

Building concerns advance

May 28, 2008

Martinsville Bulletin
Martinsville, VA

The Henry County commonwealth's attorney is willing to move forward with civil action if enough county residents sign a petition asking that a Collinsville apartment building be deemed a public nuisance, the Henry County Board of Supervisors learned Tuesday.

Under state law, if at least five citizens sign a petition alleging the existence of a public nuisance, a circuit court grand jury can be called to investigate. County Attorney George Lyle told the supervisors Tuesday that he has prepared such a petition in response to complaints about an apartment building on Halifax Drive.

Residents of the road have told the board that there have been persistent problems with apartments in the 70 block of Halifax, Lyle said. Last year, board members met with concerned residents and the property owner about the residents' concerns.

Those include disrepair at the apartments, trash and alleged drug activity. Don Gilbert, who lives on the street, told the board Tuesday that the apartments are in such disrepair that they are "appalling to look at." People speed down the street and throw out trash, he said. Also, cars come in and out of the area at night and seem to be involved in drug activity, Gilbert said.

In recent nights, Gilbert said, between 200 and 300 cars have come in and out of the area.

The board reconsidered the issue at the request of Collinsville District Supervisor Jim McMillian. County Administrator Benny Summerlin told board members he has spoken with Commonwealth's Attorney Bob Bushnell, and Bushnell is willing to move forward with the case if enough residents sign the petition and agree to testify.

Board members approved having Lyle pass out the petition, which he gave to a sheriff's deputy to distribute. If enough citizens sign, the petitions will be submitted to circuit court, he said. At that point, it would be up to a judge how to proceed.

A copy of the petition has been shown to the property owner, Lyle said.

According to a copy of the ordinance, if a case goes to trial and a person is found responsible for a public nuisance, he or she can be fined no more than \$10,000 and court costs.

The code section that authorizes that kind of action is old and rarely used, Lyle said. He said it never has been done before in Henry County.

Also during its 6 p.m. meeting, the board:

- Recognized Mary Ann Clark, who is retiring after more than 40 years of service in the Henry County Circuit Court Clerk's office.

Vickie Helmstutler, circuit court clerk, said Clark consistently "comes to work every morning with a smile on her face."

"We're going to hate to see her go," Helmstutler said.

Board Chairman Jim Adams presented Clark with a plaque. She said serving the county for so many years "has been a pleasure and an honor."

Clark said she began working for the county when she was 17.

- Approved the following appointments and reappointments: Mervin L. Brown Jr. and Scott Prillaman to the Parks and Recreation Board; Betty Jane Simpson and Dale Wagoner to the Patrick Henry Community College Board; Steve Eanes to the Piedmont Community Services board; and Tim Hall to the West Piedmont Business Development Center Board.

- Heard matters from the public.

John Staples of the Ridgeway District asked the board to follow the example of Woodbridge, in Northern Virginia, and pass laws discouraging illegal immigrants from living in Henry County.

He also gave board members copies of a bill cosponsored by 5th District U.S. Rep. Virgil Goode, R-Rocky Mount, that would amend the Immigration and Nationality Act to consider a person born in the United States a citizen if he was born in the country to at least one parent who is 1) a U.S. citizen or national; 2) a lawful permanent resident alien whose residence is in the United States; or 3) an alien performing active service in the armed forces.

Doug Jackson of the Ridgeway District told the board there are streets in that district that seem to attract drug activity. He did not name the streets. Jackson asked the board to consider having the sheriff's office implement road checks to discourage illegal activity.

- Unanimously approved the following rezonings after public hearings in which no one spoke:

Rezoning 1.9 acres on VC Drive in the Collinsville District from Suburban Residential to Commercial District. Roma Realty made the request so it can combine the lots with adjoining commercially zoned property to create a larger developable commercial parcel, documents show.

Rezoning three lots at 2736 Kings Mountain Road from Suburban Residential to Office and Professional.

Helen Hylton requested the rezoning of her property, which is slightly less than one acre, so she can market it for office or professional use, documents show.

- Heard from Virginia Department of Transportation Resident Engineer Lisa Hughes. She discussed general highway matters and said work has been completed on Route 687 in the Horsepasture District.

Safety improvements on U.S. 220 North near Draper's Florist are almost done, Hughes said, and painting of county roads has been scheduled. She did not have the dates available.

The board approved asking VDOT to install "Watch for Children" signs on Crestview Drive and Dalewood Drive in the Blackberry District.

Residents on Dalewood Drive had asked that VDOT lower the speed limit on their street from 25 to 15, Adams said, but Hughes said 25 is the speed limit on residential streets by state law, and lowering the speed limit further wouldn't be feasible.

- Held a public hearing on changing the county's director of accounting to finance director and its Accounting Department to a Finance Department. No one spoke during the hearing, and the board approved the change.

The change updated an outdated ordinance, Summerlin said.

- Heard from Summerlin, who reported that 5B's, a former local company, made a payment of \$184,176.59 to the county.

The Zanesville, Ohio-based embroidery manufacturer was located in the Patriot Centre at Beaver Creek industrial park before it declared bankruptcy in 1999.

Originally, 5B's owed the county about \$5 million, Summerlin said. It has about \$3.3 million left to pay, and Summerlin said he expects another payment this summer.

Summerlin also told board members that Henry County, Franklin County, Patrick County and Martinsville received a \$1,040,000 grant to increase the interoperability of their emergency radios. The grant is from the Department of Homeland Security and requires a 20 percent match, he said.

- Renewed County Attorney George Lyle's contract for two years. Lyle's base salary is in the low \$70,000s, Summerlin said. When billing Lyle does for the county school board and social services board is considered, he makes about \$100,000 all told, Summerlin said.

- Approved sending a letter to the Commonwealth Transportation Board (CTB) reiterating the supervisors' desire that the CTB and VDOT reconsider the route for the proposed Interstate 73 through Henry County.

In November, the board passed a resolution asking the CTB and VDOT to consider incorporating the proposed Patriot Centre connector road and better access from the Martinsville Speedway and the Martinsville Industrial Park into I-73's route.

The county received a letter from VDOT District Administrator Richard Caywood informing the board that a resolution on the matter likely will be considered in June.

The resolution says the CTB and VDOT will work with the Federal Highway Administration "and take any action it deems appropriate without prejudicing or otherwise affecting the litigation, the federal funding, and the advancement of the project, to consider the request made by the Henry County Board of Supervisors and report the results of the study" to the CTB for further action.