income Plan Included in Board's File).

Mr. McMillian moved that the Board approve the adoption of the above documents for the Riverside Drive Neighborhood Improvement Project, second by Mr. Slaughter and unanimously carried.

FINANCIAL MATTERS:

Acceptance of Grant, Additional Appropriation, and

Award of Contracts re: Plat Conversions to Digital Images - Circuit Court Clerk's Office:

Mr. Summerlin stated Circuit Court Clerk Vickie Helmstutler is asking the Board to accept and appropriate grant funds in the amount of \$52,719 from the Virginia Circuit Court Records Preservation program as administered by the Library of Virginia. As indicated by Mrs. Helmstutler the grant would be used to get electronic images of plats, and convert the digital images to preservation microfilm. Mrs. Helmstutler also is requesting funds to pay a part time person to provide quality control over the scanned images. No local match is required; although the Clerk's Office will incorporate into its annual budget the funds to maintain the plat storage and retrieval PC system at \$500 a year after the first year. After acceptance and approval of the additional appropriation, Mrs. Helmstutler is asking the Board to award a contract in the amount of \$29,463.50 to EMI Imaging of Bassett for the process, and a contract in the amount of \$5,535 to Sutton Information Systems of Roan Mountain, TN, for the storage and retrieval system.

Mrs. Helmstutler noted that if EMI does not perform the job successful she would return \$17,072 and it would go to the second lowest bidder.

Mrs. Buchanan moved that the Board accept the grant; approval of the additional appropriation as requested; and award of contracts to EMI Imaging and Sutton Information Systems, second by Mr. McMillian and unanimously carried.

Approval of Change order for Emergency Communications System - Public Safety:

Mr. Summerlin stated as part of the new Emergency Communications System being implemented in Henry County by Motorola, Public Safety Director Dale Wagoner is asking the Board to approve a change order in the amount of \$89,900. During the ongoing implementation of the system, Motorola's

vendor for microwave radio equipment stopped production of the specific equipment model identified in our specifications. As a result, it was necessary to mitigate an alternate design solution. Over the past several months, Motorola has worked diligently with County staff and its partner, RCC Consultants, to develop a satisfactory alternate solution. Due to the microwave equipment changes, shipping delays, and the additional burden placed on County staff and RCC, Motorola has provided direct concessions to Henry County in the amount of \$129,147. Additionally, Motorola will provide a five-year warranty on the microwave equipment at no cost to Henry County. This indirect concession has a monetary value of \$31,378. During this process, Henry County has expended all of the time for services allocated in the original contract with RCC Consultants. Mr. Wagoner is seeking the change order so that RCC Consultants can be compensated for this additional work. He also recommends leaving the additional funds in the emergency communications system budget at this time. Mr. Wagoner indicates that the system installation is proceeding well with completion expected in spring 2009.

Mrs. Burnette moved that the Board approve the change order as requested, second by Mrs. Buchanan. The motion carried 5 to 1. Mr. McMillian voted in opposition.

Award of Contract re: Transport Van – Sheriff’s Office:

Mr. Summerlin stated Sheriff Perry is asking the Board to award a contract in the amount of \$29,069 to Metrolina Dodge in Charlotte, NC for the purchase of a 2007 Sprinter 2500 prisoner transport van. While this item was not specifically listed in the Sheriff’s Office’s FY 2009 Budget, Sheriff Perry indicates that the department has saved enough money versus the budgeted amounts for other vehicles both this year that it has enough money for this purchase. Sheriff Perry indicates this van would need to be purchased in the 2010 budget year, and by buying it now it saves money for the next budget term. The Board authorized the purchase of another van from

Metrolina in October, and this purchase would be on the same bid process.

Mr. McMillian moved that the Board award the contract as outlined, second by Mr. Slaughter and unanimously carried.

INFORMATIONAL ITEMS:

Mr. Summerlin stated bids were received on the 2009 Tax Revenue Anticipation Notes. The IDA has met and awarded the contract and financing for the shell building to low bidder Clark Construction of Bassett.

Mr. Summerlin stated it is anticipated that Governor Kaine would be releasing the State Budget on Wednesday, December 17, 2008.

Mr. Summerlin stated the Administration Building will be closed on Christmas Eve, Christmas Day and New Year's Day.

Comments from the Board

Ms. Buchanan reminded everyone of the upcoming Fieldale Festival of Lights.

CLOSED MEETING:

Mrs. Burnette moved that the Board enter into a closed meeting at 5:00 pm to discuss the following, second by Mrs. Buchanan and unanimously carried.

- 1) S.2.2-3711(A)1 for Discussion of Appointees to Anchor Commission, Fieldale Sanitary District Board, Building Code Board of Appeals, Fire Code Board of Appeals, and Public Service Authority.
- 2) S.2.2-3711(A)7 for Consultation with the County Attorney re: pending Legal Matters.

- 3) S.2.2-3711(A)3 for Consultation with the County Attorney re: Acquisition/Disposal of Real Estate.
- 4) S.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 5:49 pm on a motion by Mr. McMillian, second by Mrs. Burnette 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.

APPOINTMENTS:

Public Service Authority

Mrs. Buchanan moved that the Board reappoint David Stovall to the Public Service Authority to a four-year term expiring January 5, 2013, second by Mrs. Burnette and unanimously carried.

Anchor Commission

Mrs. Burnette moved that the Board appoint Pam Randall to a four-year term to the Anchor Commission, second by Mr. McMillian and unanimously carried.

Building Code Board of Appeals

Mrs. Burnette moved that the Board reappoint Charles Bradshaw, Tommy Haynes, Donald Draper, Eddie Light, and Larry Wright to the Building Code Board of Appeals, second by Mrs. Buchanan and unanimously carried.

Fire Code Board of Appeals

Mr. Vaughn moved that the Board reappoint Daryl Emberson, William Martin, Jr., Ken Adkins, Nancy Bradshaw and Joel Barnes to the Fire Code Board of Appeals, second by Mr. McMillian and unanimously carried.

Mr. Slaughter moved that the Board set a public hearing at its regular meeting in January referencing real property in the Blackberry District for an adjustment of property line, second by Mr. McMillian and unanimously carried.

The Board recessed its meeting at 5:55 pm until 6:00 pm.

Mr. Adams called the meeting to order and welcomed everyone present.

PRESENTATION OF THE 2008 JACK DALTON COMMUNITY SERVICE AWARD:

Mr. Adams stated the Board of Supervisors established the Jack Dalton Community Service Award in 2001. The award is presented annually to the Henry County resident who best exemplifies the standards for community service set by the late Jack Dalton. Nominations were received from members of the community, and the Board was asked to rank all nominees in accordance to preference. Mr. Adams stated this year he is proud to announce that Nancy Bradshaw is the recipient of the 2008 Jack Dalton Community Service Award.

After reading of the Resolution by Mrs. Buchanan, Mr. Adams, Mrs. Buchanan and Mrs. Lois Dalton, wife of the late

Jack Dalton, presented the plaque to Ms. Nancy Bradshaw. Ms. Bradshaw came forward and stated she was deeply honored to accept such an award.

PUBLIC HEARING – DISPOSITION OF FORMER RIDGEWAY ELEMENTARY SCHOOL:

Mr. Summerlin stated the Henry County School Board recently declared the former Ridgeway Elementary School to be surplus property. The School Board returned the facility to the Board of Supervisors' ownership. The Board of Supervisors must hold a public hearing to receive community input on the process before disposal of the property.

Mr. Dan Shelling, Pastor of Victory Baptist Church in Fieldale stated several years ago his church acquired the Fieldale Elementary School and now has interest in obtaining Ridgeway Elementary to expand their Christian Ministry program and daycare. Mr. Shelling discussed several of the Christian ministry programs associated with the former Fieldale Elementary School.

There being no one else who wished to speak the public hearing was closed at 6:17 pm.

Mr. Vaughn read the following statement: The Board of Supervisors is authorized under S15.2-1800 of the Code of Virginia to dispose of public property in any of a variety of ways after a public hearing is held on the issue. That public hearing has just concluded. The Ridgeway Elementary School has been a vital component of the Ridgeway neighborhood for generations and this Board of Supervisors has no intentions of turning the facility into something less than that. It is the belief of this Board the facility should be placed with a new owner whose plans for the facility is a good fit for the community. This Board believes that being a good neighbor is a paradigm issue in the disposition of this facility. Additionally, the Board will consider a recommendation of the Ridgeway Town Council and disposition of the facility. Any

parties interested in this facility should prepare a written proposal for the facility then contact the County Administrator's Office as soon as possible to schedule a meeting with County staff to review that proposal. All proposals must be received by March 2, 2009. The proposal should be directed to Benny Summerlin, County Administrator, P. O. Box 7, Collinsville, VA 24078.

Mr. Summerlin noted that the County has keys to the building and if there are any groups that would like to walk through the building or wants further information to contact his office.

Mrs. Burnette moved that the Board adopt the statement as read by Mr. Vaughn, second by Mr. Vaughn and unanimously carried.

MATTERS PRESENTED BY THE PUBLIC:

Mr. Adams read a brief statement that the Board is here to listen to public comments and not to engage in a question and answer period or a debate. He stated if anyone wishes to address the Board to come to the podium and state your name, subject matter and the district in which you live. He stated by coming to the podium you have agreed to exhibit respect to the Board and its members and each one will conduct themselves with dignity. He stated everyone would receive the same level of respect from the Board. He asked that those who wish to speak to keep his or her comments between three to five minutes.

Mr. Doug Jackson stated he would like to comment on discussions regarding barking dogs. He stated he didn't understand why the County would even be discussing barking dogs when there are more issues that need attention.

GENERAL HIGHWAY MATTERS:

Ms. Lisa Price-Hughes stated she would like to remind the Board of the upcoming public hearing on January 5, 2009 at the New River Valley Community College on the Primary, Urban and Interstate systems beginning at 6:00 pm.

Ms. Hughes stated she plans to discuss the Secondary Plan with the Board at its February meeting.

Several Board members discussed miscellaneous highway issues with Ms. Hughes. Ms. Hughes noted each item and stated she would look into each request.

MATTERS PRESENTED BY THE PUBLIC:

Ms. Jean Simmons a resident in the Collinsville District stated that regarding the noise ordinance it all boils down to personal responsibility. She stated the County already has a noise ordinance and nothing is being done to enforce it. She asked how a dog ordinance can be policed.

There being no further business to discuss the Board adjourned at 6:36 pm on a motion by Mr. McMillian, second by Mrs. Buchanan and unanimously carried.