

**HENRY COUNTY BOARD OF SUPERVISORS  
MINUTES**

**May 23, 2023 – 3:00 P.M.**

The Henry County Board of Supervisors held its regular meeting on May 23, 2023 at 3:00 p.m. in the Summerlin Meeting Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The following Board members were present: Jim Adams, Chairman; Joe Bryant, Vice-Chairman; Debra Buchanan, Garrett Dillard, Tommy Slaughter, and Ryan Zehr.

Staff members present were Dale Wagoner, County Administrator; JR Powell, Deputy County Administrator; Darrell Jones, Director of Finance; Michelle Via, Director of Human Resources; Brandon Martin, Public Information Officer; and Jennifer Gregory, Administrative Assistant.

Lt. Col. Eric Hairston and Major Wayne Davis of the Sheriff's Office were present. Also present were Bill Wyatt of the Martinsville Bulletin and Taylor Boyd of the Henry County Enterprise.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Mr. Adams gave the invocation and Mr. Dillard led the Pledge of Allegiance.

**CALL TO ORDER:**

Chairman Adams called the meeting to order and welcomed everyone. He stated that anyone who wishes to be on the agenda for the Board's regular business meeting at 3:00 p.m. must contact the County Administrator's Office seven days before a scheduled meeting. Those wishing to speak at the Board's public meeting starting at 6:00 p.m. may do so under the agenda item - Matters Presented by the Public without contacting the County Administrator's Office.

**ITEMS OF CONSENT:**

**Confirmation of Minutes of Meetings**

Copy included in Board's File.

- April 25, 2023

**Summary of Accounts Payable**

Copy included in Board's File.

**Proclamation Declaring June 24, 2023 as Fire and Rescue Appreciation Day in Henry County**

Copy included in Board's File

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

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

NAYS: None.

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

Mr. Grindstaff noted that 94.24% of 2022 real estate taxes and 89.55% of 2022 personal property taxes had been collected. Since January 1, 2023, TACS has collected approximately \$352,541.88. In addition, there were 9 VRW stops collected in April 2023, and 6 were collected in May 2023.

### **AWARD OF CONTRACT RE: GROUNDS MAINTENANCE EQUIPMENT**

Mr. Wagoner said staff is asking the Board to award a contract for \$103,211 to Smith Turf & Irrigation of Richmond, Virginia, for the purchase of ground maintenance equipment. The equipment will primarily be used to maintain the grounds at the Smith River Sports Complex but will remain the property of Henry County. Pricing is based on the Commonwealth of Virginia purchasing contract with the Toro Company (Contract # CTR006026). Funding for this purchase is included in the Capital Improvement Program.

On a motion by Mr. Zehr and seconded by Mr. Dillard, the Board awarded a contract for \$103,211 to Smith Turf & Irrigation of Richmond for the purchase of the grounds maintenance equipment by the following vote:

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

NAYS: None.

### **TRANSFER APPROPRIATION RE: FIELDALE HERITAGE PROJECT – PLANNING, ZONING, AND INSPECTIONS DEPARTMENT**

Mr. Wagoner said staff is asking the Board to approve the transfer of \$130,138 remaining in the Smith River Small Towns project and the Small Grants cost center to the Fieldale Heritage project. These funds were originally provided by the Harvest Foundation, and the Foundation has approved using them for the Fieldale Heritage Project. The funds will be used to complete the architectural and engineering services for the Fieldale Heritage Project. These funds will also serve as part of the match required for the State and Federal grants received for this project.

On a motion by Ms. Buchanan and seconded by Mr. Slaughter, the Board approved the appropriations totaling \$130,138 for the Fieldale Heritage Project as requested by the following vote:

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

NAYS: None.

### **CATEGORICAL TRANSFER RE: PAVING AND PAINTING – SCHOOL BOARD**

Mr. Wagoner said the School Board requests that the Board of Supervisors approve the following two categorical transfers:

- \$177,075 from the Administration/Attendance and Health budget to the Facilities category
- \$72,925 from the Administration/Attendance and Health budget to the Operation and Maintenance category

According to Superintendent Sandy Strayer, the funds will be used for paving the parking lot at the Center for Community Learning and painting at various schools.

On a motion by Mr. Bryant and seconded by Mr. Slaughter, the Board approved the categorical transfers totaling \$250,000 as outlined above by the following vote:

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

**AWARD OF CONTRACT RE: KNUCKLEBOOM-STYLE TRUCK – REFUSE DEPARTMENT**

Mr. Wagoner said staff is asking the Board to approve a contract for \$207,503 to Excel Truck Group in Roanoke, Virginia, for the purchase of a 2024 knuckleboom-style truck for the Refuse Department. Pricing is based on the Virginia Sheriff's Association state contract (Bid #03-0721R). Funding for this purchase is included in the capital discretionary fund.

On a motion by Mr. Slaughter and seconded by Ms. Buchanan, the Board awarded a contract in the amount of \$207,503 to Excel Truck Group for the purchase of a knuckleboom-style truck by the following vote:

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

**ADDITIONAL APPROPRIATION RE: ASSET FORFEITURE FUNDS – SHERIFF'S OFFICE**

Mr. Wagoner said Sheriff Lane Perry is asking the Board to approve an additional appropriation of \$10,868 from State Asset Forfeiture Funds to cover the cost of training for department investigators. According to the Sheriff, six Criminal Investigators received the most up-to-date training and certification in using the FARO 3D Crime Scene Scanner.

On a motion by Mr. Zehr and seconded by Mr. Slaughter, the Board approved the additional appropriation of \$10,868 from State Asset Forfeiture Funds to cover the cost of the training for the Sheriff's Office by the following vote:

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

**APPROPRIATION OF THE FY 2023-2024 COUNTY BUDGET**

Mr. Wagoner said the Board of Supervisors, at its April 25, 2023 meeting, adopted the FY 2023-2024 Total County Budget. These actions included setting tax rates and adopting the School Budget. However, no County funds can be expended or obligated until an appropriation has been made. Attached is a draft Appropriations Resolution with minor differences from the current resolution noted in red. The proposed resolution reflects categorical appropriations based on previous Board decisions.

Mr. Zehr moved that the Board adopt the Appropriations Resolution as outlined, seconded by Ms. Buchanan. The motion was unanimously carried. Mr. Wagoner took a roll call vote. Those voting in the affirmative were Mr. Adams, Mr. Slaughter, Ms. Buchanan, Mr. Bryant, Mr. Dillard, and Mr. Zehr. (Copy included in Board's file).

## **INFORMATIONAL ITEMS**

### **Comments from the Board**

Mr. Lyle said Sheriff Lane Perry will retire on July 1, creating a vacancy. By code, State law dictates that Chief Deputy Wayne Davis will become Sheriff and an order will circulate in Circuit Court. The Board can conduct a special election to fill the vacancy or petition the Circuit Court to not hold a special election.

Mr. Zehr made a motion the Board petition the Henry County Circuit Court, pursuant to Virginia Code Section 24.2-228.1, to not conduct a special election to fill the vacancy created by the retirement of Sheriff Lane Perry on July 1, 2023, seconded by Mr. Bryant, the Board approved the motion by the following vote:

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

NAYS: None.

Mr. Lyle said at the request of Mr. Bryant and other supervisors, County staff investigated the possibility of amending the county's solar ordinance to add a cap on the total number of acres of actual solar panels that could be installed in Henry County. If the Board desires a cap, staff recommends the cap be set at one percent (1%) of the land mass in Henry County. The land mass in Henry County is approximately 244,000 acres, which one percent would place the cap at approximately 2,444 acres of panel coverage. To give some perspective, there are currently 1,200 acres of panels either constructed or being constructed. There are approximately 600 additional panel-covered areas in various states of proposals before the planning department and this Board. So if a cap of approximately 2,400 acres was established, there would still be additional space for future development in Henry County. If the Board desires to pursue any changes to the solar ordinance, the planning commission must first conduct a public hearing and make a recommendation to this Board about any potential changes. This Board of Supervisors will then have to advertise and conduct a public hearing before any changes to the ordinance can be made. Mr. Dillard was concerned the proposed amendment to the solar ordinance would reduce even further the current ordinance allowing no more than two and one-half percent (2½%) of the land in a five-mile radius of the project area.

Mr. Bryant made a motion directing County staff to request the Planning Commission begin the process of amending the Henry County solar ordinance to impose a county-wide cap on the total acreage allowed to be covered by solar panels and specifically consider fixing the cap at one percent (1%) of the total land mass in Henry County. This cap being in addition to other requirements and restrictions already contained in the ordinance. The motion was seconded by Mr. Slaughter, and the Board approved the motion by the following vote:

AYES: Adams, Bryant, Buchanan, Slaughter, and Zehr.  
NAYS: Dillard.

Mr. Bryant reminded everyone not to throw trash along the highways.

Mr. Slaughter urged the Sheriff's Office to charge individuals who violate the littering laws. Major Wayne Davis addressed the issue of litter and indicated that enforcing litter ordinances would be a priority of the Sheriff's Office.

Mr. Wagoner said he was pleased to report that all 27 units at the Fieldale School Apartments are under lease. The develop indicated that they are now laser-focused on completing the units at John Redd Smith School. By working with the West Piedmont Planning District and our neighboring jurisdictions, the area was successful in securing another \$3.5 million for the regional broadband projects. These funds will be used for "Phase 2" of our broadband efforts. Phase 2 will offer fiber to the home for residents that currently have internet, but not very good internet. Mr. Wagoner reminded the Board that the Annual Volunteer Fire and Rescue Appreciation Day event is scheduled for June 24 at 11:00 a.m. at Jack Dalton Park.

Dawn Stultz-Vaughn, General Registrar, updated the Board on early voting.

### **CLOSED MEETING**

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

- A) §2.2-3711(A)1 for Discussion of Appointees to the Blue Ridge Regional Library Board, Parks and Recreation Board, Community Policy and Management Team, Economic Development Corporation, Henry Martinsville Department of Social Services Board, Piedmont Regional Community Services Board, and Southside Community Action Board.
- B) §2.2-3711(A)7 for Discussion of Pending Legal Matters
- C) §2.2-3711(A)3 for Discussion of Acquisition/Disposal of Real Estate
- D) §2.2-3711(A)5 for Discussion of As-Yet Unannounced Industries

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

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

### **OPEN MEETING**

The Board returned to open meeting at 4:27 p.m. on a motion by Ms. Buchanan, seconded by Mr. Slaughter, and it carried by the following vote:

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

NAYS: None.

**CERTIFICATION OF CLOSED MEETING**

Mr. Powell read the Certification of the Closed Meeting and took a roll call vote.

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

Blue Ridge Regional Library Board – On a motion by Ms. Buchanan and second by Mr. Slaughter, the Board unanimously re-appointed Felita Claybrooks and appointed Gregory Peitz to 4-year terms ending June 30, 2027.

Parks and Recreation Board – On a motion by Mr. Slaughter and second by Mr. Dillard, the Board unanimously re-appointed Mervin Brown, Jr. and Scott Prillaman to 3-year terms ending June 30, 2026.

Community Policy and Management Team – On a motion by Mr. Bryant and second by Ms. Buchanan, the Board unanimously re-appointed Darrell Jones to a 2-year term ending June 30, 2025.

Economic Development Corporation – On a motion by Mr. Slaughter and second by Mr. Bryant, the Board unanimously re-appointed Gracie Agnew to a 3-year term ending June 30, 2026.

Henry-Martinsville Social Services Board – On a motion by Mr. Dillard and second by Mr. Zehr, the Board unanimously re-appointed Willie Scales and appointed Andrea Robertson to 4-year terms ending May 31, 2027.

Patrick & Henry Community College Board – On a motion by Mr. Slaughter and second by Mr. Zehr, the Board unanimously re-appointed Robert Haley to a 4-year term ending June 30, 2027.

Piedmont Regional Community Services Board – On a motion by Mr. Zehr and second by Ms. Buchanan, the Board unanimously re-appointed Eric Hairston to a 3-year term ending June 30, 2026.

Southside Community Action Board – On a motion by Mr. Zehr and second by Mr. Bryant, the Board unanimously re-appointed Alisha Hill to a 2-year term ending June 30, 2025.

Mr. Adams recessed the meeting at 4:34 p.m. until 6:00 p.m.

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

### **GENERAL HIGHWAY MATTERS**

Lisa Hughes, Resident Engineer for the Virginia Department of Transportation, updated the Board on general highway matters. Ms. Hughes asked the Board to endorse the Six-Year Secondary Road Plan.

On a motion by Ms. Buchanan and seconded by Mr. Zehr, the Board approved the proposed VDOT Six-Year Secondary Road Plan by the following vote:

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

NAYS: None.

### **PUBLIC HEARING – BUDGET AMENDMENT APPROPRIATING STATE REIMBURSEMENT FOR CONSTRUCTION OF THE ADULT DETENTION CENTER**

Mr. Wagoner said Henry County has received \$18,875,216 from the Commonwealth of Virginia as reimbursement for the construction of the Adult Detention Center (ADC). Since the amount exceeds one percent (1%) of the total County budget, the Board must hold a public hearing before appropriating the funds. Following the public hearing, staff requests that the Board appropriate the funds received from the Commonwealth and an additional \$639,784 of unexpended ADC construction funds totaling \$19,515,000. The funds will be used to pay off the Series 2019B Bonds. These actions are consistent with the recommendations by the County's financial consultant, Davenport Financial, for financing the construction of the ADC.

Mr. Adams opened the public hearing at 6:04 p.m. There being no one present who wished to speak, Mr. Adams closed the public hearing at 6:04 p.m.

On a motion by Mr. Bryant and seconded by Mr. Zehr, the Board approved the additional appropriation of \$18,875,216 from the State reimbursement toward the construction of the Adult Detention Center and \$639,784 of unexpended construction funds to pay off the Series 2019B Bonds by the following vote:

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

NAYS: None.

### **PUBLIC HEARING – REZONING APPLICATION R-23-09 – T'MESHA PENN**

Mr. Clark said the property is located on the east side of Chestnut Knob Rd, across from 1210 and 1220 Chestnut Knob Rd, in the Ridgeway District. The Tax Map number is 51.7/113A. The applicant is requesting the rezoning of approximately 1.62-acres from Suburban Residential District S-R to Agricultural District A-1. The applicant wishes to construct a large, private-use storage building on the property.

Mr. Adams opened the public hearing at 6:05 p.m. There being no one present who wished to speak, Mr. Adams closed the public hearing at 6:05 p.m.

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

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

**MATTERS PRESENTED BY THE PUBLIC**

There was no one present who wished to speak.

**ADJOURNMENT**

There being no further business to discuss, Mr. Slaughter moved to adjourn at 6:06 p.m. Mr. Zehr seconded the motion, and it carried by the following vote:

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