

Virginia: At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, January 11, 2005 at 12:00 noon.

Board Members Present:	Mr. Marvin Perry Mr. Harold Slep Mrs. Darlene R. Neitch Mr. Wade Blevins, Jr.	Mr. Michael Roberts Mr. Todd Dishner Mr. Charlie Clark
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Staff Members Present:	Mr. Edwin B.J. Whitmore, III Mr. Michael Carter Mr. Scott Simpson Mrs. Sally Morgan	Mr. John H. Tate, Jr. Ms. Amber Tilson Mr. Charlie Atkins
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Mr. Edwin B.J. Whitmore, III, Temporary Chairman and Clerk of the Board called the meeting to order at 12:00 noon and the Pledge of Allegiance was led by Mr. Shannon Williams.

Mr. Whitmore opened the floor for nomination of Chairman of the Smyth County Board of Supervisors.

Upon motion of Mr. Perry, seconded by Mr. Slep, Mr. Charlie Clark was nominated.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the nomination for Chairman was closed.

Vote was taken on nominations for Mr. Charlie Clark:

Vote:	7	yea
	1	nay

Mr. Charlie Clark was elected Chairman of the Smyth County Board of Supervisors for calendar year 2005.

Mr. Whitmore turned the meeting over to Mr. Clark, Chairman. The Chairman then accepted nominations for Vice Chairman.

Upon motion of Mr. Perry, no seconded was received; Mr. Harold Slep was nominated for Vice Chairman.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the nomination for Vice Chairman was closed.

Mr. Harold Slep was elected Vice Chairman of the Smyth County Board of Supervisors for calendar year 2005.

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Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, Mr. Edwin B.J. Whitmore, III was reappointed as Clerk and Mr. Michael L. Carter was reappointed as Deputy Clerk of the Smyth County Board of Supervisors for calendar year 2005.

Mr. Slemp complemented Mr. Perry on his service as Chairman in year 2004.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board approved the agenda as to form with four additional items.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board approved the minutes of December 14, 16, and 20, 2004.

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, BE IT RESOLVED that the Board of Supervisors adopts the Smyth County Board of Supervisors Rules of Procedures for calendar year 2005.

The Chairman opened citizen's time at 12:07 p.m.

Mr. and Mrs. Danny Nunley of the Hungry Mother Sewer Project stated the importance of the needed sewer line and inquired about the status of the project. They were instructed to speak with the County Engineer, Mr. Scott Simpson.

Martha Williams of Flowing Springs Road in Atkins explained the need for "children at Play" signs on the road and litter signs on the road. She commented on the speed of traffic on the road. She was asked by the Board to speak with the Department of Transportation on her concerns.

Mr. Earl McClure requested that he speak at 2:00 p.m. when the proposed changes to the zoning ordinance would be discussed.

Upon motion of Mr. Roberts, seconded by Mrs. Neitch and unanimously carried, Mr. McClure was allowed to speak at 2:00 p.m. during Zoning Department time.

Mary Ann Buchanan of the Nebo Community Center informed the Board that they have made progress on the ownership of the old Nebo School.

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Mr. Whitmore introduced Mrs. Kim Vanhoy, a new employees in the Information Systems Department. Mrs. Vanhoy is a former employee of the Smyth County Sheriff's Department.

The Chairman closed citizen's time at 12:14 p.m.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board appropriated \$1,250,000.00 from the General County budget.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board appropriated \$615,670.27 from the Allison Gap Sewer fund.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board appropriated \$210.00 from the animal damage fund.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board appropriated \$62.00 from the On Site Sewer fund.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board appropriated \$300,000.00 (January 12-31, 2005) and \$35,000.00 (February 1-8, 2005) for the Department of Social Services Budget.

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board appropriated \$3,385,000.00 for the Smyth County Schools Operations Budget, \$3,000.00 for the Textbook Fund Budget, and \$150,000.00 for the Capital Outlay Fund Budget.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board approved the account payable listing in the amount of \$797,929.34.

The Virginia Department of Transportation returned maintenance concerns and answered questions from the Board. Mrs. Neitch mentioned a bank on Route 604 near New Bethal Church that is in need of gravel. Mr. Slemp commented on the installation of signs on Nicks Creek Road. Mr. Slemp inquired about the cleaning of Nicks Creek; which the County Engineer is handling. The Revenue Sharing Program for fiscal year 2005-2006 was discussed. The Board

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has until March 1, 2005 to inform the Virginia Department of Transportation of its intent to participate. Mr. Buston was asked to speak with a citizen, Martha Williams.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board scheduled their meeting on Wednesday, November 9, 2005 due to Election Day and use of the Boardroom on November 8, 2005.

Following discussion, upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board scheduled all other meetings on the second Tuesday of each month at 12:00 noon.

The Board was notified that the 2005 Virginia Association of Counties Annual Meeting would be held Sunday, November 13-Tuesday, November 15, 2005.

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board appropriated \$80,000.00 from the General County Fund. Funds will be used by the Sheriff's Department for purchase of vehicles, without coming back to the Board for approval.

The appointment to the Social Services Board to replace Dawn Archer was continued until the February meeting.

Upon motion of Mr. Blevins, seconded by Mr. Perry, and unanimously carried, the Board appropriated \$155.00 from the On Site Sewer Fund. Funds will cover recording fees as needed, on five additional sites.

Upon motion of Mr. Blevins, seconded by Mr. Perry, and unanimously carried, the Board agreed to begin the bid process for County Attorney, Water and Sewer Attorney, and Auditing Services.

Mrs. Sally Morgan updated the Board on the Community Development Block Grant Program for 2005. After discussion, upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried, the Board set the first public hearing for the program for February 8, 2005 at 3:00 p.m.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemph, and unanimously carried, the Board approved the recharging of the air conditioning unit in the Courthouse. Cost is \$13,118.00 to come out of the maintenance budget.

Upon motion of Mr. Slemph, seconded by Mr. Blevins, and unanimously carried, the Board agreed to attend the Evergreen Soil and Water's annual brunch to be held on Tuesday, March 8, 2005 at 10:30 a.m. Currently to be held at the New Pioneer Restaurant in Marion.

Upon motion of Mr. Perry, seconded by Mr. Slemph and unanimously carried the Board agreed to recognize Mrs. Anna Crabtree for her years of service to the Smyth County Board of Supervisors and the Smyth County Board of Zoning appeals. Mrs. Crabtree will be recognized with a resolution in the near future.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board recommended Mr. Newell Johnson to the Judge of the Circuit Court for the Board of Zoning Appeals. If appointed, Mr. Johnson's term will expire December 31, 2010.

Mr. Clegg Williams, Zoning Administrator and Mr. Earl McClure were present for discussion of the proposed text amendments to the zoning ordinance.

Dr. David Wilkin, President of Virginia Highlands Community College updated the Board with an annual report.

Scott Simpson, County Engineer updated the Board on the following projects:

A goal has been set for March to have the Booster Pump station on the Groseclose Waterline installed and running. The additional service area (using remaining money from the grant) is being surveyed and a complete design is almost ready to be approved.

Allison Gap is close to completion (71% complete). The sewage treatment plant contractor is targeting the end of February for a preliminary start up to fine tune the system. Mendon Pipeline has completed all they can do at this time. There aren't any major issues at this time.

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Loan closing and notice to proceed targeted to occur before the end of January on the Cedars/Hall Addition Sewer.

Thomas Bridge Interconnect is ready to go; one last easement acquisition is remaining (property is in the process of changing hands). The project is likely to be advertised in February.

Pioneer/Greenwood Road water design is completed. Rural Development is finalizing paper work so bids can be taken.

East Hungry Mother Water, Rural Development is currently working on outstanding issues. Some of the issues require assistance of the Water and Sewer attorney. May not be able to advertise until February.

Pleasant Heights project is in design phase. The end of February is a target for submitting the design to the Department of Health. Discussions are taking place with Rural Development relating to funding package scope of work.

There is an updated cost estimate on Long Hollow Water. The design is near completion, the Department of Health has approved fire hydrants. Discussions are also taking place with Rural Development on this projects funding situation. Mr. Simpson is working on using the funding currently available to build the water tank and part of the water line. The remainder of the funding needed to complete the line will be obtained as VDOT reconstructs an area on Route 610.

A Test Well Grant has been awarded. Engineering Concepts is working on engineering proposals to perform project services on the new well at Hutton Branch.

A planning grant was awarded in the amount of \$18,000.00 to complete a preliminary engineering report on Fox Valley Road Water. Anderson & Associates is proceeding with services for the PER.

Future projects are Hutton Branch Phase II Water – Axum and Longleaf Lanes, Hungry Mother Park Sewer/Lucky Lane Sewer, Groseclose Area Sewer, balance of Hall Addition Sewer, and Lucky Lane Water. Proceedings on Axum and Longleaf Lanes were discussed. Scott was asked to proceed and return to

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the Board in the future requesting appropriations to fund the services.

Mr. Perry commented on Mr. Simpson's work with the County.

At 3:00 p.m., the Board proceeding with a public hearing as advertised on the issuance of general obligation bonds for the Cedars/Hall Addition Sewer Project.

There were no citizens present to speak for the public hearing. The Chairman closed the public hearing at 3:03 p.m.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried the Board adopted the following resolution:

Vote: 7 yea
0 nay

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, January 27, 2005 at 7:00 PM.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Wade Blevins, Jr. Mrs. Darlene Neitch	Mr. Todd Dishner Mr. Marvin Perry Mr. Michael Roberts
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Staff Members Present:	Mr. Ed Whitmore Ms. Amber Tilson Mr. Clegg Williams Mr. Mike Carter	Mr. John H. Tate Ms. Shirley Spencer Mr. Charlie Atkins Mrs. Sally Morgan
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Planning Commission Members Present:	Dennis Blevins, Chairman Wayne Venable Earl McClure Karl Kalber	Amy Tuell Graham Davidson Archie Atwell
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The Chairman of the Board and Chairman of the Planning Commission opened the joint public hearing on the proposed amendments to the zoning ordinance. Mr. Whitmore read the public notice as published and the rules and procedures for speaking at a public hearing. The following persons spoke:

Mr. Williams, Zoning Administrator, explained that changes to the zoning ordinance had been debated for the past two years. He outlined the proposed amendments:

The changes in Article 1 can best be described as minor grammatical corrections. The changes in Article 2 transfer determination of zoning

district boundaries in specific situations from the Planning Commission (PC) to the Board of Zoning Appeals (BZA) as required by state code.

The proposed changes in Article 3 include grammatical corrections and the addition of several new uses to the various districts. Auction house and Permanent Forestry Operation, for example, have been added to the A and A/R districts. In the commercial district, Antique/Craft House, Auction House, Garage, & Private School have all been added to the commercial district. The setback requirements have now been clarified in the Commercial and Industrial districts. In the Conservation/Recreation district it has been recommend allowing manufactured homes with the condition that they be double-wide in width and have a continuous masonry skirting.

Article 4 is one of the largest changes to the ordinance. Section 4-4 is the only section for issuing a permit to an owner proposing to place more than one home on an individual tract. While there is a provision for a second home on an individual lot, there is, however, no provision for a third or fourth home on an individual lot. The recommended change here is to expand Section 4-4 and to require a Site Development Plan on any individual tract where more than two homes will be placed. In addition, since manufactured home parks are basically the same thing (more than two homes on an individual tract) and considering most of the current Manufactured Home Park Ordinance requirements are copied in the zoning ordinance, it was recommended to eliminate all of the redundant requirements and to absorb what was left of the Manufactured Home Park Ordinance into the zoning ordinance.

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Articles 5 & 6 are basically grammatical changes. Since the BZA now has the responsibility of interpreting the zoning district boundaries in certain cases, it was recommended to include the basic rules of interpretation in Article 7. There was much debate about section 7-2.3 and to eliminate that debate it was decided to copy the requirements verbatim from the state code.

Article 8 has two substantial changes. The first is to place an expiration date on the zoning permits of twelve months and the second is to raise the fees of the various applications taken by the zoning department. In reference to the fees, the committee looked at several fee schedules from area jurisdictions and after much debate decided to raise the fees to \$75 per application.

Finally, several of the uses found in the ordinance now have definitions in Article 10.

Mr. John Taminger, Mr. Larry Davis, Mrs. Laura Sturgill, Mr. Dan Blevins, and Mrs. Anna Johnston supported the proposed revisions and asked that single-wide homes not be allowed in the Conservation/Recreation district in order to protect the scenic route to Hungry Mother Park. Mr. Earl McClure stepped down from the Planning Commission table and spoke as a citizen and was advised by Mr. Tate, that he could not take part in the decision made by the Planning Commission on this matter. Mr. McClure stated that the proposed revisions to the Conservation/Recreation section and to the permit fees did not comply with the state law.

No one else spoke on the proposed amendments to the zoning ordinance so the public hearing was closed.

At 7:30 P.M., Chairman of the Board and Chairman of the Planning

Commission opened a public hearing on the following applications. Mr.

Whitmore read the advertisement as published and the rules and procedures for speaking at a public hearing were still in effect as read before.

- (1) An application from Faith Missionary Baptist Church for a Special Use Permit to operate a private school at 2082 Lee Highway. The lot is zoned Agricultural/ Rural and is identified by Tax Map Number 55C-2-25-55.*

Mr. Williams said he accepted a special use permit application from Faith Missionary Baptist Church on December 9, 2004. The Church proposes to establish and operate a private school in the basement of the existing Church. Mr. Lundy submitted the required application, affidavit, and paid the required fee. A first class notice was mailed to all adjoining property owners and an affidavit to that affect is on file. Mr. Williams read a letter he received on this application from Melody Hogston, which did not oppose the application, but asked some questions. Mr. Williams referenced zoning ordinance sections Section 3-2.2 a) which permits private schools by special use permit and Article 6 which covers Special Use Permits.

Rev. Mark Lundy spoke on behalf of the church's application. He said they anticipate thirty to fifty K-12 students for the first year, which should begin this August. He did not expect a traffic problem because the school attendance will be less than church attendance on Sundays and Wednesdays. Rev. Lundy said they did not plan to build anything and would use upgraded existing facilities.

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- (2) An application from Appalachian Power Company for a Special Use Permit to build a communications tower on Lost Lake Road. The lot is zoned Agricultural/Rural and is identified by Grayson County Tax Map Number 16-A-83.*

Mr. Williams said he accepted a special use permit application from Appalachian Power Company (a Virginia corporation of American Electric Power) on January 3. AEP proposes to erect a communication tower on the mountain south of Sugar Grove. The property is owned by Grant E. Wilmoth. In filing their application AEP submitted an application, affidavit, and paid the required fee. In addition they provided the additional documentation as required by Section 4-11 of the ordinance. A first class notice was mailed to all adjoining property owners as well as to the Grayson County Board of Supervisors as required by law and an affidavit to that affect is on file. Mr. Wilmoth, property owner, e-mailed a letter, which supported the power company's application. Mr. Williams pointed out Section 3-2.2 k) which allows AEP to apply for a special use permit, Section 4-11 which contains additional requirements for communications towers, Section 10-17 which defines communication towers, and Article 6 which covers Special use Permits.

Mr. Robert Franciscus from AEP spoke on behalf of the company's application. He said the tower would be used for internal communications to field crews doing maintenance and repair work. He said they would comply with FCC regulations and that they would be able to accommodate up to three users. Mr. Franciscus said AEP had done numerous studies and there were no existing towers in the area to meet their coverage needs.

- (3) An application from Smyth County Board of Supervisors for a Special Use Permit to build an emergency network communications tower at 2570 White Rock Road (Flat Top Mountain). The lot is zoned Conservation/Recreation and is identified by Tax Map Number 17-A-2Z9.*

Mr. Williams accepted a special use permit application from the Smyth County Board of Supervisors on Jan 4. The Board of Supervisors proposes to erect and operate an emergency communication tower on a tract of land that

they own on Flat Top Mountain. In addition to filing the required application, supporting documents as required by Section 4-12 were submitted. A first class notice was mailed to all adjoining property owners and an affidavit to that affect is on file. Mr. Williams pointed out Section 3-6.2 h) which permits the application for a special use permit, Section 4-12 which includes additional requirements for emergency communication towers, Section 10-17.1 which defines ECN towers, and Article 6 which covers Special use Permits.

Mr. Shannon Williams spoke on behalf of the county application. He said the county is trying to improve communication for public safety. The Flat Top Mountain site is considered one of the five best sites in the county.

Chairman of the Board and Chairman of the Planning Commission closed the public hearing at 7:53 P.M.

The Board discussed the public hearing on the amendments to the zoning ordinance.

Mr. Perry and Mrs. Neitch commented on the manufactured home ordinance. Mr. Tate was instructed to look at the legal aspects of not permitting single-wide homes in the Conservation/Recreation district.

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Mrs. Neitch questioned fees for special use permits, etc. Mr. Tate stated that he feels that the fees of \$75.00, which is being proposed, would cover the cost of advertising.

Mrs. Neitch also questioned Mr. Williams on the repealing of the Manufactured Home ordinance. If repealed, what would control the older manufactured home parks? Mr. Williams stated that they are all covered under vested rights. Mr. Williams does not feel that the current manufactured home ordinance will not be needed once the amendments are in place, because most of the current Manufactured Home Park Ordinance requirements are copied in the zoning ordinance.

Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the Board approved an accounts payable listing in the amount of \$66,695.86.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board appropriated \$16,034.00 for Cedars/Hall Addition Easements and Pump Station Sites.

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried the Chairman adjourned the meeting at 8:12 p.m.

Chairman, Charlie Clark

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Mr. Shannon Williams, 911 Coordinator updated the Board on one of the grants received from Homeland Security. The Board authorized the purchase of laptop computers and mapping software for Fire, EMS and Law Enforcement Agencies. The equipment is ready to be distributed. Mr. Williams demonstrated

the data that is installed on the computers. A Data Licenses Agreement is being drawn up for each agency to sign. This keeps the agencies from selling, leasing, or distributing the data. The goal is to protect the data. The Memorandum of Agreement donates the equipment to the agencies, therefore the County will not be held accountable for any type of upgrades or licensing agreements for the equipment.

Upon motion of Mr. Slemp, seconded by Mr. Roberts, and unanimously carried the Board adopted the concept of the above discussed agreements, subject to final wording of the agreements.

Mrs. Neitch mentioned that she had been asked why the Geographical Information System (GIS) had been removed from the Smyth County web site. Mr. Joe Rector of Seven Mile Ford commented on the removal of GIS from the Smyth County web site. Mr. Tate stated that the Attorney General had been contacted and suggested that the best course was to wait until the General Assembly acted on this issue.

Mrs. Nikki Wyatt of the Southwest Virginia Litter Task Force spoke to the Board on what the task force wishes to accomplish. She asked that the Board and County Administrator look at hiring a part time Litter Control Coordinator. She suggested that salary come from the DEQ grant the County receives. She also discussed the mapping of illegal dumpsites throughout the County and who would begin this process. She requested that the Board appoint some one to the Upper Tennessee Round Table and to the Virginia Counsel for Litter Prevention and Recycling. She informed the Board that Toby Edwards and Carol Doss would be at the February meeting to inform the Board of litter and recycling programs in other counties.

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Old Business

1. Matter of collection of delinquent taxes.
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).
3. Ken Heath's request concerning establishment of local tax abatement

ordinance (referred to County Attorney, 7-1-03).

4. East County Spring Source Study (8-1-03).
5. Green Hill/Shuler Hollow Sewer Project complaints (Water/Sewer Committee):
 - Bob Mason's request concerning road repairs on a privately owned road (10-1-03).
 - Roger Blevins of Needmore Road needs road repaired back to the way it was before the project.
 - Stephen Lewis of Green Hill Circle – damage to home due to blasting.
 - Rhonda Taylor of Green Hill Circle – damage to home due to blasting.
 - Bruce Blevins of Shuler Hollow Road – road needs repairing and bushes have been removed. The Water and Sewer Committee has requested that the Board review an estimate for a culvert on Mr. Blevins' property.
 - J.B. Haga of Shuler Hollow Road – repairs needed on his property.
6. Draft revisions for Zoning Ordinance referred back to Planning Commission for study and recommendation (2-1-04).
7. Request concerning 911 contracts with the towns (911 Committee, 2-1-04).

Note: Mr. Roberts made it known that he was an employee of the Town of Marion and he could participate impartially.

Mr. Tate informed the Board that signed contracts has been received from the Town of Saltville (with one change on naming roads) and the Town of Chilhowie (made no changes). The Town of Marion requested the following three changes to their agreement: they have the option in the last two years of the 10 year agreement to start their own 911 system, they have right to name the substitute member other than the Town Manager, and they reserve the right to name streets.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board accepted the agreements with the requests from the Town of Marion.

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8. Marevine Slemph, request for water service on Fox Valley Road (5-11-04).

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9. The Water and Sewer Committee has requested the full Board review and discuss the estimate for the culvert on Shannon Gap Road (Water and Sewer Committee 8-10-04).
10. The Building and Grounds Committee recommends that up to \$200,000.00 be spent on remodeling the outside of the old school board building.

11. Approval of the Smyth County Emergency Operations Plan (11-10-04).
12. Attorney fees on the County warrants. As of December 31, 2004 the State will no longer pay appointed attorney fees for local warrants (11-10-04).
13. Request for tax-exempt status for the Smyth County Community Foundation.
14. Courthouse renovation.
15. Request the Board renew the agreement with the Department of Corrections for rental space in the old school board building (Mike Carter).

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board renewed the following agreement with the Department of Corrections for rental space in the old school board building:

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Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board agreed to enter into executive session to discuss disposition and possible acquisition of real estate, prospective business or industry, and legal briefing, as outlined in Section 2.2-3711 (A) (3), (5), and (7) of the Code of

Virginia, as amended.

Vote: 7 yea
0 nay

The Chairman declared the executive session ended and the doors were opened to the public.

Upon motion of Mr. Dishner, seconded by Mr. Blevins, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 7 yea
0 nay

Mr. Michael Carter distributed pictures to the Board showing progress on the McCreedy Bridge and the Wilderness Road Convenience Station.

Mrs. Sally Morgan distributed information on the economic development in Smyth County in 2004. There were 25 prospect visits and 592 new jobs

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announced in 2004. This was the highest number of new jobs announced for any locality in southwest Virginia.

Judge Randy Lowe invited the Board to tour the Courthouse facilities on Thursday, January 27, 2005, 12:00-2:00 p.m. The Chairman asked that the

Board members make every effort to attend.

Mr. Whitmore informed the Board that the Governor would be stopping at the Lincoln Theatre on Thursday, January 13, 2005 at 10:00 a.m. The Board was invited to attend.

At 4:56 the chairman continued the meeting until Thursday, January 27, 2005 at 7:00 P.M. for a joint public hearing with the Planning Commission.

Chairman, Charlie Clark

Virginia: At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, February 8, 2005 at 12:00 noon.

Board Members Present:	Mr. Charlie Clark, Chairman	Mr. Wade Blevins, Jr.
	Mr. Harold Slemp	Mr. Todd Dishner
	Mrs. Darlene R. Neitch	Mr. Marvin Perry
	Mr. Michael Roberts (arrived at approximately 3:11pm)	

Staff Members Present:	Mr. Edwin B.J. Whitmore, III	Mr. John H. Tate, Jr.
	Mr. Michael Carter	Ms. Amber Tilson
	Mr. Scott Simpson	Mr. Charlie Atkins
	Mrs. Sally Morgan	

Chairman called the meeting to order at 12:00 noon. Mr. Mike McCord led the pledge of allegiance. Invocation was given by Rev. Mark Totten of South Fork Baptist Church.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried the Board adopted the agenda as to form.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved the minutes of January 11 and 27, 2005.

Mr. Clark presented the following resolution to Mrs. Anna Crabtree in recognition of her work for Smyth County in the past years:

WHEREAS, Anna S. Crabtree served on the Smyth County Board of Zoning Appeals from its inception in January 2002 until her term expired on December 31, 2004; and

WHEREAS, Anna S. Crabtree served on the Board of Supervisors from August through December 1997; and

WHEREAS, Anna S. Crabtree represented Smyth County on the Board of Wytheville Community College from June 1996 to June 30, 2004,

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors recognizes the dedication and service provided to Smyth County by Anna S. Crabtree; and

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors expresses its appreciation to Anna S. Crabtree for her outstanding contributions to Smyth County.

Mrs. Susie Jennings introduced Devina Sexton, the new Executive Director of the Lincoln Theatre.

Mrs. Rita Copenhaver of the Smyth-Bland Regional Library explained the Sherwood Festival. It would take place October through December of 2005 with hopes to continue the festival each year. They hope to have funding for the festival in place by July 2005 and requested funding support from the County.

Upon motion of Mr. Perry, seconded by Mr. Slemp and unanimously carried, the Board asked that the Budget Committee consider this request.

Mrs. Jodi Arnold of the Smyth County Chamber of Commerce thanked the Board for their support with the Capitol Tree Celebration and the annual dinner. The Chamber is considering publishing a magazine to showcase the County. She asked the Board's opinion and if they felt that the magazine was worth the time and effort.

Mr. Jeff Richardson, Commissioner of Revenue requested that the Board consider a senior citizen relief pack. The change would increase the maximum income level to \$22,000.00 from \$18,000.00 and increase assets from \$30,000.00 to \$35,000.00. Currently the lost revenue is around \$46,000.00, with this change the lost revenue would be about \$60,000.00-\$63,000.00.

Upon motion of Mr. Slemp, and carried by the Board this request was referred to the Budget Committee for consideration.

Mr. Charlie Harrington requested permission to comment after the Carillon

Upon motion of Mrs. Neitch, seconded by Mr. Slemph, and unanimously carried, the Board agreed to let him do so.

• General County		\$950,000.00
• Allison Gap Sewer Project		\$560,643.87
• Communications Equipment		\$1,500.00
• Social Security (Sheriff's Dept.)		\$506.83
• Department of Social Services (February 9-28, 2005)		\$300,000.00
	(March 1-8, 2005)	\$35,000.00
• Schools	Operating Fund	\$3,170,000.00
	Capital Outlay Fund	\$200,000.00

Mr. Robert Hurt of the Virginia Department of Transportation informed the Board that the request for a turning lane at the intersection of Highway 107 and Highway 11 in Chilhowie was sent to the traffic and safety division. They plan to install a new controller cabinet with another phase; this should help the problem.

Mr. Slemp inquired about Rural Rustic Roads and the lack of snow removal on Davis Valley Road.

Mr. Whitmore informed Mr. Hurt that the maximum amount was requested

from the Revenue Sharing Program.

Mrs. Neitch inquired about her request on Route 604, a bank that was all mud. Mr. Hurt stated that it would be reseeded and stone placed when the area dried up.

Mr. Earl McClure inquired about an unpaved driveway that causes drainage into the road.

Upon motion of Mr. Dishner, seconded by Mr. Slemph, and unanimously carried, the Board appointed Kelly Powers to the Department of Social Services Board. Term to expire June 30, 2008.

Upon motion of Mr. Slemph, seconded by Mrs. Neitch, and unanimously carried, the Board reappointed Ed Stringer to the Department of Social Services Board. Term to expire March 12, 2009.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried the Board approved a recommendation from the Water and Sewer Committee that \$234,902.52 be written off of the Water and Sewer Department books. This came as a recommendation from the judge presiding over the collection proceedings. This amount is penalty that the court will not enforce.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried the Board agreed to allow the Town of Chilhowie to install sewer to service five (5) customers on Venice Drive. This came as a recommendation from the Water and Sewer Committee. The Town of Chilhowie asked because this area is in the County.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously

carried, the Board approved the \$9,000.00 Agreement and Release of All Claims with Bruce and Monica Blevins of the Green Hill/Shuler Hollow Sewer Project.

This is also a recommendation from the Water and Sewer Committee.

Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the Board approved the pay for part time dispatchers be increased \$3.00/hour. Pay will be \$10.00/hour with the increase. Funds will come from the 911 surcharge fund and will be effective February 1, 2005.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board adopted the following resolution:

In Support of Governor Warner's "Virginia Works" program

WHEREAS, Governor Mark Warner has recently announced a new economic development program called "Virginia Works" for Southwest and Southside Virginia; and

WHEREAS, one major focus of the Virginia Works program is support to Existing Industry, especially by matching the efforts of our workforce development system (local schools, economic development agencies, and community colleges) with the needs of existing business; and

WHEREAS, the Commonwealth is interested in awarding "two \$2 million grants to regional consortia that successfully identify better ways to respond to the needs of existing business," and

WHEREAS, both Smyth and Washington Counties have focused recent economic development efforts on its existing industry, and have been working to address workforce development needs of existing businesses; and

WHEREAS, the Smyth-Washington Regional Industrial Facilities Authority (formed in 2000 for the development of a new regional industrial park) has recently completed a study of workforce development deficiencies, and is ready and willing to pursue the key recommendations in the report.

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors wholeheartedly supports the new Virginia Works program and

commends Governor Mark Warner and Secretary of Commerce and Trade Michael Schewel for their efforts to address the concerns of rural Virginia, and

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors intends to be an active partner through the Smyth-Washington Regional Industrial Facilities Authority in an application for one of the regional grants to jointly implement a major workforce development initiative to serve existing industry, and

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors encourages and endorses private sector participation in this workforce development initiative.

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board continued the request to approve a 2002 personal property tax refund request on the amount of \$315.00 to Fifth Third Auto. This will allow the County Attorney to get further information on the request.

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, the Board approved the recommendation from the Planning Commission that the Faith Missionary Baptist Church application for a Special Use Permit to operate a private school be granted. Mr. Williams read a letter from the Virginia Department of Transportation stating that the existing entrance is adequate for the school.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved a recommendation from the Planning Commission that the American Electric Power application for a Special Use Permit to install a Communications Tower be granted.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board approved a recommendation from the Planning Commission that the Smyth County Board of Supervisors application for a Special Use Permit

to build an emergency network communications tower be granted. Mr. Williams read a letter from an adjoining property owner, requesting that the Board consider moving the tower as far north of the lot as possible.

Mr. John Tate, County Attorney made the following recommendation concerning the proposed zoning amendments:

“Our Ordinance is deficient in that, in the Residential District it defines a manufactured home as requiring it to be a double wide; this is not true in Agricultural/Rural or the Agricultural District. The ordinance is also deficient in Conservation/Recreation District, which I believe is similar to Agricultural District, open space, forest district. You should insert in the Conservation/Recreation District a provision that a manufactured home (you may require a permanent foundation in any district if desired) is allowed by right. It would be my recommendation that you pass on to the Planning Commission and the Zoning Administrator that immediate action by the Board that these two things have been adopted based on a public hearing recently held on these two sections of the code.”

Mr. Perry, made a motion to accept the County Attorney’s recommendation, it was seconded by Mr. Slemp, at this time, Mr. Roberts objected to the motion.

During discussion Mr. Tate stated that the remaining amendments would be referred to the Board’s Ordinance Committee. With direction of the Chairman, the remaining amendments were sent to the Ordinance Committee Mrs. Neitch called for questioning on motion on the floor. Vote for question was as follows:

Vote: 5 yea (Perry, Blevins, Neitch, Slemp, Clark)
2 nay (Dishner, Roberts)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board approved the above motion with the addition of including a “permanent foundation” be required.

Vote: 4 yea (Neitch, Blevins, Perry, Slemp)

Scott Simpson updated the Board on the following projects:

The Groseclose water booster pump is scheduled to arrive in March.

The Allison Gap Sewer Project in Saltville is moving along well. They expect to have the treatment plant finished and ready for preliminary operations toward the end of February. The line work is a head of schedule. There are 30-40 condemnations on this project. Some of the money left over from the project may have to be use to finalize those.

Mr. Slemp inquired about fire hydrants. Scott stated that hydrants are planned for every system if the pressure and volume is allowed.

The easements are close to finalizing on the Cedars/Hall Addition Sewer Project, loan closing will be within the next week. The contractor hopes to have the project completed before winter.

Thomas Bridge Interconnect is ready to go, just waiting for the Cedars/Hall Addition Sewer Project to begin so there will not be a large over lap of contractors working in the same places. Scott hopes to have it bid in the next few weeks.

Rural Development has requested an updated project cost for every item that is in each funding package, Greenwood/Pioneer Road for instance. Rural Development may request the County to apply for additional funding. The East Hungry Mother Water, Pleasant Heights and North Holston are in the same status with Rural Development. They will not allow moving forward with bidding or designing until the revised cost of the funding packages are submitted.

Mr. Simpson is meeting with Anderson & Associates to review the Axum Lane and Longleaf Lane designs and authorize submission to the Department of Health. He will also discuss the Fox Valley Road Water with Anderson & Associates.

Mr. Simpson stated that it looks like Rural Development is going to allow construction on Long Hollow Road, the first portion that does not include the area where Route 610 is going to be upgraded. This construction would include the tank and the pump station.

Engineering Concepts is currently working on the new Dix Well/Hutton Branch Well.

Mrs. Carol Doss, Coordinator for the Upper Tennessee River Roundtable. The Roundtable has a goal of restoring and protecting the water quality of the region. The Roundtable is currently active in Smyth County, coordinate volunteer water quality monitoring, provide supplies and education materials for regional stream clean ups, and have given presentations to students in seven (7) County schools. She requested that the Board, consider funding a Litter Control Coordinator. She also requested that a Smyth County representative be appointed to the Upper Tennessee River Roundtable Board.

Toby Edwards, Regional Litter Prevention and Recycling Coordinator. He is employed by the Commonwealth Plateau Regional Waste Management Authority, which covers, Russell, Buchanan, and Dickenson Counties. All three Counties, through tipping fees, fund Mr.Doss' salary. Mr. Doss discussed the Assign-A-Highway program. This project utilizes probationers to clean up the

roadside. The County is not liable for the probationers by §8.04-226.8 of the Code of Virginia. There are guidelines to be followed by the probationers, each probationer is assigned 1-2 miles of highway. The Litter Officer would oversee that the probationers are at work. Illegal dumpsites can also be mapped, which is another way to utilize the probationers.

After discussion, the Chairman appointed the following members to a committee to work in these requests and to work with Carol Doss and Toby Edwards:

Todd Dishner – Chairman
Harold Slomp
Mike Carter

Clegg Williams
Manuel Street

The Board proceeded with a public hearing, as advertised, to solicit public input on local community development and housing needs in relationship to the Community Development Block Grant (CDBG) funding. The primary reason for the program is to benefit low to moderate-income households. The Chairman opened the public hearing at 3:00pm, and there was one citizen in attendance to speak.

Mr. David Rutherford, Operator/manager of Rye Valley Water Authority spoke on behalf of the Authority. There are about nine (9) residences in the outlying area of Sugar Grove (Flat Ridge Road) that do not have public water. He requested help in the way of a self-help or a construction ready project to assist with these citizens. He stated that Rye Valley has the means to supply the water.

The Chairman closed the public hearing at 3:08pm.

Mrs. Morgan discussed possible applications for this year's Community Development Block Grant (CDBG) funding and stressed the importance of low to moderate-income eligibility. A locality is eligible for a total of \$2,500,000 in grant funds. Allison Gap Sewer Project is \$1,000,000, Cedars/Hall Addition Sewer Project is \$300,000, and Allison Gap Senior housing planning study is \$15,000. This leaves \$1,185,000 total eligibility. She mentioned Groseclose Sewer as a possible Economic Development Project. Mr. Roberts mentioned requests he has received from citizens for the following: housing rehabilitation in Buckeye Hollow, sewer in Pleasant Heights, North Holston, and Upper Poore Valley, and sewer on Kent Street. Mr. Roberts asked that these requests be considered for CDBG funding.

Mr. Paul Davenport, Program Director for Carilion Lifeguard 10 and the Carilion Patient Transportation Services based out of Roanoke, Virginia, requested a letter of endorsement, and support for Emergency Medical Service (EMS) license to operate an EMS helicopter from the Mountain Empire Airport. Mr. Davenport explained the benefits from the new expanded service, mainly; it would cut down on response times. This new base would not interfere with ground transportation already in place. They would work cooperatively with the Virginia State Police and Southern Virginia EMS Council to establish a clear process to ensure that providers in the area are educated on any changes that would occur. They will also work with local operational medical directors.

Mr. Charlie Harrington requested that the Board hold off on making a decision on this request. He asked this to allow time for him to obtain further

information on this request and how it would affect the local emergency services.

Mrs. Neitch made a motion to delay this decision for 30 days to give them time to be satisfied that this is the right thing to do. Mrs. Neitch withdrew that motion.

Upon motion of Mr. Perry, seconded by Mr. Slemple, and unanimously carried, the Board agreed to support the Emergency Medical Service license to operate an EMS helicopter from the Mountain Empire Airport, under §15.2-955 of the Code of Virginia.

Upon motion of Mr. Perry, seconded by Mr. Slemple, and unanimously carried, the Board agreed to enter into executive session to discuss disposition and possible acquisition of real estate, prospective business or industry, and legal briefing, as outlined in Section 2.2-3711 (A) (3), (5), and (7) of the Code of Virginia, as amended.

Vote: 7 yea
 0 nay

The Chairman declared the executive session ended and the doors were opened to the public.

Upon motion of Mr. Dishner, seconded by Mr. Blevins, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 7 yea
 0 nay

Old Business

1. Matter of collection of delinquent taxes.
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).
3. Ken Heath's request concerning establishment of local tax abatement ordinance (referred to County Attorney, 7-1-03).
4. East County Spring Source Study (8-1-03).
5. Green Hill/Shuler Hollow Sewer Project complaints (Water/Sewer Committee):
 - Bob Mason's request concerning road repairs on a privately owned road (10-1-03).
 - Roger Blevins of Needmore Road needs road repaired back to the way it was before the project.
 - Stephen Lewis of Green Hill Circle – damage to home due to blasting.
 - Rhonda Taylor of Green Hill Circle – damage to home due to blasting.
 - Bruce Blevins of Shuler Hollow Road – road needs repairing and bushes have been removed. The Water and Sewer Committee has

requested that the Board review an estimate for a culvert on Mr. Blevins' property.

- J.B. Haga of Shuler Hollow Road – repairs needed on his property.
6. Draft revisions for Zoning Ordinance referred back to Planning Commission for study and recommendation (2-1-04).
 7. Request concerning 911 contracts with the towns (911 Committee, 2-1-04).

Mr. Tate stated that the 911 agreement has been submitted to the Towns but there has been no response at this time.

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8. Marevine Slemph, request for water service on Fox Valley Road (5-11-04).
 9. The Water and Sewer Committee has requested the full Board review and discuss the estimate for the culvert on Shannon Gap Road (Water and Sewer Committee 8-10-04).
 10. The Building and Grounds Committee recommends that up to \$200,000.00 be spent on remodeling the outside of the old school board building.
 11. Approval of the Smyth County Emergency Operations Plan (11-10-04).
 12. Attorney fees on the County warrants. As of December 31, 2004 the State will no longer pay appointed attorney fees for local warrants (11-10-04).
 13. Request for tax-exempt status for the Smyth County Community Foundation.
 14. Courthouse renovation.

The Board also discussed the Board's flowers fund. They were reminded of the Regional Jail tour on February 10 at 1:30pm, and the Evergreen Soil and Water Conservation brunch on March 8 at 10:30am at the New Pioneer Restaurant.

Upon motion of Mr. Perry, the Chairman adjourned the meeting at 5:45pm.

Virginia: At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, March 8, 2005 at 12:00 noon.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Harold Slempp Mrs. Darlene R. Neitch Mr. Michael Roberts	Mr. Wade Blevins, Jr. Mr. Todd Dishner Mr. Marvin Perry
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Staff Members Present:	Mr. Edwin B.J. Whitmore, III Mr. Michael Carter Mr. Scott Simpson Mrs. Sally Morgan	Mr. John H. Tate, Jr. Ms. Amber Tilson Mr. Charlie Atkins
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Chairman called the meeting to order at 12:00 noon. Mrs. Sally Morgan led the pledge of allegiance. Invocation was given by Rev. Jim Bangle, Ebenezer Lutheran Church.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried the Board adopted the agenda as to form.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the additional agenda was added.

Upon motion of Mr. Perry, seconded by Mr. Slempp, and unanimously carried, the Board approved the minutes of February 8, 2005, with one minor change.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the following was approved:

Appropriations

- | | | |
|--|---------------------|----------------|
| • General County | | \$1,250,000.00 |
| • Social Security Funds (Sheriff’s Dept.) | | \$1,444.46 |
| • Animal Control | | \$182.34 |
| • Allison Gap Sewer Project | | \$415,373.02 |
| • Groseclose Water Project | | \$4,699.93 |
| • Cedars/Hall Addition Sewer Project | | \$564,830.99 |
| • Department of Social Services (March 9-31, 2005) | | \$300,000.00 |
| (April 1-12, 2005) | | \$35,000.00 |
| • Schools | Operating Fund | \$3,175,000.00 |
| | Capital Outlay Fund | \$150,000.00 |

<u>Accounts payable listing</u>	\$1,420,103.12
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Delegate, Bill Carrico, 5th District, updated the Board on the General Assembly’s progress this year. The Board thanked Mr. Carrico for the work he

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has been doing on behalf of Smyth County. Mr. Perry expressed his concerns with the Virginia Works program and asked Delegate Carrico to continue the push for this program.

On behalf of the American Cancer Society, Terry Neal Kinder informed the Board of the importance of the annual Relay for Life event. This year's event is scheduled for June 17 and 18 at the Marion Senior High School track. The event consists of teams that raise funds for the American Cancer Society.

During citizens time John Taminger, Anna Johnston, and Frances Detwiler expressed their concerns about the changes made to the zoning ordinance at the February Board meeting.

Earl McClure also spoke on the changes made to the zoning ordinance at the February meeting, stating he felt the changes made the ordinance legal. He also mentioned he was the appellant on the Dennis and Nancy Perkins request for a variance. He disagreed with the Planning Commissions decision to grant the request because it was unlawful.

Barbara Taylor, Shirley Mae, Denver Osborne, and Eva Connect expressed concerns on the Cedars/Hall Addition sewer project and the homes that would not be receiving the service at this time. Scott Simpson was asked to speak with the citizens to try to answer their questions.

Mr. Steve Buston of the Virginia Department of Transportation updated the Board on the following items:

- The speed study on Route 600 is complete and the speed limit is set at 55 miles per hour for cars and 45 miles per hour for trucks.

- On April 19, the Commonwealth Transportation Board will hold the annual Six-Year Plan public hearing in Bristol. Mr. Perry was appointed as the Smyth County representative to the hearing.

- Construction activities coming up this summer:

 - Unpaved road projects, 694 Crawfish Lane and Route 751 Roberts Chapel Road, Route 666 Boxwood Lane, will all be built to the rural rustic road standards.

 - Also on Route 16 at the intersection of Route 601, they will be cutting off the curve to improve sight distance.

 - The next section of Route 610 will also see construction.

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Mr. Buston answered questions concerning construction on the remainder of Route 622 Nicks Creek Road. Mr. Buston will forward a list of roads to the Board scheduled for resurfacing.

Mr. Roberts Hurt informed the Board that the ditching at the Atkins Volunteer Fire Department has been referred to the environmental department. New signal box for the intersection of Highway 107 and Route 11 has not been received.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved amending the Comprehensive Services Act pool fund to increase the revenue by \$141,988.00 and to increase the expenditures by \$185,290.00 for a net increase of the County's support to CSA of \$43,302.00.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved the purchase of a truck for the Engineering Department. The Board also appropriated \$19,568.00 from the Green Hill/Shuler Hollow Sewer account to fund the truck.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved recommendations from the Surplus Property Committee that an IBM 4234 Dot Band Printer be declared surplus property and may be sold to an interested company for \$750.00, and that a cabinet no longer needed in the Building Inspection office is declared surplus property and may be donated to the Smyth County Vocational School. The motion also included disposal of the following vehicles declared surplus property:

1998	Dodge, Dakota	117,665 miles
1997	Dodge, Intrepid	132,371 miles
1997	Mercury, Sable	130,973 miles
1996	Mercury, Sable	94,386 miles
1995	Chevy, S-10	103,670 miles
1990	Chevy, Caprice	65,486 miles
1985	Chevy, Van	mileage unknown (keys have been lost)
1978	Ford, F-700	mileage unknown

Upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried, the Board approved a recommendation from the Ordinance Committee to begin the process of recodifying the Smyth County Code and to allow the staff

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to spend up to \$12,000.00 (currently in the budget) at this time.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to let Amber Tilson know of any changes to the Area Beautification Committee by the next Board meeting.

Mr. Tate explained a request on behalf of the Southwest Virginia Industrial Facilities Authority (S.W.I.F.A). He requested that the Board approve a change to the ordinance allowing the original two-year members (Clarence Smith and Russell Owens) of the S.W.I.F.A. Board serve an additional four-year term for a total of 10 years. If Washington County and Smyth County agree to the change, the S.W.I.F.A. by laws can then be amended.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board agreed to hold a public hearing on the requested change to the ordinance concerning S.W.I.F.A. terms of original members.

The Board agreed to continue the issue of funding for the boundary survey and soil borings for the Courthouse renovation (continued until March 24, 2005).

Upon motion of Mr. Slemph, seconded by Mr. Perry, and unanimously carried, the Board agreed to hold a hearing on Thursday, March 24, 2005, at 5:00 P.M. to hear an appeal to the Planning Commission's decision to grant a right-of-way variance to the subdivision ordinance to Dennis and Nancy Perkins.

Mrs. Sally Morgan updated the Board in the Planning Commission and advisory committee's status with the revising of the Comprehensive Plan. There could possibly be a joint public hearing in July.

Upon motion of Mr. Perry, seconded by Mr. Slemph and duly carried, the Board adopted the following resolution in support of Washington County submitting a revised application to Virginia Department of Transportation on the Highlands Business Park Industrial Park access road:

Vote: 5	yes
1	abstention (Neitch)
1	nay (Blevins)

WHEREAS, Smyth County continues to be a partner with Washington County in the ownership, development, and marketing of the Highlands Business

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Park (formerly the Glade Highlands Regional Industrial Park) through the Smyth-Washington Regional Industrial Facilities Authority (SWIFA), the organization responsible for administering the park development and operations, and

WHEREAS, the industrial park is expected to be the site of new private capital investment in land, building, and manufacturing equipment which will provide employment opportunity; and

WHEREAS, the subject property does not have an adequate, improved access road to a public street or highway and will require the construction of a new roadway to connect with U.S. Highway 11; and

WHEREAS, the Commonwealth Transportation Board approved a \$361,680 allocation from the Industrial, Airport and Rail Access Fund at its August 15, 2002 meeting for a project to be administered under the "bonded" concept to provide access within the industrial park, and established the beginning date for the five-year "bonded" period for establishing qualifying investment under the guidelines of the Industrial Access Policy; and

WHEREAS, SWIFA has been in constant communication with VDOT in the development of the project plans; and

WHEREAS, SWIFA in attempts to comply with VDOT requirements involving project plan design and right of way, and off-site drainage improvements, has encountered issues resulting in delays in project development and increased estimated project costs; and

WHEREAS, SWIFA has requested that Washington County ask the Commonwealth Transportation Board to rescind its earlier request of \$361,680 in favor of a request of up to the maximum dollar amount (\$450,000) and to establish a new five year period for attracting qualifying investment.

NOW, THEREFORE, BE IT RESOLVED THAT: The Smyth County Board of Supervisors supports the request being made by Washington County to the Commonwealth Transportation Board to provide an allocation from the Industrial, Airport and Rail Access Fund sufficient and within the maximum limit to accommodate the resulting increase in estimated project costs and establish a new five-year period for attracting qualifying investment.

Upon motion of Mrs. Neitch, seconded by Mr. Slemph, and unanimously carried the Board supports funding for improvements to the apartment complex in Seven Mile Ford. A letter of support will be submitted to the Virginia Housing Development Authority.

Mrs. Morgan updated the Board on the Community Development Block Grant (CDBG) program, since the public hearing held on February 8. Groseclose Sewer project is a potential project for this program. The representatives of the CDBG program or not interested in this project until the bulk of the funding is applied for from Rural Development. Rural Development is working on current project packages at this time. The Rye Valley water project, which would service nine (9) households, is eligible for CDBG funding.

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Department of Housing and Community Development (DHCD) will assign someone to start a planning strategy on the Allison Gap School for elderly housing, when the needs assessment is complete.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board adopted the following resolution opposing elimination of the CDBG program:

WHEREAS, the Administration has proposed the elimination of the Community Development Block Grant program in its Fiscal Year (FY) 2006 budget; and

WHEREAS, the Community Development Block Grant (CDBG) Program is a federal program (through the U.S. Department of Housing and Urban Development) that has provided over \$6.7 million in total funds to Smyth County, Virginia for important infrastructure, economic development, housing, community service, and health care projects; and

WHEREAS, Smyth County has used CDBG funds to provide water and sewer to neighborhoods that did not have adequate and safe drinking water or properly functioning wastewater disposal; and

WHEREAS, Smyth County has also used CDBG funds to repair dilapidated housing; assist local industry in creating much-needed jobs; provide modern equipment for a health clinic in an isolated mountain community, and study the need for elderly housing; and

WHEREAS, the CDBG program enables Smyth County to design and provide programs that address specific needs of the low and moderate income residents of the county; and

WHEREAS, funds for these kind of urgently needed projects are not and will not be available from any other federal, state, local or private source; and

WHEREAS, the Administration's proposal to combine funding of many programs into a much smaller program under the U.S. Department of Commerce will not provide the assistance we are able to receive from the current CDBG program.

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors ardently opposes the proposed elimination of the Community Development Block Grant program.

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors hereby respectfully requests that Senator Warner, Senator Allen, and Congressman Boucher support maintaining the CDBG program at the U. S. Department of Housing and Urban Development.

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors requests our federal legislators to support current level funding for the CDBG program which would be \$4.7 billion for FY 2006.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and duly carried, the Board reconsidered the action taken on Tuesday, February 8, 2005 concerning

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the amendments to the zoning ordinance.

Vote: 5 yea
 2 nay (Blevins, Neitch)

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and duly carried, the Board voted to send the changes made on February 8, 2005, to the zoning ordinance back to the Planning Commission for review. The motion also included a request that the Planning Commission employ independent legal council with expertise in land use to assist with the review.

Vote: 6 yea
 1 nay (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board rescinded the action taken on February 8, 2005 concerning the zoning amendments. The zoning ordinance will return to, "manufactured home, if doublewide in width or larger, and if placed on a continuous masonry foundation (§3-3.1 b) and not to allow manufactured homes in the Conservation/Recreation District, by right (§3-6.1)," until the Planning Commission returns to the Board with a recommendation. Upon advice of the County Attorney, Mrs. Neitch stated that she believed this was not legal and would not vote for it.

Vote: 5 yea
 2 nay (Blevins, Neitch)

Scott Simpson, County Engineer updated the Board on the status of engineering/water and sewer projects.

The contractors for the Groseclose Water booster pump station started excavation Monday and the pump should be installed by the end of the week. Mr. Simpson is ready to solicit bids for the additional water connections near Merillat in Atkins.

The Allison Gap sewer project moving along well, 85% of the project is complete. The treatment contractors hope to have the plant running by mid-April. During recess the secondary loan was closed for the project.

Cedars/Hall Addition Sewer is 20% complete in three (3) weeks. They are working on trying to allow some of the collection lines to be placed shallower than planned, this would save money in the future on maintenance and on current

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construction costs. After speaking with the citizens who voiced their concerns earlier in the meeting, all but one (1) of those are not getting service at this time. If there are no large change orders and with more funding, Mr. Simpson hopes to be able to serve more homes in that area.

Mr. Simpson anticipates bidding Thomas Bridge Interconnect by the end of March with a notice to proceed July 1.

The design for Pioneer/Greenwood Road is ready. The engineer will work with Rural Development on the best options for that package. Applications for the next round of funding from the Virginia Department of Health is due April 1, he hopes to receive more funding from that source for this project.

Mr. Simpson has made progress with Rural Development on the East Hungry Mother package. He has come up with three (3) recommendations on how to resolve the issues with this funding package, he will discuss those more in depth with the Water and Sewer Department at the March 22 meeting and hopes to have a recommendation to the full Board in April. The status of Pleasant Heights and North Holston depends on the decision made with the East Hungry Mother package.

The complete design for Axum and Longleaf Lanes has been submitted to the Virginia Department of Health.

The first section of Long Hollow Road (where VDOT will be reconstructing) will be constructed. This includes the tank and buster pump station.

Engineering Concepts is currently working on the new well for the Hutton Branch water system.

Anderson and Associates is currently working on the Fox Valley Road water. Mr. Simpson will meet with them on how the current system works to complete engineering report.

The Spring Valley Road water study is part of the Fox Valley area study. This source of water would assist in the Thomas Bridge Interconnect.

Mr. Roberts asked to be placed on the Water and Sewer Committee agenda to discuss the East Hungry Mother package and a policy matter.

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There are also a few minor road repairs to be done on the Green Hill/Shuler Hollow Sewer project.

On behalf of the Town of Chilhowie, Bill Rush, Town Manager, requested the Board consider allowing a voluntary boundary adjustment for Mayor Gary Henigar, whose home is outside the town limits on Tattlebranch Road. This adjustment would put the home in the town limits. The Town of Chilhowie has agreed to the adjustment, the law requires that the County agree also.

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and duly carried, the Board would consider an agreement with the Town of Chilhowie and advertise for a public hearing on the requested voluntary boundary adjustment. The Town of Chilhowie has agreed to do the advertising, the agreement, publication, and the filing fees with court.

Vote: 6 yea
 1 nay (Perry)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board agreed to enter into executive session to discuss disposition and possible acquisition of real estate, prospective business or industry, and legal briefing, as outlined in Section 2.2-3711 (A) (3), (5), and (7) of the Code of Virginia, as amended.

Vote: 7 yea
 0 nay

The Chairman declared the executive session ended and the doors were opened to the public.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

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WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 7 yea
0 nay

Mr. Blevins motioned to allow Mr. Taylor of Chilhowie to continue his business as is and take no action on complaints received. The motion was seconded by Mrs. Neitch and was not carried.

Vote: 3 yea (Neitch, Blevins, Roberts)
4 nay (Clark, Slemper, Perry, Dishner)

Old Business

1. Matter of collection of delinquent taxes.
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).
3. Ken Heath's request concerning establishment of local tax abatement ordinance (referred to County Attorney, 7-1-03).
4. East County Spring Source Study (8-1-03).
5. Green Hill/Shuler Hollow Sewer Project complaints (Water/Sewer Committee):
 - Bob Mason's request concerning road repairs on a privately owned road (10-1-03).
 - Roger Blevins of Needmore Road needs road repaired back to the way it was before the project.
 - Stephen Lewis of Green Hill Circle – damage to home due to blasting.
 - Rhonda Taylor of Green Hill Circle – damage to home due to blasting.
 - Bruce Blevins of Shuler Hollow Road – road needs repairing and bushes have been removed. The Water and Sewer Committee has requested that the Board review an estimate for a culvert on Mr. Blevins' property.
 - J.B. Haga of Shuler Hollow Road – repairs needed on his property.

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Bruce Blevins of Shuler Hollow Road concern has been settled and can be removed.

-
6. Draft revisions for Zoning Ordinance referred back to Planning Commission for study and recommendation (2-1-04).

Draft revisions for the Zoning Ordinance can be removed and replaced with manufactured home park ordinance referred to Planning commission's Ordinance Committee and the remainder of the proposed amendments is referred to the Board's Ordinance Committee.

-
7. Request concerning 911 contracts with the towns (911 Committee, 2-1-04).

Mr. Whitmore informed the Board that the Town of Marion and the Town of Chilhowie have approved the 911 contracts. The Town of Saltville will consider the contracts at their meeting tonight (Tuesday, March 8).

-
8. Marevine Slem, request for water service on Fox Valley Road (5-11-04).
9. The Water and Sewer Committee has requested the full Board review and discuss the estimate for the culvert on Shannon Gap Road (Water and Sewer Committee 8-10-04).
10. The Building and Grounds Committee recommends that up to \$200,000.00 be spent on remodeling the outside of the old school board building.
11. Approval of the Smyth County Emergency Operations Plan (11-10-04).
12. Attorney fees on the County warrants. As of December 31, 2004 the State will no longer pay appointed attorney fees for local warrants (11-10-04).

Mr. Tate will look into the County warrants for the April 2005 meeting.

-
13. Request for tax-exempt status for the Smyth County Community Foundation.
14. Courthouse renovation.
15. Request the Board approve a 2002 personal property tax request in the amount of \$315.00 to Fifth Third Auto (continued 2-8-2005, for Attorney to gather more information on the request).

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, the Board approved a 2002 personal property tax refund request in the amount of \$315.00 to Fifth Third Auto. This item can be removed from old business.

Upon motion of Mr. Slem, seconded by Mrs. Neitch, and unanimously carried, the Board adopted the following resolution in support of cell tower

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service in the Sugar Grove area, the resolution will be mailed to cell phone companies that service this area:

WHEREAS, the residents of Sugar Grove community in Smyth County, Virginia does not have cellular telephone service, and

WHEREAS, most of the rest of the county is presently served by one or more cellular telephone service providers, and

WHEREAS, the Smyth County Board of Supervisors believes that mobile telecommunications is an important service that should be made available to the widest degree possible throughout the county.

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors strongly urges cellular telephone service providers serving the region to extend cell service to the Sugar Grove community.

Mr. Dishner mentioned a requested he received for an icemaker in the Courthouse.

Mr. Slemp discussed recent rumors concerning the Smyth County Community Hospital. He suggested that the County contact the hospital to receive information on their current status.

Mr. Tate updated the Board on the sale of the Lea Building to Coffman Stairs. The closing was scheduled for Monday (March 7). Coffman Stairs was not able to make the closing but sent a \$100,000.00 deposit to hold the building until Wednesday. The closing is now scheduled for Wednesday, March 9, 2005. Mr. Tate has received the proposed closing statement.

Mr. Carter informed the Board of a meeting on Monday, March 14, 2005 at 1:00pm in the General District Courtroom, with Sheriff Bradley to discuss holding cell issues.

Mr. Carter also mentioned the agreed value of the Old School Board Building for insurance purposes. The current agreed value is \$2,700,000.00, Mr. Slemp suggested reducing the value to \$500,000.00. The insurance committee will discuss this within the next week.

Mr. Slemp also mentioned workers compensation and the amount of claims that are being received. He suggests to the insurance committee, that a panel of three or so doctors be set up for claims during day, to prevent an emergency room visit and allow the County to pay for minor claims. This would

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help with the cost of the frequency of the claims. The insurance committee will also need to address the claims received by the fire and rescue members who work with methamphetamine lab raids.

Upon motion of Mr. Perry, seconded by Mr. Slempp, and unanimously carried, the Board continued the meeting until March 24, 2005 at 5:00pm for an appeal hearing and any other items that may arise.

C. C. Clark, Jr., Chairman

Virginia: A continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, March 24, 2005 at 5:00 pm.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Harold Slempp Mrs. Darlene R. Neitch Mr. Michael Roberts	Mr. Wade Blevins, Jr. Mr. Todd Dishner Mr. Marvin Perry
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Staff Members Present:	Mr. Edwin B.J. Whitmore, III Mr. Michael Carter Mr. Charlie Atkins	Mr. John H. Tate, Jr. Ms. Amber Tilson
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The Board met for a hearing on an appeal to the Planning Commission's decision to grant a right-of-way variance to the subdivision ordinance to Dennis and Nancy Perkins.

The hearing was opened at approximately 5:01 pm. There were approximately 20 citizens in attendance.

Mr. Earl McClure being the appellant explained that he did not agree with the Planning Commission's decision to grant the requested variance because it does not follow the subdivision ordinance. Prior to January 2004, Dr. Neal Hollyfield created a subdivision according to the record dated January 28, 2004. The record included a new right-of-way; which caused it to be a subdivision, according to the subdivision ordinance. After Dennis and Nancy Perkins purchased the property from Dr. Hollyfield, a building permit was refused to the Perkins' because the subdivision agent had not approved the subdivision. Mr.

McClure suggested that the Planning Commission's decision be overturned, then Bud Owens, Subdivision Agent and Dr. Hollyfield work together to satisfy requirements of the subdivision ordinance. The building permit could then be issued to the Perkins' and the problem would be solved. Mr. McClure also explained that once a subdivision is created in an agricultural zone, it is rezoned to residential. So, by allowing the Planning Commission to grant this variance to the subdivision ordinance, extends the commission's authority into the zoning ordinance and only the Board of Zoning Appeals can authorize a variance to the zoning ordinance. Mr. McClure added that Mr. Clegg Williams should now submit a rezoning request. He also suggested workshops to inform all parties involved with the various ordinances. Mr. McClure then answered questions from the Board and County Attorney.

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Mr. Dennis Blevins, Chairman of the Planning Commission spoke on behalf of the Commission. He explained that the Commission felt that granting the variance was the solution to the problem with the Perkins'. As owner of the lot, the Planning Commission felt that Dr. Perkins had the right to request the variance. He also stated that section 5.3 allows a variance to be requested on any section of the subdivision ordinance.

Mr. Karl Kalber, member of the Planning Commission, also spoke in favor of the Commission's decision to grant the variance.

Mr. Patton Graham also spoke in favor of granting the variance. He explained that subdivision is defined in section 4.3.23 of the ordinance as, "a division of land into four (4) or more lots for the purpose of transferring ownership or building development, however any division of a partial of land which *requires* the creation of a new right of way...." He also pointed out that there is no requirement of a right of way; the right of way request is for only convenience and safety. He also stated that another right of way had been created on the property before the Perkins' division was made.

Mr. John Taminger also spoke in favor of the "reasonable" request and expressed the importance of citizen's returning to Smyth County. Approval of the

request can “send a clear message that Smyth County is back on track providing, progressive, stable environment for future growth by voting unanimously to approve Dr. Perkins” request for variance.”

Mrs. Anna Johnston expressed her favor for approval of the request and that it was a logical request; that is what variances are for. She stated that approval would be progressive action.

The Chairman closed the hearing at approximately 5:46 p.m.

After discussion, upon motion of Mr. Slemp, seconded by Mr. Dishner, and duly carried, the Board upheld the Planning Commission’s decision to grant the right-of-way variance to Dennis and Nancy Perkins.

Vote: 6 yea
1 abstention (Neitch)

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At approximately 6:00 p.m. the Board continued the meeting in the boardroom on the fourth floor.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved a 2004-2005 school budget amendment request. The revenue budget is increased in the amount of \$416,878.66 and the expenditure budget is increased in the amount of \$416,878.66. Funds received were not originally anticipated.

Upon motion of Mr. Perry and carried by the Board, the recommendation from the Insurance Committee on the agreed value of the following buildings was approved:

1. Old School Board Building – *decrease* the agreed value from \$2,743,208.00 to **\$500,000.00**.
2. Courthouse – *increase* the agreed value from \$5,905,695.00 to **\$9,100,000.00**.
3. Jail – *decrease* the agreed value from \$1,687,222.00 to **\$500,000.00**.
4. Health Department Building – *increase* the agreed value from \$816,953.00 to **\$1,400,000.00**.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to donate \$1,000.00 to Chilhowie High School for Project Graduation 2005 and donate \$1,000.00 to Northwood High School for NHS After Prom 2005. The same amount will be donated to Marion Senior High

School upon receipt of their request.

Note: Charlie Clark and Michael Roberts stated that their wives work for the Smyth County School System and that they could vote impartially.

Sheriff Bradley discussed possible uses of the current jail; the Regional Jail will be in operation in the next couple of weeks. He suggested using the first floor of the building as booking and holding cell areas. Modifications needed to the Smyth County jail are outlined in the following letter:

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Following discussion, upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board appointed Mr. Slemp, Mr. Perry, and Mrs. Neitch, to a Transition Committee to assist with the jail transfer. Modifications (outlined in the letter above) to the jail must be made immediately because of the transition of all personnel and prisoners to the Regional Jail on Saturday, April 9, 2005. Time is not available to prepare a Request for Proposal (RFP) but in selecting contractors to perform the necessary work; the committee shall use competitive principles. On behalf of the Board, the committee has the authority to contract for renovation services up to \$30,000.00 as allowed by section 2.2-4303 F of the Code of Virginia.

The Board discussed the boundary survey and soil borings for the courthouse renovation. The Board agreed to continue the meeting for a "courthouse session" on Thursday, April 7 at 1:00 p.m. to discuss the courthouse renovation. The Board also discussed that no further action concerning the courthouse renovation be taken until after the continued meeting.

Upon motion of Mr. Roberts and carried, the Board moved to the next agenda item.

Mr. Slemp introduced Mr. Rusty Cox of the Davis Valley Winery. Mr. Cox

has submitted a permit for a music festival and explained that he planned on conducting five (5) concerts a year. He asked if he would have to submit a permit for each of the events. The events will be outdoor, Saturday events, doors will open at 10:00 a.m. and the concert will last from 1:00 – 4:00 p.m.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board would forward amending the “entertainment or music festival” portion of the Smyth County Code to the Ordinance Committee. The committee will address the permit submitted by Mr. Rusty Cox and the questions surrounding his planned events at the Davis Valley Winery.

Mr. Roberts motioned that the 2004 Homeland Security Grant be used for courthouse security. The grant for is approximately \$86,000.00. After discussion Mr. Roberts withdrew his motion and stated that he would have Mr. Charlie

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Harrington at the next regular scheduled Board meeting to explain the use of the grant on the courthouse security.

Mr. Roberts requested that the Board consider using the anticipated remaining funds from the Allison Gap sewer project to supply service to others in the area in need of service (Kent Street).

With discussion, upon motion of Mr. Roberts, seconded by Mr. Blevins, and duly carried, the Board agreed to follow legal procurement, take bids (if necessary) and proceed with the extension, providing that sufficient funds are available.

Vote: 6 yea
1 nay (Perry)

The Chairman scheduled a public hearing for the next regular scheduled Board meeting on Tuesday, April 12 at 3:00 p.m. to hear public opinion on the Town of Chilhowie boundary adjustment.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board gave permission to Kenny Lewis, Sheriff’s Department, to apply for the following grants:

Fiscal Year 05-06 VSTOP 100% Federal \$35,755.00
Continuation of grant #04-H9359VA03

Fiscal Year 06-07 VSTOP	100% Federal	\$35,755.00
Continuation of grant #04-H9359VA03		

Fiscal Year 2005-2006	75% Federal	\$27,715.00
School Resource Officer	25% Local	\$9,239.00
Continuation of grant #05-D4774FR05		

Tom Burkett, Treasurer is listed as the Financial Officer on presented grants, Mr. Carter requested replacing Tom Burkett's name with Charlie Atkins.

After discussing the disposal of cars declared surplus property on March 8, Mr. Slemp made a motion to let Saltville have one automobile and to hold all other automobiles until the Surplus Property Committee can come up with guidelines when donating cars to area organizations. The motion was seconded by Mrs. Neitch and unanimously carried by the Board.

By show of hands, Mr. Slemp, Mr. Roberts, Mr. Dishner, and Mr. Clark will be attending the Quarterly meeting to be hosted by the Town of Chilhowie on Tuesday, April 5 at 6:00 p.m., at the Town House Grill.

Upon motion of Mr. Perry, seconded by Mr. Slemp and carried by the Board, the Chairman continued the meeting until Thursday, April 7 at 1:00 p.m. to discuss the courthouse renovation.

C.C. Clark, Jr., Chairman

Virginia: A continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, April 7, 2005 at 1:00 pm.

Board Members Present:	Mr. Charlie Clark, Chairman	Mr. Wade Blevins, Jr.
	Mr. Harold Slemph	Mr. Todd Dishner
	Mrs. Darlene R. Neitch	Mr. Marvin Perry
	Mr. Michael Roberts	

Note: Mr. Dishner left at approximately 2:30pm, Mr. Slemph left at approximately 3:03pm.

Staff Members Present:	Mr. Edwin B.J. Whitmore, III	Mr. John H. Tate, Jr.
	Mr. Michael Carter	Ms. Amber Tilson
	Mr. Charlie Atkins	Mr. Scott Simpson
	Mr. Shannon Williams	Mrs. Diane Spence
	Ms. Heather Gillespie	

The Chairman called the meeting to order at 1:04pm.

The Board of Supervisors met to discuss the renovation of the Courthouse and to decided where to go from this point. Each Board member voiced their concerns with the courthouse. The Board also took comments from the audience, which consisted of approximately 20 people including staff members, constitutional officers and judges.

With discussion, Mr. Perry motioned that the Building and Grounds Committee devise a plan to provide adequate security for the Courthouse until the Board decides which direction to take with the renovation. Mr. Slemph seconded the motion and it was unanimously carried.

Vote: 6	yea
1	absent (Dishner)

Upon motion of Mr. Perry, seconded by Mr. Roberts, and unanimously carried, the Board approved the recommendation from the budget committee to advertise a public hearing on the school board's 2005-2006 fiscal year budget, as presented to the budget committee on Wednesday, April 6 and adopted by the school board on March 31. Public hearing is scheduled for Wednesday, April 20, 2005 at 5:00pm.

Vote: 5	yea
2	absent (Slemph, Dishner)

The Chairman adjourned the meeting at 3:21 pm.

C.C. Clark, Jr., Chairman

Virginia: At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, April 12, 2005 at 12:00 noon.

Board Members Present: Mr. Charlie Clark, Chairman Mr. Wade Blevins, Jr.
Mr. Harold Slemp Mr. Todd Dishner
Mrs. Darlene R. Neitch Mr. Marvin Perry
Mr. Michael Roberts

Note: Mr. Dishner left at approximately 2:15pm.

Staff Members Present: Mr. Edwin B.J. Whitmore, III Mr. John H. Tate, Jr.
Mr. Michael Carter Ms. Amber Tilson
Mr. Scott Simpson Mr. Charlie Atkins
Mrs. Sally Morgan

The chairman called the meeting to order at 11:58 a.m. Mr. Michael Carter led the pledge of allegiance. Invocation was given by Rev. Neville Mozingo.

Mr. Mozingo commented on the amount of trash along the roads through out the County.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board adopted the following resolution as requested by the Smyth County Chamber of Commerce:

WHEREAS, April 2005 has been selected in order to correspond with the month of Earth Day, Arbor Day and other clean-up activities scheduled throughout the state, and

WHEREAS, the Area Beautification Committee of the Chamber of Commerce of Smyth County, Inc. is encouraging all Adopt-A-Highway program participants, churches, clubs and organizations to schedule a clean up, and

WHEREAS, the Virginia Department of Transportation is arranging special pickups to support the efforts of volunteers throughout the Smyth County area.

NOW, THEREFORE BE IT RESOLVED, That the Board of Supervisors of Smyth County acknowledges the importance of encouraging area residents to work together to maintain the appearance of Smyth County, and declares April 2005 as "Smyth County Clean-up Month."

Mr. Slemp expressed thanks for Mr. Mozingo's contribution to this community.

Mr. Roberts thanked the Board for flowers, cards, thought, and prayers, during the loss of his grandfather.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried the Board adopted the agenda as to form, with the additional agenda.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously

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carried, the Board approved the minutes of March 8, 24 and April 7, 2005, with a few grammatical changes.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the following appropriations were approved:

Appropriations

• General County		\$1,050,000.00
• Social Security Funds (Sheriff's Dept.)		\$606.81
• Animal Control		\$130.00
• Allison Gap Sewer Project		\$270,994.93
• Groseclose Water Project		\$5,158.24
• Cedars/Hall Addition Sewer Project		\$497,474.00
• Department of Social Services (April 13-30, 2005)		\$315,000.00
(May 1-10, 2005)		\$35,000.00
• Schools	Operating Fund	\$3,300,000.00
	Debt & Capital Outlay Fund	\$350,000.00
	Textbook Fund	\$1,000.00

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved the accounts payable listing in the amount of \$1,420,103.12.

During citizen's time the following citizens spoke:

Mr. James Davidson discussed the amount of deer carcass thrown on the sides of the roads, in the fall. He asked the Board if anything could be done about this problem. He suggested placing a container at the convenience stations for the carcasses. Mr. Carter explained that a container at the convenience stations for carcass violates state law but carcasses are accepted at the transfer station.

John Taminger, Sandy Stoots, Bonnie Murry, and Betty Hall, residents from the East Hungry Mother water project questioned the progress of the water for that area. Scott Simpson explained his recommendation to remove \$200,000.00 from the Thomas Bridge Interconnect project to make up the short falls of the East Hungry Mother funding package. This would assist in getting the

project moving. The Board would vote on this recommendation later in the
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meeting, the citizen's stayed to hear the Board's decision.

Mrs. Kitty Cox thanked the Board for their continuous work in the community and support for the Museum of the Middle Appalachians. She hopes they will continue their support in the future.

Mr. James and Jennie Haulsee of Shuler Hollow Road expressed their concerns with a neighbor who continues to operate a junkyard. She explained that the junkyard was decreasing the value of their home and was not something they wished to see on a daily basis.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board appropriated \$12,180.00 from the 911 Communications budget to pay license frequencies for five (5) tower sites for the radio system.

Upon motion of Mr. Dishner, seconded by Mr. Slemp, and duly carried, the Board approved the Water Committee's recommendation that \$200,000.00 be reallocated from the Thomas Bridge Interconnect budget to the 502 funds projects budget to cover the shortfall of the East Hungry Mother funding package. This motion also removes Pleasant Heights and North Holston from the East Hungry Mother funding package.

Vote: 6 yea
 1 nay (Perry)

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and duly carried, the Board requested that the staff work with the next two (2) year budget cycles to come up with \$900,000.00 needed to upgrade the North Holston and Pleasant Heights water lines.

Vote: 6 yea
 1 nay (Perry)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board adopted the following resolution:

WHEREAS, the Girl Scouts of the Appalachian Council have announced the names of the Girl Scouts that have achieved the 2005 Gold Award, and

WHEREAS, the Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development, and

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WHEREAS, Meghan Thompson is a resident of Smyth County and has accomplished this major award.

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors recognizes this young lady on the occasion of receiving the Gold Award and extends its congratulations to her for her hard work and dedication to the Girl Scouts.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board adopted the following resolution:

WHEREAS, 45 million Americans, equal to the combined population of 24 states, do not have health care coverage;

WHEREAS, eight out of 10 people who are uninsured are in working families;

WHEREAS, there are more than 8 million children in America without health coverage;

WHEREAS, uninsured Americans live sicker and die younger than those who are covered and suffer needlessly because they go without the health care they need;

WHEREAS, the price of health care continues to rise, and fewer, individuals and families can afford to pay coverage, and fewer businesses are able to provide coverage for their employees;

NOW, THEREFORE BE IT RESOLVED, we recognize the urgency of seeking solutions to one of America's biggest problems, and hereby declare May 1-8, 2005, Cover the Uninsured Week in Smyth County, Virginia.

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board approved a real estate tax refund in the amount of \$315.00 (\$157.50 for 2003 and \$157.50 for 2004) to L & O Services, Roland Petroleum as recommended by the County Attorney.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board approved the renewal of the lease for the Rich Valley Convenience station. The lease shall be for five (5) years beginning on May 1, 2005 and ending at midnight on April 30, 2010, with the option to renew for an additional five (5) years. The lease is on file at the County Administrators office.

The Board briefly discussed the courthouse renovation.

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board approved the following list of appointees to the Community Criminal Justice Board:

William H. Price – Chief of Police Representative
Chuck McHugh – Community Services Board Representative
Ida Ashbrook – Education Representative
Kevin Tiller – Attorney Representative
Honorable Birg E. Sargent – Circuit Court Judge Representative
Honorable Elizabeth S. Wills – Juvenile & Domestic Relations Judge
Representative
Honorable Suzanne K. Fulton – General District Judge Representative

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved a 100% Gangs in Virginia grant in the amount of \$39,199.00 for the Sheriff's Department. Mr. Carter informed the Board of grammatical changes and changing the finance officer from Tom Burkett to Charlie Atkins.

Mr. Dishner left at approximately 2:15pm.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board approved the following actions in order to comply with contract requirements for a \$200,000.00 demonstration grant received from Department of Housing and Community Development (DHCD):

1. Adoption of the following program income plan.

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2. Adoption of the following Local Business and Employment Plan.

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3. Authorization to publish Minority and Female Business Notice in newspaper as follows:

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The Chairman was authorized to appoint two (2) persons to serve on the housing board. Mount Rogers Planning District Commission recommends using the current three (3) members of the Indoor Plumbing Board – Mike Roberts, Sally Morgan, and Charlie Harrington and add two (2) additional members (do not have to be Board members). Meetings anticipated would be approximately four (4) over the course of one year (project will last only one year).

Mr. Slemp volunteered to attend the Fair Housing Workshop on Thursday, May 12, 2005 in Abingdon at the Higher Education Center. The Board appointed Mr. Dishner in the event that Mr. Slemp is unable to attend.

Mr. Robert Hurt of the Virginia Department of Transportation (VDOT) informed the Board of the new traffic pattern at the intersection of Highway 11 and Highway 107 is in place. Traffic Engineering asked for any feed back from the Board.

Mr. Clark inquired about paving on Route 644.

Mr. Slemp inquired about Atkins drainage problems. Ditches were dug and cleaned brush was removed. Mr. Hurt returned the written concern to Mr. Slemp.

Mr. Whitmore asked for clarification about a letter received concerning the commonwealth continuing transportation revenue sharing modifications. Mr. Hurt informed Mr. Whitmore that the County would need to apply again with the same application sent March 31, 2005, requesting \$150,000.00. On this application, the County can ask for more money and must be submitted by July 22, 2005.

The fiscal year 2006-2011 Six-Year Improvement Program final public hearing will be on Tuesday, April 19 at 5:00 p.m. in the VDOT Bristol District Auditorium. Mr. Perry who was scheduled to attend; is now unable to do so. Another representative must be appointed to attend.

Mr. Hurt inquired about rural rustic projects, giving Mr. Whitmore information from Mr. Steve Buston explaining that three projects were fully

funded and removed from the 6-year plan. These projects should remain on the

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plan until after completion. Mr. Whitmore is to relay this message to Richmond.

Mr. Hurt responded to Mr. Roberts on an Allison Gap Incidental Project. VDOT had removed buildings and \$30,000 was set aside for that project. Due to funding the walls could not be replaced as requested by the property owner, another project would have to be set up to do that work.

Mr. Roberts inquired about the rocks that used to be in Old Quarry that prevented parking and discarding of trash. Mr. Hurt informed Mr. Roberts that it was not possible to replace the rocks because of safety hazards, however a guardrail may be possible.

Mr. Roberts requested a paving schedule and mentioned other concerns such as a mud hole on Shey Lane and a ditch on the Lowary property.

Mr. Slemp mentioned that the sign for the industrial park in Nicks Creek Road does not seem to be noticeable, the truck drivers are going past the park and then not able to turn around. He asked if a bigger sign was possible.

Mr. Carter asked how VDOT would coordinate the month long April clean up month project. In the past the clean up had been scheduled for a single day and trash was brought into the transfer station free of charge. Mr. Hurt asked that VDOT be notified where the trash is and they will pick it up through out the month of April.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and duly carried, the Board would add Mr. Charlie Harrington, Smyth County Emergency Services Coordinator to the Building and Grounds Committee as an ex officio member without voting rights, and look into the cost of the following items to be purchased with homeland security funds allocated for Smyth County:

- metal detectors for the courthouse
- more computers (tuff books) for the police vehicles
- mobile communications vehicle
- portable cascade system
- hazmat trailer
- back up communication system

Vote: 5 yea
1 nay (Slemp)
1 absent (Dishner)

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Mr. Stephen Campbell of the Town of Saltville explained plans for Saltfest 2005 and plans for future events.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board appropriated \$2,000.00 to donate to the Town of Saltville for the 2005 Saltfest.

Upon motion of Mr. Perry, seconded by Mr. Slemple, and unanimously carried, the Board agreed to hold a public hearing on requested budget amendments to the 2004-2005 school board budget.

At 3:00 p.m. the Board proceeded with a public hearing, as advertised, on the Town of Chilhowie boundary adjustment. There were approximately 15 citizens in attendance. Mr. Earl McClure (the only citizen to speak) questioned who is covering the expenses for this adjustment such as advertisements, reprinting of maps.

With discussion, the Board agreed to continue voting on this issue until the Chilhowie Town Council would cast their vote.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved advertising for construction bids on the Thomas Bridge Interconnect Project, bids to be received the first week of May.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved advertising a Request for Proposal (RFP) for general engineering services.

Upon motion of Mr. Perry, seconded by Mr. Slemple, and unanimously carried, the Board authorized execution of a water contract with Wolfe Brothers to install the last portion of the Groseclose Water Project. Subject to the Water and Sewer Attorney review, the chairman is authorized to sign the contract.

Upon motion of Mr. Perry, seconded by, Mrs. Neitch, and unanimously carried, the Board agreed to enter into a professional services agreement with Lane Engineering for assistance with the operations permit for the Hutton Branch Water Treatment Plant. The estimate is not to exceed \$3,000.00. The county

engineer is authorized to execute the proposal and any other paperwork

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necessary such as permit applications. The agreement is on file at the County Administrator's office in the Engineering Department.

Mrs. Morgan distributed the 2004 annual report of the Smyth-Washington Regional Industrial Facilities Authority. Mr. Clarence Smith is scheduled to review the report with the Board at the May meeting.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board agreed to enter into closed session at approximately 4:20 p.m. to discuss disposition and possible acquisition of real estate, prospective business or industry, and legal briefing, as outlined in Section 2.2-3711 (A) (3), (5), and (7) of the Code of Virginia, as amended.

Vote:	6	yea
	1	nay
	2	absent (Dishner)

At 5:13 p.m. the chairman ended the closed session and the doors were opened to the public.

Upon motion of Mr. Perry, seconded by Mr. Blevins, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in

the motion convening the executive meeting were heard, discussed or

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considered by the Smyth County Board of Supervisors.

Vote: 6 yea
1 nay
2 absent (Dishner)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board agreed that the Barnfield Estates Mobile Home Park does not possess a valid mobile home park permit. The Board asked that the owner be notified of this decision. The owner may begin the process to obtain a valid mobile home park permit.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board will refund those on Longleaf Lane and Axum Lane who have paid for water meters (\$50 each). The Board has decided that this portion of water line if not feasible at this time.

Old Business

1. Matter of collection of delinquent taxes.

Mr. Tate informed the Board that local attorneys had been appointed by the judge to complete this work but they have yet to do so. Mrs. Neitch requested that we continue pushing getting this item complete. Mr. Roberts discussed taxes owed on burned homes and asked if money could be collected on those properties. Mr. Tate stated that it was a long and costly process.

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2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).
 3. Ken Heath's request concerning establishment of local tax abatement ordinance (referred to County Attorney, 7-1-03).
 4. East County Spring Source Study (8-1-03).
 5. Green Hill/Shuler Hollow Sewer Project complaints (Water/Sewer Committee):
 - Bob Mason's request concerning road repairs on a privately owned road (10-1-03).
 - Roger Blevins of Needmore Road needs road repaired back to the way it was before the project.
 - Stephen Lewis of Green Hill Circle – damage to home due to blasting.
 - Rhonda Taylor of Green Hill Circle – damage to home due to blasting.
 - Bruce Blevins of Shuler Hollow Road – road needs repairing and bushes have been removed. The Water and Sewer Committee has requested that the Board review an estimate for a culvert on Mr. Blevins' property.

- J.B. Haga of Shuler Hollow Road – repairs needed on his property.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board agreed to remove item #5 of old business. These claims have been resolved and/or being settled by the homeowners.

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6. Manufactured home park ordinance referred to the Planning Commission, the remainder of proposed changes to the zoning ordinance referred to the Ordinance Committee (3/8/05).
 7. Request concerning 911 contracts with the towns (911Committee, 2-1-04).

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board removed item #7 from old business. These contracts have been completed and executed.

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8. Marevine Slemp, request for water service on Fox Valley Road (5-11-04).
 9. The Water and Sewer Committee has requested the full Board review and discuss the estimate for the culvert on Shannon Gap Road (Water and Sewer Committee 8-10-04).
 10. The Building and Grounds Committee recommends that up to \$200,000.00 be spent on remodeling the outside of the old school board building.

Mr. Slemp and Mrs. Neitch are presently serving on a committee with the Museum Board, they are currently looking at other sites.

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11. Approval of the Smyth County Emergency Operations Plan (11-10-04).
 12. Attorney fees on the County warrants. As of December 31, 2004 the State will no longer pay appointed attorney fees for local warrants (11-10-04).

Mr. Tate discussed the attorney fees on the County warrants. The County has been in the program by default since the first if the year. He suggested that the County remain in the program because the local fines for warrants will continue to come to the County. No action is needed at this time.

Upon motion of Mr. Blevins, seconded by Mr. Perry, and unanimously carried, the Board removed item #12 from old business.

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13. Request for tax-exempt status for the Smyth County Community Foundation.
 1. Courthouse renovation.
 15. Request the Board approve a permit submitted by Rusty Cox to hold a “music or entertainment” festival at the Davis Valley Winery.
-

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously

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carried, the Board approved the permit submitted by Rusty Cox to hold a “music or entertainment” festival at the Davis Valley Winery on June 11, 2005, 1:00-4:00p.m. The ordinance committee will decide on how to handle the remainder of the events Mr. Cox has planned for 2005 and how to change the ordinance to suit more than one event a year.

Note: Mr. Slemph made it known that his wife has worked for Mr. Cox.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board continued the meeting until April 20, 2005 at 5:00pm for a public hearing on the 2005-2005 proposed school budget.

C.C. Clark, Jr., Chairman

Virginia:	A continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, April 20, 2005 at 5:00 p.m.	
Board Members Present:	Mr. Charlie Clark, Chairman Mr. Todd Dishner Mrs. Darlene R. Neitch	Mr. Michael Roberts Mr. Marvin Perry

Note: Mr. Perry left at approximately 6:00pm.

Staff Members Present:	Mr. Edwin B.J. Whitmore, III Mr. Michael Carter Mr. Charlie Atkins	Mr. John H. Tate, Jr. Ms. Amber Tilson
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The Board met to conduct a public hearing on the School Board proposed 2005-2006 fiscal year budget. The Chairman opened the public hearing at approximately 5:02 p.m., Mr. Whitmore, Clerk, read the advertisement as placed in the local newspaper and read the rules and procedures for the public hearing. There were approximately 30 citizens present (including the school board and school board staff). The following citizens spoke:

Kathy Smith, Co-President of the Smyth County Education Association explained concerns she had received from teachers on the proposed pay scale. She asked that the school board reconsider the proposed changes and asked for an explanation for the proposed change.

Betty Webb of Northwood Middle School spoke on her own behalf. She explained two concerns she had with the proposed scale, 1) the value of the scale going down and 2) the longevity step at the top where top teachers lose money. She requested that the Board increase the budget for equality to exist in the scale.

Chairman closed the public hearing at 5:14 p.m.

Upon motion of Mrs. Neitch, seconded by Mr. Dishner and duly carried, the Board adopted the loan resolution for the East Hungry Mother water project. Mr. Perry explained that he was not against the project but against where the funding for the project was coming from. The loan resolution will be on file in the Engineering Department of the County Administrator’s office.

Vote:	4	yea
	1	nay (Perry)
	2	absent (Blevins, Slemph)

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The Board briefly discussed the proposed 2005-2006 School Board budget and requested amendments for the 2004-2005 budget. The Board also briefly discussed the status of the courthouse renovation.

Upon motion of Mr. Dishner, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to advertise a public hearing for the requested budget amendments to the 2004-2005 school board budget in the amount of \$1,100,000.00. Public hearing will be held on Tuesday, May 10 at 3:00 p.m. (regular scheduled board meeting day).

Vote: 4 yea
3 absent (Perry, Blevins, Slemp)

Note: Charlie Clark and Michael Roberts stated that they have family members who work for the Smyth County School System and that they could vote impartially.

At approximately 6:32 p.m., the Chairman continued the meeting until Monday, April 25, 2005 at 6:00 p.m. to discuss the 2005-2006 proposed school budget. The school board and the school board staff will be on hand to answer questions.

C.C. Clark, Jr., Chairman

Virginia:	A continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Monday, April 25, 2005 at 6:00 p.m.	
Board Members Present:	Mr. Charlie Clark, Chairman Mr. Todd Dishner Mr. Wade Blevins, Jr.	Mr. Michael Roberts Mrs. Darlene R. Neitch
Staff Members Present:	Mr. Edwin B.J. Whitmore, III Mr. Michael Carter Mr. Charlie Atkins	Mr. John H. Tate, Jr. Ms. Amber Tilson

The Board met to discuss and answer questions concerning the proposed 2005-2006 fiscal year budget. School board members and staff were on hand to answer questions. The Chairman called the meeting to order at 6:04 p.m.

After discussion the Board scheduled a budget committee meeting with the school board budget committee for Wednesday, April 27 at 1 p.m., to discuss suggested changes. The public will be notified by radio and local newspapers will be notified of the meeting.

Note: Michael Roberts stated that they have family members who work for the Smyth County School System and that they could vote impartially.

Upon motion of Mr. Dishner, seconded by Mr. Blevins, and unanimously carried, the Board scheduled an appeal hearing for Mr. Arnold Sexton on May 10, 2005 at 3:45 p.m. (regular scheduled board meeting day).

The Chairman made the Board aware of the following:

- Wednesday, April 27, 2005 at 1:00 p.m. – Budget committee with the school board budget committee.
- Thursday, April 28, 2005 at 7:00 p.m. – joint public hearing with the Planning Commission.
-Following the public hearing, the Board will vote on the 2005-2006 school board budget and the Town of Chilhowie boundary adjustment.
- Tuesday, May 10, 2005 – 3:00 p.m. (regular scheduled Board meeting) - public hearing on the requested budget amendments to the 2004-2005 school board budget.
- Tuesday, May 10, 2005 - 3:45 p.m. (regular scheduled Board meeting) - appeal hearing for Mr. Arnold Sexton.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board continued the meeting until Thursday, April 28, at 7:00 p.m. for a joint public hearing with the planning commission and any other agenda items, along with those listed above.

C.C. Clark, Jr., Chairman

Virginia: A continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Monday, April 28, 2005 at 6:00 p.m.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Todd Dishner Mr. Wade Blevins, Jr.	Mr. Michael Roberts Mrs. Darlene R. Neitch Mr. Marvin Perry
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Staff Members Present:	Mr. Edwin B.J. Whitmore, III Mr. Michael Carter Mr. Charlie Atkins	Mr. John H. Tate, Jr. Ms. Amber Tilson
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The Board of Supervisors met to conduct a joint public hearing with the Smyth County Planning Commission. Mr. Whitmore read the ad as placed in the local newspaper and the rules and procedures for the hearing. There were approximately 35 citizens in attendance.

Clegg Williams summarized the following cases:

1. An application from Wade Shepherd for a Special Use Permit to establish a retail store in an existing building owned by Jack Billings at 8408 Lee Highway. The lot is zoned Agricultural/ Rural and is identified by Tax Map Number 38-A-73.

Mr. Shepherd answered questions from the Board and Planning Commission. No citizen spoke concerning this case.

- 2. An application from The MCH Group LLC to amend the zoning map at the corner of Whitetop Road and Loves Mill Road from Agricultural/Rural to Residential in order to develop a subdivision. The Tax Map Numbers of the property are 65-10-4 through 65-10-15.

Ms. Hamilton of the MCH Group answered questions from the Board and Planning Commission. She also listed restrictions for the planned subdivision and explained they would be providing underground utilities and will also have the land prepared for sewer and water.

Vicki Stamper, realtor who has the property listed spoke on behalf of the MCH group.

Sam Catron, William St.John, Dwayne Heath, Doug Sexton, James Bonham (on behalf of the St. James Lutheran Church), and William Grinstead spoke opposing to the rezoning of the property. They were not in favor of the plans to build a subdivision.

Alton Cato spoke in favor of the rezoning and hoped the subdivision would help him in the future.

Mr. Williams explained that the following case had been withdrawn and did not need to be discussed:

An application from Premier Rentals LLC to amend the zoning map at the end of Napoleon Street from Agricultural/Rural to Residential in order to develop a subdivision. The Tax Map Numbers of the property are 45-A-115C and 46B-5-9A.

The Chairman of the Board and Planning Commission closed the public hearing at 7:48 p.m.

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After discussing the Town of Chilhowie boundary adjustment, the following motions were made:

Mr. Blevins motioned not to grant the request for a boundary adjustment with the Town of Chilhowie. The motion was seconded by Mrs. Neitch and did not carry.

Vote:	2	yea (Blevins, Neitch)
	1	nay (Dishner, Roberts, Clark)
	1	absent (Slomp)
	1	abstention (Perry)

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and duly carried, the Board adopted the following resolution granting the requested boundary adjustment with the Town of Chilhowie:

WHEREAS, the Town of Chilhowie and the County of Smyth have entered into negotiations to relocate the boundary line between them; and

WHEREAS, the Town and the County are now prepared to enter into an “Agreement to Relocate Boundary Line Between the Town of Chilhowie and the County of Smyth, “ which provides that certain territory which is currently within the boundaries of Smyth County will be incorporated into the boundaries of the Town of Chilhowie; and

WHEREAS, Section 15.2-3106 of the Code of Virginia (1950), as amended, provides a procedure for the Circuit Court of Smyth County to accept evidence regarding the relocation and by order to designate and establish the new boundary line;

NOW, THEREFORE, BE IT RESOLVED by the Smyth County Board of Supervisors, in a meeting assembled on the 28th day of April, 2005;

1. That the Smyth County Board of Supervisors hereby approves the agreement, the Town of Chilhowie is responsible for all costs, to Relocate Boundary Line Between the Town of Chilhowie and the County of Smyth (hereinafter the “Agreement”), a copy of which is attached hereto, and hereby authorizes and directs its Chairman to execute the Agreement on the County’s behalf;
2. That the Chairman is directed to refer the Agreement, together with all other necessary data and materials, to legal counsel and to instruct legal counsel to petition the Circuit Court of Smyth County pursuant to Section 15.2-3108 of the Code of Virginia (1950), as amended, to order that relocation of the boundary line between the Town of Chilhowie and the County of Smyth as set forth in the Agreement.

IN WITNESS WHEREOF, the Smyth County Board of Supervisors has caused this resolution to be duly executed on its behalf by its Chairman.

Vote: 3	yea (Dishner, Roberts, Clark)
1	nay (Neitch, Blevins)
1	absent (Slemp)
1	abstention (Perry)
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Note: Charlie Clark and Michael Roberts stated that they have family members who work for the Smyth County School System and that they could vote impartially.

After discussions with the School Board and staff the following decision was made:

Upon motion of Mr. Blevins, seconded by Mr. Perry, and duly carried, the Board adopted the following fiscal year 2005-2006 school board budget:

Operation Budget	\$42,226,481.00
Debt and Capital Outlay Fund	\$1,493,121.00
Textbook Fund	\$811,180.00
TOTAL:	\$44,530,782.00

Vote: 5	yes
1	nay (Roberts)
1	absent (Slemp)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board agreed to move the appeal hearing on May 10 from 3:45 p.m.

to 4:15 p.m.

The Chairman informed the Board that the deadline for the courthouse renovation has been moved to May 10, 2005.

Upon motion of Mr. Perry and carried by the Board, the Chairman adjourned the meeting at approximately 9:03 p.m.

C.C. Clark, Jr., Chairman

Virginia: At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, May 10, 2005 at 12:00 noon.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Harold Slemph Mrs. Darlene R. Neitch Mr. Michael Roberts	Mr. Wade Blevins, Jr. Mr. Todd Dishner Mr. Marvin Perry
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Staff Members Present:	Mr. Edwin B.J. Whitmore, III Mr. Michael Carter Mr. Scott Simpson Mrs. Sally Morgan	Mr. John H. Tate, Jr. Ms. Amber Tilson Mr. Charlie Atkins
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The chairman called the meeting to order at 11:59 a.m. Mrs. Kim Vanhoy led the pledge of allegiance and Ms. Shirley Spencer gave invocation.

Upon motion of Mr. Slemph, seconded by Mrs. Neitch, and unanimously carried, the Board added an item concerning Highlands Detention Center to the agenda as requested by Mr. Tate.

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board adopted the agenda as to form.

Upon motion of Mrs. Neitch, seconded by Mr. Slemph, and unanimously carried, the Board approved the minutes of April 12, 20, 25, and 28, 2005.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board approved an appropriation from the general county fund in the amount of \$825,000.00.

Upon motion of Mr. Slemph, seconded by Mr. Dishner, and unanimously carried, the Board approved an appropriation from the animal control fund (office supplies) in the amount of \$470.00

Upon motion of Mr. Roberts, seconded by Mr. Slemph, and unanimously carried, the Board approved an appropriation in the amount of \$205,830.16 for the Allison Gap Sewer Project.

Upon motion of Mr. Slemph, seconded by Mr. Blevins, and unanimously carried, the Board approved an appropriation in the amount of \$32,566.34 for the Groseclose Water Project.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board approved an appropriation in the amount of \$641,719.17 for the Cedars/Hall Addition Sewer Project.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved appropriations for the Department of Social Services in the amount of \$315,000.00 (May 11-31, 2005) and \$35,000.00 (June 1-14, 2005).

Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the Board approved an appropriation in the amount of \$3,300,000.00 for the School Board, to operating fund.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board approved the accounts payable listing in the amount of \$374,622.76.

During citizen's time the following citizens spoke:

Mrs. Shelia Glen of the Destination Imagination Virginia (DIVA) and students of the team were in attendance. Mrs. Glen explained that the DIVA team from this area would be going to the national competition in Knoxville, TN.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board appropriated \$2,000.00 to donate to Destination Imagination Virginia (DIVA) for their trip to Knoxville for the national competition.

Vote: 6 yea
1 abstention (Dishner)

Mrs. Betty Testerman and Mr. Marvin Bee questioned why they would not be getting water on Axum Lane.

Upon motion of Mrs. Neitch, and unanimously carried, the Board approved the following recommendation from the Surplus Property Committee:

The National Automobiles Dealers Association (NADA) wholesale book value will be placed on each vehicle declared surplus property. If any fire or rescue organization wants such vehicles, their county support will be reduced by the amount of the NADA value. They are free to bid on the vehicles as any other bidder. Should there be two organizations desiring the same vehicle, the outcome would be settled by lottery.

Upon motion of Mrs. Neitch, and unanimously carried, the Board agreed to hold a public hearing on the Building Code Ordinance, as presented. The ordinance Committee recommends the proposed building permit fee changes and that the non-profit building permit fees remain as is in section 22-48 of the

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ordinance. The Committee also recommends that the building permit fees be set by resolution instead of including them in the ordinance. The Board also accepted a recommended change from Mr. Tate to section 22-33.9 of the Building code ordinance, adding "and such information or studies or technical explanations as requested by the building official." The public hearing is scheduled for Tuesday, June 14, 2005 at 3:00 p.m.

Upon motion of Mrs. Neitch, seconded by Mr. Slemph, and unanimously carried, the Board agreed to hold a public hearing on the Erosion and Sediment Control Ordinance changes. Public hearing is scheduled for Tuesday, June 14, 2005 at 3:30 p.m.

Upon motion of Mr. Blevins, seconded by Mr. Slemph, and unanimously carried, the Board approved a local law enforcement block grant in the amount of \$1,010.00 (\$909 Federal, \$101 Local, local will be paid by Sheriff's Department). Grant #05-11176LO04.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board approved a communications lease between Smyth County and the US Department of Agriculture/Forest Service. The lease is on file in the 911 office at the County Administrator's Office, of Marion.

Upon motion of Mr. Slemph, seconded by Mrs. Neitch, and unanimously carried, the Board adopted the following resolution:

WHEREAS, Wytheville Community College and Virginia Highlands Community College have partnered this year to provide basic employment skills training at no cost to both unemployed persons and existing workers;

WHEREAS, the courses have been particularly well-received by employers in Smyth County that have enrolled employees in the courses;

WHEREAS, Wytheville Community College is applying for additional funds from the Virginia Community College System to continue the program, particularly targeting incumbent workers in order to enhance company productivity.

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors wholeheartedly supports the grant application by Wytheville Community College.

Upon motion of Mr. Roberts, seconded by Mr. Slemph, and unanimously carried, the Board referred the recommendation from the Planning Commission concerning regulation of fire debris to the ordinance committee. Ordinance

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Committee's of the Planning Commission and of the Board will meet to discuss this issue.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried, the Board agreed to use approximately \$4,200 of 2005 Homeland Security funds to install a security fence around the St. Clair's Creek water Tank.

Mr. Robert Hurt of the Virginia Department of Transportation (VDOT) returned maintenance concerns and responded to some of the requests made by the Board. Mr. Roberts' request for patching a hole on Chey Lane has been put on the list to complete. Mr. Hurt informed Mr. Roberts that it is not possible for VDOT to clean out the ditch on the Lowry property (across from Chey Lane) due to lack of right of way easements and environment laws. Mr. Hurt will speak with Mrs. Morgan on what environmental group has complained about the ditch. Mr. Roberts also mentioned the rocks preventing disposal of animal carcass at the Old Quarry. Mr. Clark had a concern on Burgess Hollow Road; Mr. Burgess of that road has been informed on what to do for a Rural Addition Project. Mr. Clark inquired about paving on Middle Fork Road (Route 644). This road has been removed from the schedule for paving but will be placed on the top of the next schedule. Mr. Slemp was informed that Route 615, Kiawana Road is on the schedule for paving. Mr. Slemp also questioned a request to mark the centerline on Route 688, Pierce Road, and Mr. Hurt will look into that request. Mrs. Neitch mentioned a dangerous intersection in Sugar Grove. Ms. Sara Combs, a citizen of that area was asked to speak with Mr. Hurt on this matter.

Mr. Steve Buston discussed the current Revenue Sharing Program. The County has currently requested \$180,000 from this fiscal year's program to be set aside for rural addition projects. Rural addition funds are used to build private roads up to VDOT standards. The program has been expanded, more money has been put into the program and cities and towns can participate. The deadline for the county to resubmit an application for more funding is July 22, 2005.

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Mr. Buston also informed the Board that the bridge on Route 624 is not on the schedule for reconstruction. Funds are not available (a shortage of maintenance funding) this year for that project but it will be top priority in 2006. It would cost approximately \$700,000.00 and 14 months to rebuild this bridge. Virginia Tech would have to also conduct a mussel survey. Bridge inspectors will continue to monitor the bridge.

Upon motion of Mr. Roberts, seconded by Mr. Slemph, and unanimously carried, the Board approved funding from the Virginia Department of Emergency Management (VDEM) in the amount of \$2,000.00. Money is to assist in meeting the requirement for conducting a Local Capability Assessment for Readiness Report (LCAR) for fiscal year 2004-2005. Funds must be expended by June 30, 2005, and a copy of the LCAR scores submitted to VDEM no later than July 1, 2005. Any unexpended funds shall be returned to VDEM. Howlette Associates is authorized to conduct the LCAR report.

Upon motion of Mr. Slemph, seconded by Mr. Dishner, and unanimously carried, the Board authorized Mr. Charlie Harrington to begin the bid process to replace consoles, and equipment for the dispatch center and for courthouse security items. 2005 Homeland Security funds will be used for these items, \$43,814.00 total funds, \$34,783.40 is the County's portion of the funds, the remainder belongs to the towns.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved a recommendation from the Planning Commission to grant the requested special use permit to Mr. Wade Shepherd. This would enable Mr. Shepherd to operate a retail store, with a stipulation that the proposed store is in operation within six months of approval.

After much discussion, Mr. Perry motioned that the request from MCH Group to rezone the property, St. John's Crossing, for the proposed subdivision from Agricultural/Rural to Residential be approved. Mr. Slemph seconded the motion and was duly carried by the Board.

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Vote: 4 yea (Perry, Slemp, Dishner, Clark)
1 nay (Blevins, Roberts)
1 abstention (Neitch)

Mr. Clarence Smith of the Smyth-Washington Regional Industrial Facilities Authority (S.W.I.F.A) updated the Board on S.W.I.F.A and its progress throughout the past year.

Mrs. Susie Jennings of the Smyth County Community Foundation was in attendance for response on the Community's request for tax-exempt status. She was asked to return to the Board after the hospital's situation has settled. The hospital is currently buying back the hospital from Carilion.

Old Business

1. Matter of collection of delinquent taxes.
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).
3. Ken Heath's request concerning establishment of local tax abatement ordinance (referred to County Attorney, 7-1-03).
4. East County Spring Source Study (8-1-03).
5. Manufactured home park ordinance referred to the Planning Commission, the remainder of proposed changes to the zoning ordinance referred to the Ordinance Committee (3-8-05).
6. Marevine Slemp, request for water service on Fox Valley Road (5-11-04).
7. The Water and Sewer Committee has requested the full Board review and discuss the estimate for the culvert on Shannon Gap Road (Water and Sewer Committee 8-10-04).
8. The Building and Grounds Committee recommends that up to \$200,000.00 be spent on remodeling the outside of the old school board building.
9. Approval of the Smyth County Emergency Operations Plan (11-10-04).
10. Request for tax-exempt status for the Smyth County Community Foundation.
11. Courthouse renovation.

After discussion, upon motion of Mrs. Neitch, seconded by Mr. Slemp, and duly carried, the Board agreed to refer the courthouse renovation to the budget committee and allow the committee to set money aside for the renovation in an escrow account.

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Vote: 6 yea
1 nay (Roberts)

At approximately 4:15 the Board proceeded with an appeal hearing. Mr. Arnold Sexton appealed the following decision made by the Board on Tuesday, April 12, 2005:

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board agreed that the Barnfield Estates Mobile Home Park does not possess a valid mobile home park permit. The Board asked that the owner be notified of this decision. The owner may begin the process to obtain a valid mobile home park permit.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board will refund those on Longleaf Lane and Axum Lane who have paid for water meters (\$50 each). The Board has decided that this portion of water line is not feasible at this time.

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board waived the original appeal by Mr. Sexton stating that the park in question was Stoneybrook Park. The appeal was amended to state the park in question was Barnfield Estates.

Mr. Sexton spoke on his own behalf explaining that he was not aware of any problems with Barnfield Estates until he was notified of the motion made on April 12, 2005. He stated that he had not moved forward with the park because he was waiting for the water line to be installed on this property.

Upon motion of Mrs. Neitch, seconded by Mr. Roberts, and unanimously carried, the Board agreed to allow the citizen's present to speak.

John Jones, Keith Pennington, and Harold Epperson, all of Longleaf Lane, expressed their opposition to the park. They all agreed to forfeit the water line to keep the park out of that area.

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board agreed to uphold the decision made on Tuesday, April 12, 2005.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board declared two (2) large signs, advertising the 32nd Annual Hungry Mother Festival, "official signs" to comply with the Virginia Department of Transportation (VDOT) regulations.

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Mr. Simpson discussed Request for Proposals (RFP) that were advertised and will be due by the next week. Part of the selection process consists of a committee to be appointed by the Board. The committee must have one Board member. This committee is to review proposals, conduct interviews (if necessary) and recommend awarding of contracts. Mr. Slemp, Mike Carter, and Scott Simpson were appointed to the committee.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved the amending of Community Improvement Grant #00-24 (Cedars/Hall Addition Sewer Project) by extending the contract termination date from May 31, 2004 to December 31, 2005. All construction and related activities must be completed by this date.

Mr. Tate discussed the Highlands Detention Center and a proposal to merge with another center; the Board must approve any merger.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the attorney is asked to write the detention center requesting that they let the Board know of any changes and that the Board has concerns in regards to a merger.

Mrs. Neitch inquired about bounty on coyote's. Mr. Whitmore informed the Board that this has to work in conjunction with other surrounding counties.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to enter into closed session at approximately 6:08 p.m. to discuss disposition and possible acquisition of real estate, prospective business or industry, and legal briefing, as outlined in Section 2.2-3711 (A) (3), (5), and (7) of the Code of Virginia, as amended.

Vote:	7	yea
	1	nay

At 6:39 p.m. the chairman ended the closed session and the doors were opened to the public.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

5/10/2005

WHEREAS, the Smyth County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 7 yea
 1 nay

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board continued the meeting until Thursday, May 19, 2005 at 2:00 p.m. for closed session to be followed by a 4:00 p.m. public hearing on the proposed amendments to the school board 2004-2005 budget.

C.C. Clark, Jr., Chairman

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, May 19, 2005 at 2:00 pm.

Board Members Present:	Mr. Charlie Clark	Mr. Michael Roberts
	Mr. Harold Slemph	Mr. Marvin Perry
	Mrs. Darlene R. Neitch	Mr. Wade Blevins, Jr.
	Mr. Todd Dishner	

Note: Mr. Clark arrived at approximately 2:45 pm. Mr. Slemp acted as chairman until his presence. Mr. Dishner arrived at approximately 3:20pm.

Staff Members Present:	Mr. Edwin B.J. Whitmore, III	Mr. John H. Tate, Jr.
	Mr. Michael Carter	Mr. Charlie Atkins

Mr. Slemp, Vice Chairman, called the meeting to order.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved expenditures in the amount of \$1,500.00 for a survey needed for the right-of-way to the communications tower on the Wayne Waddle property.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board agreed to enter into closed session for legal briefing, as outlined in Section 2.2-3711 (A) (7) of the Code of Virginia, as amended.

Vote: 5 yea
 2 nay

At 3:36 p.m. the chairman ended the closed session and the doors were opened to the public.

Upon motion of Mr. Blevins, seconded by Mr. Slemp, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements

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by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 7 yea
2 nay

At approximately 3:40 pm the Chairman continued the meeting until 4:00 p.m. for a scheduled public hearing.

At 4:00 p.m. the Board proceeded with a public hearing on proposed amendments to the School Board budget for fiscal year 2004-2005, as advertised. Mr. Whitmore read the rules and procedures for the hearing. There were no citizen's present to speak.

Mr. Sullivan was asked to briefly discuss the amendments.

The Chairman closed the hearing at approximately 4:08 p.m.

Note: Charlie Clark and Michael Roberts stated that they have family members who work for the Smyth County School System and that they could vote impartially.

Mr. Perry, motioned that the Board enter into closed session for legal briefing and requested that the School Board and the superintendent be included in the closed session. Mr. Slemp, seconded the motion and it was unanimously carried by the Board.

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board agreed to enter into closed session for legal briefing, as outlined in Section 2.2-3711 (A) (7) of the Code of Virginia, as amended and any school board staff needed be allowed in the closed session. Mr. Sullivan and the School Board decided not to participate in the closed session because their legal representation was not present at that time.

Vote: 7 yea
1 nay

At 4:43 p.m. the chairman ended the closed session and the doors were opened to the public.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 7 yea
 1 nay

Mr. Roberts requested a copy of the athletic facilities and building improvement propriety schedule, resource management review, and the comprehensive six-year improvement plan.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, at approximately 4:49 p.m., the Board continued the meeting until Thursday, May 26, 2005 at 2:00 p.m. to meet with the School Board and a joint public hearing with the Planning Commission at 7:00 p.m.

C.C. Clark, Jr., Chairman

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, May 26, 2005 at 4:00 pm.

Board Members	Mr. Charlie Clark	Mr. Michael Roberts
Present:	Mr. Harold Slemp	Mr. Marvin Perry
	Mrs. Darlene R. Neitch	Mr. Wade Blevins, Jr.

**Staff Members
Present:**

Mr. Edwin B.J. Whitmore, III
Mr. Michael Carter

Mr. John H. Tate, Jr.
Mr. Charlie Atkins

The Chairman called the meeting order at approximately 4:05 p.m.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to enter into closed session for legal briefing, as outlined in Section 2.2-3711 (A) (7) of the Code of Virginia, as amended.

Vote: 6 yea
 3 nay

At approximately 5:25 p.m. the chairman ended the closed session and the doors were opened to the public.

Upon motion of Mr. Perry, seconded by Mr. Slemp, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 6 yea
 3 nay

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At approximately 5:30 p.m. the chairman continued the meeting until 7:00 p.m. for a joint public hearing with the planning.

At 7:03 p.m. the Board proceeded with a joint public hearing with the

planning commission on an application from Mr. Fred Murray to amend the official zoning map. Mr. Whitmore read the advertisement as published in the local newspaper. There were approximately three citizens present.

Ms. Shirley Spencer explained that Mr. Murray owns three lots south of Chilhowie at the intersection of Whitetop Road and Green Valley Court. Part of all three lots is zoned Commercial and the remaining part is zoned Residential. Mr. Murray requests that all three lots be zoned Commercial. Ms. Spencer read one letter of response from an adjoining property owner not in favor of the rezoning request.

Ms. Spencer answered questions from the Board and the Planning Commission. Mr. Murray explained that he hopes to expand his current mini storage business that is currently on one of the lots.

The Chairman closed the hearing at approximately 7:13 p.m.

Note: Charlie Clark and Michael Roberts stated that they have family members who work for the Smyth County School System and that they could vote impartially.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board amended the 2004-2005 School Board budget from \$41,899,866.00 to \$42,728,182.00. Mr. Sullivan presented the School Board proposal for amending the budget by category as requested by the County Administrator. Funds will be allocated by the County staff to the various category items of the school board budget.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved appropriations of expenditures for the School Board in the amount of \$640,304.99.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Chairman adjourned the meeting at 7:38 p.m.

C.C. Clark, Jr., Chairman

Virginia: At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, June 14, 2005 at 12:00 noon.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Harold Slemp Mrs. Darlene R. Neitch Mr. Michael Roberts	Mr. Wade Blevins, Jr. Mr. Todd Dishner Mr. Marvin Perry
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(Note: Mr. Dishner excused himself at approximately 4:00p.m.)

Staff Members Present:	Mr. Edwin B.J. Whitmore, III Mr. Michael Carter Mr. Scott Simpson Mrs. Sally Morgan	Mr. John H. Tate, Jr. Ms. Amber Tilson Mr. Charlie Atkins Mr. Brett Lovell
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The chairman called the meeting to order at 11:59 a.m. Mr. Scott Simpson led the pledge of allegiance and Ms. Shirley Spencer gave invocation.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board adopted the agenda as to form with one additional item.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board approved the minutes of May 10, 19, and 26, 2005.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved the following appropriations:

General County		\$1,175,000.00
Allison Gap Sewer Project		\$223,759.39
Cedars/Hall Addition Sewer Project		\$615,873.62
Department of Social Services (June 15-30, 2005)		\$300,000.00
(July 1-12, 2005)		\$35,000.00
Schools	Operating Fund	\$7,585,298.21
	Textbook	\$2,000.00

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the accounts payable listing in the amount of \$654,349.21.

During citizen’s time the following citizens spoke:

Mary Ann Buchanan of the Nebo Community Center updated the Board on where they stand in the proceedings of becoming owners of the old Nebo school.

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Mrs. Betty Testerman of Axum Lane questioned why water would not be installed on her road. She also requested that the Board reconsider installing water in that area.

Nikki Wyatt discussed the Subdivision Ordinance and how the property adjoining her is not abiding by the ordinance.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board took this matter under advisement to further investigate and discuss with the Subdivision agent.

Earl McClure informed the Board of 104-page report he has forwarded to the proper authorities. The report explains events in the county that he feels "have been violated," in the past few years. Mr. Roberts requested a copy of the report for the Board and the attorney.

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board approved festival permits for the Davis Valley Winery, events to be held on July 2, 2005, August 27, 2005, September 3, 2005, and October 1, 2005.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved expenditures in the amount of \$2,612.00 from current years budget, for the purchase of a building to house lawn and power equipment at the county administrator's building.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board appropriated \$2,000.00 to donate to the Smyth County 4-H Honor Club to assist in the Interstate 4-H Exchange program.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board increased the current Comprehensive Services Act (CSA) budget in the amount of \$35,439.90.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and Unanimously carried, the Board approved the Budget Committee's recommendation to chose Gwyn & Tate for county attorney services and Campbell & Doyle for water and

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sewer attorney; each with an option to renew for an additional two (2) years of services, contingent upon successful renegotiations each additional year.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to refer the audit bids to a committee appointed by the chairman. Committee will consist of Mr. Clark, Mrs. Neitch, and Mr. Roberts.

Upon motion of Mrs. Neitch, seconded by Mr. Slemph, and unanimously carried, the Board renewed the gas and diesel services contract with Rush Oil Company. The contract allows for an increase of .02 per gallon on gasoline and .07 per gallon on low sulfur diesel.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved the proposal for implementation of stage 1 of phase 2 of the gas remediation plan.

Upon motion of Mrs. Neitch, seconded by Mr. Slemph, and unanimously carried, the Board approved the recommendation from the Water and Sewer Committee to authorize condemnation commencement for property in the East Hungry Mother water project.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved the recommendation from the Water and Sewer Committee to act as the fiscal agent to the Rye Valley Self Help (Flat Ridge Community) project.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board continued a tax refund request from Arlen and Elizabeth Sturgill in the amount of \$2,958.48. Commissioner of Revenue will be asked to attend the next meeting for further explanation.

Vote: 6 yes
1 absent (Dishner)

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board continued adopting a resolution approving the recommendation to support the Joint Petition pending before the State Corporation Commission concerning Duke Energy Gas Transmission.

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Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board continued adopting a resolution to participate in the Virginia Juvenile Community Crime Control Act. Attorney and Chairman of that commission will be asked to explain this further.

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and duly carried, the Board continued a recommendation from Jimmy Warren concerning Virginia Code Section 15.2-1613.1, to allow time to gather further information on how other area jails handle this Code of Virginia.

Vote: 6 yes
1 nay (Slemph)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved to continue waiving tipping fees for Project Crossroads for the period of one year.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and duly carried, the Board appropriated \$1,000.00 to donate to the Town of Marion to assist in the upcoming Independence Day Celebration.

Vote: 6 yea
1 nay (Neitch)

Upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried, the Board approved the following recommended engineering firms for Request for Proposals (RFP):

Anderson & Associates
Draper Aden Associates
Lane Engineering
Thompson & Litton

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board agreed to hold a public hearing at the regular meeting in July on a change to the Smyth-Washington Industrial Facilities Authority (SWIFA) Ordinance concerning member's terms.

Upon motion of Mr. Slemph, seconded by Mr. Perry, and unanimously carried, the Board agreed to send a letter to Adelphia Cable expressing the Boards concerns with improvement of services.

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Upon motion of Mr. Dishner, seconded by Mr. Perry, and unanimously carried, the Board reappointed Mr. Slemp to the Marion Downtown Revitalization Committee. Term to expire June 30, 2006.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board reappointed Mr. Carl Parsons to the Rye Valley Water Authority. Term to expire June 30, 2009.

Appointments to the Community Policy Management Team and Wytheville Community College Board was continued.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board approved the additional line item in the budget for the Sheriff's Department. The line item will be for 80% of funds received from Interstate radar, 20% of those funds will go to the County.

Mr. Robert Hurt of the Virginia Department of Transportation (VDOT) returned maintenance concerns and explained plans to close Route 723, Possum Hollow Road, for bridge repairs. The road would be closed Monday, June 20 and would be closed for approximately 5 days.

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby authorizes the Department of Transportation to close State Route 723, .4 miles north of the intersection of Route 610, for the length of time necessary to complete construction of structure number 6283.

Mr. Roberts mentioned a requested guardrail on Old Quarry Road to prevent disposal of trash and animal carcass, this was discussed at the April meeting.

Mr. Slemp discussed current resurfacing on Highway 11 in Atkins.

Ms. Nikki Wyatt discussed the Southwest Virginia Litter Task Force. The Task Force has completed its objective and will now be working with the Upper Tennessee River Roundtable. The Board will be getting a model ordinance in the near future. She also questioned the possibility of a part time litter control officer.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board referred the position of part time litter control to the budget committee.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the Planning Commission's recommendation to rezone the Murray property from residential to commercial, as requested.

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board adopted the following resolution in support of Tazewell County becoming a Member Jurisdiction of the Southwest Virginia Regional Jail

Authority:

Virginia:	At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Wednesday, June 22, 2005 at 6:00 p.m.	
Board Members Present:	Mr. Charlie Clark, Chairman Mr. Harold Slemp Mr. Marvin Perry	Mr. Wade Blevins, Jr. Mrs. Darlene R. Neitch Mr. Michael Roberts
Staff Members Present:	Mr. Edwin B.J. Whitmore, III Ms. Amber Tilson Mrs. Sally Morgan	Mr. John H. Tate, Jr. Mr. Charlie Atkins Mr. Brett Lovell

The Board of Supervisors met to conduct a public hearing on the General County 2005-2006 fiscal year budget, as advertised. The chairman opened the hearing at 6:03 p.m. Mr. Whitmore read the rules and procedures and there were approximately five (5) citizen's in attendance.

The first citizen to speak was Mr. Mel Leaman of the Smyth County Free Clinic. Mr. Leaman thanked the Board for its continued support of the Free Clinic.

Dr. James Gates represented the Town of Marion. He thanked the Board for its contribution to the Smyth County Schools. He requested that the Board fairly reconsider the recreational and senior citizens allocations for the Town of Marion. While also considering the other needs of towns in the County. He suggested a set allocation for the towns each year because they need more fund than they have been getting. Mr. Gates stated that he was asking for help for all

the towns. Mr. Gates thanked the Board for their time and consideration.

Mr. Mike Walker of Mountain Cap Community Action Program requested that the Board consider assisting the program by funding a thirty-two hour position for one person, \$40,000.00 or help with the salary for four weeks at \$10.32 per hour. This would allow time for Mr. Walker to adjust to the loss of the out reach program. Mr. Walker also thanked the Board for their time and consideration.

The Chairman closed the public hearing at 6:26 p.m.

Upon motion of Mrs. Neitch, seconded by Mr. Slemph, and unanimously carried, the Board agreed to continue with the agenda and then begin the question and answer session on the proposed budget.

6/22/2005

At the last Board meeting, a public hearing was scheduled for the next regular Board meeting, Tuesday, July 12, 2005 on the Smyth-Washington County Regional Industrial Facility Authority (SWIFA) ordinance amendments, no time was set. The Board agreed to hold the hearing at 3:30p.m.

The Board was made aware of this year's Virginia Association of Counties conference to be held November 13-15, 2005. Those who wish to attend should let the staff know by Friday, June 24, 2005 so reservations can be made.

Mr. Atkins updated the Board on the current status of the school board budget and requested amendments. This will be voted on at the next continued meeting.

The Board then began discussions on the 2005-2006 budget with a question and answer session going through each page of the expense side of the proposed budget. The following motions were made:

Upon motion of Mr. Slemph, seconded by Mrs. Neitch, and duly carried, the Smyth County Adult Literacy Enrichment (S.C.A.L.E) allocation request was reduced from \$29,267.00 to \$14,500.00.

Vote: 4	yea (Neitch, Blevins, Perry, Slemph)
1	nay (Clark, Roberts)

Upon motion of Mr. Slemph, seconded by Mr. Perry, and unanimously

carried, the Board agreed to donate \$1,000.00 (as requested) to the Virginia Economic Bridge, if Washington and Wythe Counties also donated.

Vote: 5 yea
1 absent (Blevins)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and duly carried, the Rye Valley Community Council (recreation) recommended allocation of \$600.00 was increased to the requested amount of \$1,350.00.

Vote: 5 yea
1 nay (Perry)

Mrs. Neitch motioned and Mr. Blevins seconded, that the recommended allocation of \$600.00 to the Konnarock, Green Cove (recreation) be increased to \$1,000.00 (\$2,500.00 was requested). The motion did not pass.

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Vote: 3 yea (Neitch, Roberts, Blevins)
2 nay (Clark, Slemp, Perry)

Mr. Roberts motioned and Mrs. Neitch seconded, that \$100,000.00 be removed from the Water Study line item and \$550,000.00 be removed from the Courthouse Renovation escrow account. Pleasant Heights Water Replacement would get \$600,000.00 and \$50,000.00 would go into North Holston Design. The motion did not pass.

Vote: 3 yea (Roberts, Neitch, Blevins)
1 nay (Clark, Perry, Slemp)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and duly carried, the Board would increase the following recreation budget recommendations from \$600.00 to \$1,350.00:

Riverside Ruritan	Konnarock, Green Cove
Cleghorn Valley	Seven Mile Ford Ruritan
Rich Valley Recreation	Nebo Community Center
Atkins Ruritan	Allison Gap Ruritan
Adwolfe Community Center	

Vote: 4 yea (Perry, Clark, Neitch, Blevins)
2 nay (Slemp, Roberts)

At approximately 8:39p.m. Mrs. Neitch motioned, Mr. Slemp seconded, and it was unanimously carried, that the Board continue the meeting until Wednesday, June 29, 2005 at 6:30 p.m. for any necessary briefing, 7:00

p.m. to adopt the general county 2005-2006 fiscal year budget.

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C.C. Clark, Jr., Chairman		
Virginia:	At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Wednesday, June 29, 2005 at 7:00 p.m.	
Board Members Present:	Mr. Charlie Clark, Chairman Mrs. Darlene Neitch Mr. Michael Roberts Mr. Todd Dishner	Mr. Harold Slempp Mr. Marvin Perry Mr. Wade Blevins
Staff Members Present:	Mr. Edwin B.J. Whitmore, III Ms. Amber Tilson Mr. Michael Carter	Mr. John H. Tate, Jr. Mr. Charlie Atkins

The Chairman called the meeting to order at 6:59 p.m.

Upon motion of Mr. Perry, seconded by Mr. Slempp, and unanimously carried the Board adopted the agenda as to form.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried the Board approved a Real Estate levy on all taxable real estate located in Smyth County, Virginia, including equalized real estate, where applicable, a unit levy of \$.63 per \$100.00 of assessed valuation; Tax on tangible personal property and the tangible personal property of service corporation, except rolling stock of corporations operating railroads, a unit levy of \$2.25 per \$100.00 of assessed valuation; Machinery & Tools \$1.20 per \$100.00 of assessed valuation; Tax on Category 23 items (trucks used in Interstate Commerce over 10,000 pounds) a unit levy of \$1.20 per \$100.00 of assessed valuation; Tax on Merchants Capitol a unit levy of \$.40 per \$100.00 of assessed valuation.

Mr. Perry motioned and Mr. Blevins seconded that the General County 2005-2006 fiscal year budget be adopted with changes the Board pointed out on Wednesday, June 22. Changes have been incorporated by Mr. Atkins with an additional \$25,000.00 in deficit. This motion was delayed due to the rules and procedures and the following request.

Mr. Roberts requested that the Board reconsider the motion made at the

previous meeting (Wednesday, June 22, 2005) as provided in 4.8 rules and procedure of the Board since a tie vote occurred on that date with Mr. Dishner absent.

Mr. Roberts motioned and Mrs. Neitch seconded, that \$100,000.00 be removed from the Water Study line item and \$550,000.00 be removed from the

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Courthouse Renovation escrow account. Pleasant Heights Water Replacement would get \$600,000.00 and \$50,000.00 would go into North Holston Design.

Vote: 4 yea (Roberts, Dishner, Neitch, Blevins)
1 nay (Slemp, Clark, Perry)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and duly carried, the Board adopted the 2005-2006 fiscal year budget in the amount of \$71,997,660.00 and with amendments made above and those made on Wednesday, June 22, 2005.

Vote: 6 yea
1 nay (Perry)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved payment of bills in the amount of \$116,674.80.

Note: Michael Roberts and Charlie Clark stated that they have family members who work for the Smyth County School System and that they could vote impartially.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved the following 2004-2005 end of year budget request from the school board. Any unspent funds will revert to the county.

- An appropriation in the amount of \$239,594.26 from the Debt Service category to pay off the current accrued interest on the Chilhowie Literary Loan Projects.
- Transfers:
 - \$23,517.05 from Instruction category to Food Service category
 - \$192,542.30 from Instruction category to Capital Outlay category.
 - \$717,137.92 from Instruction category to Debt Service category.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and duly carried the board added \$61,605.00 to the 2004-2005 fiscal year school board budget, in transportation and appropriated the funds for the purchase of a school bus.

Vote: 6 yea
1 nay (Roberts)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously

carried, the Board authorized the County Engineer to proceed with serving 10 additional customers on the Cedars/Hall Addition Sewer Project.

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Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, a committee will be formed to address appointee's mileage. The chairman appointed Mr. Blevins (Chairman), Mr. Dishner, and Mr. Slemp to this committee.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried the meeting was adjourned at 7:53 p.m.

C.C. Clark, Jr., Chairman

6/14/2005

At 3:05p.m., the Board proceeded with an advertised public hearing on a complete revision to the ordinance relating to the Building Official and the Building Inspection Departments and to adjust permit fees by resolution instead of by ordinance. There was no citizen's present to speak. Ms. Shirley Spencer explained a few amendments to the presented ordinance and answered questions. The Chairman closed the public hearing at approximately 3:09p.m.

Upon motion of Mrs. Neitch, seconded by Mr. Slemph, and unanimously carried, the Board adopted the revised ordinance relating to the Building official and the Building Inspection Departments. The ordinance is on file in the Building Inspection Department at the County Administrator's Office.

Upon motion of Mrs. Neitch, seconded by Mr. Slemph, and duly carried, the Board adopted the following proposed permit fees, by resolution:

Vote:	6	yea
	1	nay (Perry)

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At approximately 3:30p.m., the Board proceeded with an advertised public hearing on changes involving submission and approval of plans by a qualified official and other minor changes to the Erosion and Sediment Control Ordinance. There were no citizens present to speak. Ms. Shirley Spencer explained a few amendments to the presented ordinance and answered questions. The Chairman closed the public hearing at approximately 3:37p.m.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board adopted the Erosion and Sediment Control Ordinance revised ordinance. This ordinance is on file in the Building Inspection Department at the County Administrator's Office.

Mr. Robert Taylor of the Chilhowie Fire Department explained a current campaign to place defibrillators in all local public buildings. Mr. Taylor had a sample of what would be placed in the buildings. The current quote for the machines is \$1,295.00. After discussion, the following motion was made:

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the purchase of defibrillators was referred to the budget committee for consideration.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board authorized to release the Deed of Trust for George Pauley on the Watson Gap Rehabilitation Project. The recording fee of \$31.00 is also approved and appropriated for payment.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board authorized the County Administrator to sign a letter of agreement for a \$10,000.00 grant requiring a \$5,000 match. This grant is being

split 50/50 with Wythe County. Grant is from Virginia Economic Development Partnership for website development. This agreement is on file in the Economic Development Department at the County Administrator's office.

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried the Board approved the Regional Economic Strategic Plan, annual

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project list for fiscal year 2006, as presented by Mrs. Sally Morgan. One change was requested, adding the Museum of the Middle Appalachians.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board agreed to hold a joint public hearing with the Planning Commission on the Smyth County Comprehensive Plan. Public hearing is scheduled for Thursday, August 25, 2005 at 5:00 p.m.

Mrs. Morgan updated the Board on the Indoor Plumbing Program. Notice from the State has been received that now is the time if the County wishes to change program administrators for this program. Mount Rogers Planning District Commission (MRPDC) is the current program administrator. Mrs. Morgan felt that MRPDC is currently doing a good job and she saw no need to change program administrators at this time. The Board agreed.

Mrs. Morgan also reported to the Board on the Coffman/Stairs Lea Building Industries project. The building was bought in 2002 for \$1,150,000.00 and sold to Coffman Stairs in March 2005 for \$1,180,000.00. Total contribution from the Board to the Industrial Development Authority for the purchase of the building was \$868,348.13. The Board will be returned \$983,509.42; this includes five percent interest and a portion of taxes paid by Coffman Stairs.

The Chairman reminded the Board of an event coming up with the Chamber of Commerce, appointed members to the audit committee, and informed the Board that Mr. Atkins has budgets to distribute, following the meeting. The Board then discussed requested amendments to the 2004-2005 School Board budget and setting up a budget committee meeting with the School Superintendent. Budget committee meeting will be set up at the beginning of the

following week. Mr. Slemp notified the Board of Lunch Time on The Lawn, at the Courthouse, Friday, June 24, 2005. The Board and County staff has been asked to participate. Mr. Perry mentioned a lunch at the Smyth County Community Hospital, Wednesday, June 15, 2005.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board agreed to enter into closed session at approximately 5:19 p.m.

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to discuss disposition and possible acquisition of real estate, protection of the privacy of individuals in personal matters not related to public business, and prospective business or industry, as outlined in Section 2.2-3711 (A) (3), (4), and (5), of the Code of Virginia, as amended.

Vote: 6	yea
1	absent (Dishner)

At 5:30 p.m. the chairman ended the closed session and the doors were opened to the public.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 6 yea
1 absent (Dishner)

Old Business

1. Matter of collection of delinquent taxes.
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).
3. Ken Heath's request concerning establishment of local tax abatement ordinance (referred to County Attorney, 7-1-03).
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4. East County Spring Source Study (8-1-03).
5. Manufactured home park ordinance referred to the Planning Commission, the remainder of proposed changes to the zoning ordinance referred to the Ordinance Committee (3-8-05).
6. Marevine Slemper, request for water service on Fox Valley Road (5-11-04).
7. The Water and Sewer Committee has requested the full Board review and discuss the estimate for the culvert on Shannon Gap Road (Water and Sewer Committee 8-10-04).
8. The Building and Grounds Committee recommends that up to \$200,000.00 be spent on remodeling the outside of the old school board building.
9. Approval of the Smyth County Emergency Operations Plan (11-10-04).
10. Request for tax-exempt status for the Smyth County Community Foundation.
11. Courthouse renovation.

Upon motion of Mr. Perry, seconded by Mr. Slemper, and unanimously carried, at 5:31 p.m., the Board continued the meeting until Wednesday, June 22, 2005 at 6:00 p.m., for a public hearing on the 2005-2006 fiscal year general county budget.

C.C. Clark, Jr., Chairman

Virginia: At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, July 12, 2005 at 12:00 noon.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Harold Slemp Mrs. Darlene R. Neitch Mr. Michael Roberts	Mr. Wade Blevins, Jr. Mr. Todd Dishner Mr. Marvin Perry
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Staff Members Present:	Mr. Edwin B.J. Whitmore, III Mr. Michael Carter Mr. Scott Simpson Mr. Brett Lovell	Mr. John H. Tate, Jr. Ms. Amber Tilson Mr. Charlie Atkins
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The chairman called the meeting to order at 11:59 a.m. Amber Tilson led the pledge of allegiance and Rev. David Neitch gave invocation.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board adopted the agenda as to form.

Upon motion of Mr. Perry, seconded by Mr. Blevins and unanimously carried, the Board adopted the additional agenda.

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved the minutes of June 14, 22, and 29, 2005.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved an appropriation from the general county fund in the amount of \$1,650,000.

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved an appropriation from the damage stamp fund (printing of stamps) in the amount of \$914.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved an appropriation from the animal control fund

(postage) in the amount of \$76.50

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board approved an appropriation in the amount of \$129,828.58 for the Allison Gap Sewer Project.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved an appropriation in the amount of \$27,080.83 for the Groseclose Water Project.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved an appropriation in the amount of \$185,369.85 for the Cedars/Hall Addition Sewer Project.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board approved appropriations for the Department of Social Services in the amount of \$335,000.00 (July 13-31, 2005) and \$35,000.00 (August 1-9, 2005).

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved the following appropriations for the school board:

Operating Fund	\$2,590,700
Textbook	\$30,000
Debt and Capital Outlay Fund	\$950,000

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board approved the accounts payable listing in the amount of \$792,102.85.

During citizen's time the following citizen spoke:

Mr. Dick Ryan of Green Hill Circle, Chilhowie, requested that the road he

resides on be restored back to the way it was before the Green Hill/Shuler Hollow Sewer Project was installed. There are 15 homes on Green Hill Circle.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board approved the fiscal year 2006 Fire Programs Fund Disbursement agreement. Agreement is on file at the County Administrator's office with the 911 Coordinator.

Mr. Whitmore requested that the nomination for a Workforce Investment Board replacement for Joseph Ellis be continued until he can find a suitable replacement.

Upon motion of Mrs. Neitch, seconded by Mr. Slemph, and unanimously carried, the Board approved the following tax refund requests:

- | | | |
|----|-------------------------|----------|
| 1) | Slyvia Lynn Gordon | \$48.36 |
| 2) | Cranston R. Tickle, Jr. | \$192.78 |
| 3) | Eva M. Cullop | \$9.45 |

Upon motion of Mr. Roberts, seconded by Mr. Slemph, and unanimously carried, the Board reappointed Mr. Con Smith to the Smyth County Industrial Development Authority. Term to expire June 30, 2009.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board appointed Mr. Gary Hall to the Rye Valley Water Authority, in replace of Mr. Max Barker. Term to expire June 30, 2008.

After discussion of the Mountain Empire Airport partnership with Wythe County, Mr. Tate recommended that payment of Smyth County's portion of the capital improvement project be continued. This would allow time for further information to be obtained on Wythe County's contributions.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board continued the request for the portion of the capital improvement project at the Mountain Empire Airport in the amount of \$4,314.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried the Board approved the recommendation from the Mileage Committee to pay Mrs. Nikki Wyatt for mileage traveled to the Southwest Litter Task Force, in the amount of \$139.43 (\$.325 per mile).

The Board discussed mileage for appointees. Mrs. Neitch requested that guidelines for the remainder of appointees be continued.

The Board then discussed mileage for Board members. Mr. Roberts suggested that the County Administrator look into holding an orientation for new Board members when elected. The orientation could consist of department heads explaining their jobs, Board members responsibilities, payment of mileage, and any other concerns.

The Board unanimously agreed with the recommendation from the Mileage Committee to pay Mr. Perry's mileage for January 2005-June 2005.

Vote: 6 yea
1 abstention (Perry)

The Board duly agreed with the recommendation from the Mileage Committee to pay Mr. Perry's mileage for January 2004-December 2004.

Vote: 5 yea
1 nay (Blevins)
1 abstention (Perry)

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board increased the fiscal year 2005-2006 revenue and expenditure

budgets in the amount of \$46,900 for two Virginia Department of Health grants and a Virginia Opportunity Region grant.

Vote: 6 yea
1 absent (Roberts)

Steve Buston of the Virginia Department of Transportation answered questions from the Board:

Mrs. Neitch inquired about the tall grass at the intersection of Belle Hollow Road and Red Stone Road. Mr. Buston informed her that the grass had been cut.

Mr. Perry asked if a speed study could be conducted on Scratch Gravel Road due to faster traffic on the new paved road.

Mr. Slemp asked about bigger signs on Nicks Creek Road to point truck drivers where to turn into the industrial park. The truck drivers are missing the turn and going too far to turn around.

Mr. Roberts inquired about changes to secondary roads for subdivisions. Mr. Buston stated that Smyth County covers that in its subdivision ordinance and the change would not affect Smyth County.

Mr. Buston discussed the revisions of the six-year plan each fall. He stated that there may be funds left to add unpaved roads and for the Board members to be thinking of candidate roads that may need paving. A public hearing for citizen input will probably be set at the August Board meeting.

Mr. Roberts discussed Homeland Security Funds that need to be spent by November 2005. He suggested that the County use part of the 2004 funds to

help the Town of Marion with a generator for the W.W. Scott Building. This would supply power back up for the police department and make the upstairs senior citizen's center into a shelter if needed with the kitchen and restrooms. Mr. Roberts stated that Mr. Charlie Harrington agreed this would be approved to pay out of the homeland security funds. The town will have approximately \$25,000 with both 2004 and 2005 funds; the current estimate for a generator is approximately \$32,000. Mr. Roberts suggested that the budget committee review the possibility of this request.

Old Business

1. Matter of collection of delinquent taxes (Mr. Whitmore has contacted the attorneys **8-10-04**).
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).
3. Ken Heath's request concerning establishment of local tax abatement ordinance.

Mr. Slemple inquired about the status of number 3 on old business. Mr. Tate informed the Board that they are waiting a response from Mr. Ken Heath.

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4. East County Spring Source Study (**8-1-03**).
 5. Manufactured home park ordinance referred to the Planning Commission, the remainder of proposed changes to the zoning ordinance referred to the Ordinance Committee (**3-8-05**).
 6. Marevine Slemple, request for water service on Fox Valley Road (**5-11-04**).
 7. The Water and Sewer Committee has requested the full Board review and discuss the estimate for the culvert on Shannon Gap Road.
 8. The Building and Grounds Committee recommends that up to \$200,000.00 be spent on remodeling the outside of the old school board building.
-

Mr. Slemp distributed plans of the old school board building drawn by Mr. Bill Huber at the request of the historical society. He explained that the school board removed the asbestos in the building. If there is any asbestos left it is in the floor. The back entrance can be used for handicap entrance and adding an elevator. A portion of the building could be used for any county offices. Mr. Huber thinks the building is capable of remodeling. The historical society has started a petition against tearing down the building.

9. Approval of the Smyth County Emergency Operations Plan (**11-10-04**).

10. Request for tax-exempt status for the Smyth County Community Foundation.

Mr. Perry inquired about item number 10 on old business. Mrs. Jennings was asked to return when the hospital settles with Carilion.

11. Courthouse Renovation.

12. Request the Board approve a tax refund request to Arlen and Elizabeth Sturgill, 2002 in the amount of \$1004.85, 2003 in the amount of \$1004.85, 2004 in the amount of \$948.78 for a **total of \$2,958.48 (6-14-05)**.

After explanation from Mr. Jeff Richardson, Commission of Revenue, the following motion was made:

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board approved a tax refund request to Arlen and Elizabeth Sturgill,

	\$1004.85 (2002)
	\$1004.85 (2003)
	<u>\$948.78 (2004)</u>
TOTAL:	\$2,958.48

13. Request the Board adopt a resolution approving the recommendation to support the Joint Petition pending before the State Corporation Commission concerning Duke Energy Gas Transmission (**6-14-05**).

With discussion, upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board removed item number 13 from old business.

Senator Wampler stated that the resolution was no longer needed.

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14. Request the Board adopt a resolution to participate in the Virginia Juvenile Community Crime Control Act **(6-14-05)**.
 15. Request the Board consider a recommendation from Jimmy Warren concerning Virginia Code Section 15.2-1613.1 **(6-14-05)**.
 16. The following appointments expire June 30, 2005, request the Board to reappoint the members or appoint a new member **(6-14-05)**.

Community Policy Management Team (1 year term)

Mary Rouse (parent representative)

Penny Dixon (private provider representative)

Wytheville Community College (4 year term)

Charles Overbay (Mr. Overbay is not eligible for reappointment)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board agreed to enter into closed session at approximately 2:20 p.m. to discuss disposition and possible acquisition of real estate and prospective business or industry, as outlined in Section 2.2-3711 (A) (3) and (5), of the Code of Virginia, as amended.

Vote: 7 yea
 0 nay

At approximately 3:10 p.m. the chairman ended the closed session and the doors were opened to the public.

Upon motion of Mr. Slemp, seconded by Mr. Perry, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 7 yea
 0 nay

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board asked that the appropriate staff meet with the other two jurisdictions involved in the issue discussed in closed session and return to the Board with a solution to the problem that has arisen.

The Board proceeded with a public hearing on the proposed amendments to the ordinance of the Smyth-Washington County Regional Industrial Facility Authority (SWIFA), concerning SWIFA Board member term reappointments.

There were no citizen's present to speak and the chairman closed the public hearing.

Mr. Tate explained that Washington County has approved the change to allow those appointed for the original two-year term could be reappointed.

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved the amendment to the SWIFA ordinance to allow those that were originally appointed for a two-year term, could be reappointed.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, at 3:33 p.m., the Board continued the meeting until Thursday, July 28, 2005 for a joint public hearing with the planning commission.

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, July 28, 2005, at 7:00 P.M.

Board Members	Mr. Charlie Clark	Mr. Michael Roberts
Present:	Mr. Harold Slemp	Mr. Marvin Perry
	Mrs. Darlene R. Neitch	Mr. Wade Blevins, Jr.
Staff Members	Mr. Edwin B. J. Whitmore, III	Mr. Michael Carter
Present:	Mr. Charlie Atkins	Mr. Scott Simpson

Chairman Clark called the meeting to order at 7:00 P.M. and opened a joint public hearing with the Planning Commission. Mr. Carter read the hearing notice as published in the *Smyth County News & Messenger* on July 16 and 23, 2005.

The David Rouse Estate application for rezoning: Mr. Williams said Ms. Rouse is requesting that a tract of land currently zoned industrial be rezoned to commercial at 154 Lee Hwy. The lot is part of tax map #54-A-28. Since a personal use business is not allowed either by right or by special use in the

Industrial District, Ms Rouse is requesting that 154 Lee Hwy and the lot that surrounds it be rezoned to Commercial. Mr. Williams did not receive any comments on this case other than general questions and a comment from Mr. Kalber, a Planning Commission member not present tonight who stated that he did not see a problem with the Rouse request.

Mrs. Heather Luttrell spoke on behalf of the Rouse application for rezoning. She advised that she had two customers who wanted to rent space in the building, and both proposed uses are allowed by right in the Commercial District. No one else made public comment on this application.

Terry Rife Special Use Permit Application: Mr. Williams said that Mr. Rife is requesting a special use permit to establish an Automotive Sales and Service establishment next to his residence at 1221 Camp Road, and the property is zoned Agricultural/Rural. Mr. Williams received a few comments on this case and specifically on the number of unlicensed vehicles on the property. In response to those concerns, Mr. Williams recommended that if the application is approved, a condition set to reduce the inventory of these vehicles to two or less in a reasonable amount of time. Also any outside storage associated with the business should be screened from public view either by a privacy fence or by a dense planting of trees or shrubs. Mr. Kalber, a Planning Commission member who could not be here tonight stated that he “would like to see the lot cleaned up”.

Mr. Rife spoke on behalf of his application. He stated that he had already made arrangements for the unlicensed vehicles to be removed and that he had

an engineer working on the design of his shop. No one else offered public comment on this application.

Buddy Call application for rezoning: Mr. Williams said that Mr. Call is requesting that a tract of land currently zoned Residential be rezoned to Agricultural/Rural. The property is located off Highway 91 just outside Town Limits of Saltville and is identified by tax map #29-A-29. He wants to place a single-wide manufactured home on the property. Because a single wide manufactured home is not allowed either by right or by special use in the Residential District and cannot be moved to a new location in the Residential District, Mr. Call is requesting that the lot be rezoned to A/R. Mr. Williams said he received a letter from the county attorney on this case questioning “spot zoning” and requesting Mr. Williams opinion on the subject. After checking a number of resources and reading a number of opinions, Mr. Williams called this a clear case of spot zoning. He also received a comment from a Planning Commission member who could not be here tonight, Karl Kalber, who said that, “there are several trailers through the area. However, the lot is next to a nice house and a business. He would consider this spot zoning and is not sure he would want to see a single-wide home there.” Mr. Williams read the definition of spot zoning and recommended that the entire Residential District in which Mr. Call resides be rezoned to Agricultural/Rural instead of doing only one lot.

Mr. Brian Call spoke on behalf of his dad's application. He said he purchased a single-wide home in the same zoning district that he lived and was surprised to learn that he could not reset it on a nearby lot because several

mobile homes were in the area. He also said he needed to set the single-wide on the lot so that he could help take care of his parents. He submitted a petition signed by neighbors supporting his request to set a mobile home on the lot. No one else made public comment on this application.

Chairman Clark closed the hearing at 7:31 p.m.

Mr. Slemp made a motion to approve the following resolution to participate in the Virginia Juvenile Community Crime Control Act as recommended by Mr. John Tate. Mr. Perry seconded the motion and it passed with Slemp, Perry, Roberts, Blevins, and Clark voting yes and Neitch voting no.

BE IT RESOLVED that Smyth County has agreed on an interim basis, to continue to participate in the Virginia Juvenile Community Crime Control Act in a combined plan with Washington County and the City of Bristol and to clarify the relationship of these jurisdictions to a combined plan with Russell County, Tazewell County, Buchanan County, Dickinson County, Lee County, Scott County, Wise County, and the City of Norton and accept funds appropriated for the purpose set forth in this Act until written notice to the contrary is provided to the Department of Juvenile Justice.

BE IT FURTHER RESOLVED that Washington County will act as the fiscal agent of the combined plan.

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized to execute a local plan on behalf of Smyth County.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board approved an appropriation of \$2,500 to the Sherwood Anderson Festival being conducted by the Smyth-Bland Regional Library.

Upon motion of the Audit Committee, The Board approved a recommendation to accept Brown Edwards & Company as the county's auditor for three years with Clark, Neitch, and Blevins voting yes, Perry and Roberts voting no, and Slemp abstaining.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved, pending approval of the county attorney, an amendment to the original Engineering Services Agreement for the Allison Gap Sewer Project to provide for developing plans and specifications for low to moderate income connections.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board declared an ice machine from the Sheriff's Department as surplus property and donated it to the Rich Valley Fair.

Chairman Clark adjourned the meeting at 8:00 p.m. until August 9.

Virginia: At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, August 9, 2005 at 12:00 noon.

Board Members Present: Mr. Charlie Clark, Chairman Mr. Wade Blevins, Jr.
Mr. Harold Slemp Mr. Todd Dishner
Mrs. Darlene R. Neitch Mr. Marvin Perry

Staff Members Present: Mr. Edwin B.J. Whitmore, III Mr. John H. Tate, Jr.
Mr. Michael Carter Ms. Amber Tilson
Mr. Scott Simpson Mr. Charlie Atkins
Mr. Brett Lovell Mrs. Sally Morgan

The chairman called the meeting to order at 11:59 a.m. Mrs. Sandy Hart led the pledge of allegiance and Mr. Walter Robinson gave invocation.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board adopted the agenda as to form, with the additional agenda and at Mr. Tate's request, adding AEP rate increase.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1 absent (Roberts)

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved the minutes of July 12, and 28, 2005.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1 absent (Roberts)

The Board unanimously approved the following:

<u>Appropriations</u>	
General County	\$1,650,000
Damage Stamp	\$914
Animal Damage (Animal Control postage)	\$76.50
Allison Gap Sewer Project	\$129,828.58
Groseclose Water Project	\$27,080.83

Cedars/Hall Addition Sewer Project		\$185,369.85
Department of Social Services (July 13-31, 2005)		\$335,000
(August 1-9, 2005)		\$35,000
Schools	Operating Fund	\$2,590,700
	Textbook	\$30,000
	Debt and Capital Outlay Fund	\$950,000
Accounts payable listing		\$792,102.85
Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)		
1 absent (Roberts)		

During citizen's time the following citizens spoke:

Charles Wassum, III, explained that a new home in construction on Water Mill Road was given an Althea Street address. He requested that the Board direct 911 to give homes and buildings on Water Mill Road a Water Mill Road address. With visuals, Mr. Wassum explained the history of naming Water Mill Road and Althea Street.

Erwin Rowland expressed her concern for the above road name change. She briefly explained that her father had wanted the road named Water Mill Road.

Jim Bangle one of the County's representatives to the Juvenile Detention Center Commission appeared to answer any questions from the Board concerning the unanimous vote to become a regional facility. Mr. Perry expressed the Board's main concern was that the Board had not approved the center becoming a regional facility.

Betty Testerman inquired about water on Axum Lane. The County Engineer informed her that money had been applied for through the Mount

Rogers Planning District Commission.

Mr. Earl McClure requested access to the legal memorandum from Mr. Tate regarding manufactured homes. Mr. Tate stated that members of the Planning Commission should have access to the memorandum but not for distribution.

Mr. James Brown of North Overlook Drive requested help in getting that road repaired since the Cedars/Hall Addition Sewer project was installed. Mr. Brown distributed pictures and was asked to speak with the Virginia Department of Transportation.

Mr. Whitmore explained that Global Positioning System (GPS) coordinates were collected at a cattle guard at the intersection of Althea Street and Water Mill Road (changed in the motion below). Coordinates are 81 degrees, 29 minutes, 8.79 seconds W (west), 36 degrees, 51 minutes, 16.17 seconds N (north). The address changes would not affect of the most existing buildings that have post office boxes.

Mr. Slemp motioned that Water Mill Road be amended starting at the bridge at the Holston River pumping station to up to where the road intercepts Althea Street, where GPS coordinates were collected at a cattle guard. Then going on Water Mill Road east to the water treatment plant (owned by the Town of Marion) and that the appropriate numbers be corrected on the right and left side of the road to coincide with 911 numbering but that number 100 Water Mill Road remain as is. The church, new residence, and the water treatment plant would be appropriately numbered to coincide with the 911 numbering system.

Mr. Perry seconded the motion and it passed unanimously.

Vote: 6	yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1	absent (Roberts)

Brett Lovell, Intern updated the Board on his projects this summer. The biggest project was the Litter Control Plan. The objective was to increase volunteer efforts, map dumpsites, map adopted roads, research how other counties pay a litter staff, and encourage disposal of junk cars and mobile homes. He and the Zoning Administrator mapped a total of 36 illegal dumpsites. This plan for litter control was given to the Litter Committee (Todd Dishner, Chairman, Harold Slemp, Mike Carter, Clegg Williams, and Manuel Street). Mr. Lovell also worked on Smyth County economic trends, and updated the economic development website. Finally, he worked on the Onsite Waste Water Loan Program. There is approximately \$33,000 left in that program, he worked on a marketing campaign to get the word out that those funds are available. Mr. Lovell thanked the Board for allowing him to work with the County through the summer.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, the Board unanimously adopted the following resolution:

WHEREAS, Max Barker has been a member of the Rye Valley Water Authority for nine years beginning in mid-1996 until his death in June 2005; and

WHEREAS, Mr. Barker contributed to the community development efforts of Smyth County as an active water authority member; and

WHEREAS, Mr. Barker provided outstanding service to the residents of the Sugar Grove community as a concerned and dedicated appointed official.

THEREFORE BE IT RESOLVED THAT the Smyth County Board of Supervisors recognizes the dedicated service provided by Max Barker as a member of the Rye Valley Water Authority, and

BE IT FURTHER RESOLVED THAT the Smyth County Board of Supervisors expresses its appreciation and gratitude to Max Barker for his outstanding contributions to Smyth County and the Sugar Grove community, and extends those expressions to his family.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1 absent (Roberts)

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board scheduled a public hearing for the next regular Board meeting on Tuesday, September 13, 2005 at 3:00 p.m. The hearing will take comments on the proposed changes to the senior citizen relief pack, increasing maximum income to \$22,000 and increasing assets to \$35,000. If approved the changes will have an effective date of September 1, 2005.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1 absent (Roberts)

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the recommendation from the Animal Control Committee to pay \$2055 in animal claims was continued (until the continued meeting on Thursday, August 25). This will allow time for research on payment of claims caused by coyote.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1 absent (Roberts)

The Board unanimously approved the recommendation from the Animal Control Committee to hire a part time Animal Control officer, to be funded out of the Animal Control fund (211-0150 of the treasurers accountability) at the rate of \$10.50/hour.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
 1 absent (Roberts)

The Damage Stamp Committee recommended that \$3,954.52 be appropriated out of the Damage Stamp Fund for damage stamp claims. The Board unanimously agreed to approve the committee's recommendation to pay the following:

William St. John	\$896.74
Seth Heath	\$579.64
Hix Pugh	\$1,022.90
Melvin Powell	\$306.87
Bennie Cornett	\$971.07
Charles Atkins	\$68.19
Jackie Bridgeman	\$109.11
TOTAL:	\$3,954.52

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
 1 absent (Roberts)

The Board discussed a recommendation from the Water and Sewer Committee to grant an easement to the Town of Chilhowie on Fox Valley Road, through the Smyth County Vocational School property. The Board continued this request until the staff can research to find who the owners of the property are, the Smyth County Schools or the County.

The Chairman appointed Mike Carter, Wade Blevins, Scott Simpson and himself to a committee to work with the town on this request.

The Board unanimously approved a recommendation from the Surplus property committee to accept the following bids on surplus vehicles:

1998	Dodge Dakota	\$5,860	to Jerry Honshell
1997	Dodge Intrepid	\$407	to James Box
1985	Chevrolet Van	\$203	to James Box
1990	Chevrolet Caprice	\$401	to Cana Motors
1995	Chevrolet S-10	\$1,141	to Cana Motors

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1 absent (Roberts)

The committee agreed to keep the 1996 Mercury Sable and the 1978 Ford Tool Truck. Mr. Carter is in the process of scheduling an auction, within the next 60 days, to auction off kitchen appliances from the jail and he will contact the three towns and other government agencies to see if they wish to participate

Upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried, the Board approved a festival application for the Adwolfe Volunteer Fire Department. Festival will be held on September 9,10, and 11, 2005.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1 absent (Roberts)

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board approved a festival application for the Konnarock Community Association. Festival will be held on Sunday, September 18, 2005.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1 absent (Roberts)

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board accepted Gangs in Virginia grant #06-A4931GA05, in the amount of \$39,199 (100% federal funds).

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1 absent (Roberts)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board agreed to allow the Sheriff to sign an agreement with Washington County allowing Smyth County to enter into Washington County and the Regional Jail to execute warrants. The agreement is on file in the Sheriff's

Office of Smyth County.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1 absent (Roberts)

The Board recessed 1:15 – 1:45 p.m.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board reappointed Mr. Henry C. Everhart as the National Disability Organization Community Representative. Term to expire July 30, 2006.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1 absent (Roberts)

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried the Board accepted Engineering Services agreements with the following firms , for as needed services (agreements are on file in the Engineering Department of the County Administrator's Office):

Thompson & Litton, Bristol TN
Lane Engineering, Chilhowie VA
Anderson & Associates, Inc., Blacksburg VA
Draper Aden Associates, Blacksburg VA

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1 absent (Roberts)

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board accepted and authorized an appropriation for final payment to Central Builders, Inc. for the Allison Gap Sewer Project, Division 1B, in the amount of \$67,999.85.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1 absent (Roberts)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously

carried, the Board approved to pay \$35 per full time employees for the Smyth County Employee Wellness Day 2005 to be held on Thursday, September 15. Funds will be paid out of contingency.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1 absent (Roberts)

The Board discussed the following truck bids for the Water and Sewer

Department:

1.	Empire Ford	2006 Ford F-150	\$19,502
2.	Marion Automotive	2006 Chevrolet	\$18,330 (late bid)
3.	Family Ford	2005 Chevrolet	\$17,717

Mr. Perry motioned that the Board reject all bids and request bids for only 2006 models. The motion was seconded by Mr. Slemp, and duly carried.

Vote: 4 yea (Slemp, Blevins, Perry)
2 nay (Clark, Neitch)
1 absent (Roberts)

Mr. Carter requested a reason to give to those who did bid for the rejection of bids. The Board would take this issue up later in the meeting to allow time for Mr. Tate to review the advertisement that was placed in the paper.

Steve Buston of the Virginia Department of Transportation returned maintenance concerns and stated that he had spoke with Mr. James Brown who appeared during citizen's time. Mr. Buston also answered questions from the Board concerning the revision of the Secondary Highway Six Year construction plan. Mr. Slemp mentioned the problem with truck going past the industrial park on Nicks Creek Road and not being able to turn around, and commented on the VDOT response to concerns. Mr. Whitmore thanked Mr. Buston for helping with the congestion at the Hungry Mother State Park due to paving during the Arts

and Crafts Festival. Mr. Perry mentioned a speed study on Scratch Gravel Road. Mrs. Neitch inquired on how to get a road paved, Mr. Buston asked her to fill out a maintenance concern. Mr. Clark inquired about paving of Route 644.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board scheduled a public hearing for the next regular Board meeting, Tuesday, September 13, 2005 at 5:00 p.m. The public hearing will be to hear comments and suggestions for the revising of the Secondary Highway Six Year construction plan for fiscal year 2006-2007 through fiscal year 2011-2012.

Vote: 6	yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1	absent (Roberts)

James Dillion of Mount Rogers Planning District Commission and Charlie Harrington answered questions concerning the Pre-Disaster Hazard Mitigation plan. It was suggested that Highway 16 be added to the plan.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried the Board adopted the following resolution:

WHEREAS, the Commonwealth of Virginia's Department of Emergency Management and the Mount Rogers Planning District Commission agree that a regional Pre-Disaster Hazard Mitigation Plan shall be developed for the Mount Rogers Planning District; and

WHEREAS, the Mount Rogers Planning District Commission has completed the necessary tasks required by the agreement between the Virginia's Department of Emergency Management and the Mount Rogers Planning District Commission; and

WHEREAS, the Pre-Disaster Hazard Mitigation Plan includes identification of all significant natural hazards affecting Smyth County; and

WHEREAS, the Pre-Disaster Hazard Mitigation Plan contains risk assessments and estimated potential dollar losses of each of the identified hazards, a mitigation strategy to reduce or eliminate the risk of damage from future incidents, and a process to update the plan every five (5) years, thereby making

Smyth County, a jurisdiction of the Mount Rogers Planning District, eligible for hazard mitigation grant assistance.

NOW THEREFORE, BE IT RESOLVED, that Smyth County Adopts the Pre-Disaster Hazard Mitigation Plan.

Vote: 6 yea (Dishner, Slemple, Clark, Neitch, Blevins, Perry)
1 absent (Roberts)

Mr. Dishner left at approximately 2:30 p.m.

Upon motion of Mr. Blevins, seconded by Mr. Slemple, and unanimously carried, the Board approved the following recommendation from the Planning Commission:

David Rouse Estate: Mr. McClure made a motion to recommend to the Board of Supervisors that the zoning map at 154 East Lee Highway be rezoned from Industrial to Commercial. Mr. Davidson seconded the motion and it carried unanimously.

Vote: 5 yea (Slemple, Clark, Neitch, Blevins, Perry)
2 absent (Roberts, Dishner)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved the following recommendation from the Planning Commission:

Terry Rife: Mr. McClure made a motion to recommend to the Board of Supervisors that a special use permit be approved for Terry Rife with the condition that the unlicensed vehicles be removed from the site to bring it into compliance with the zoning ordinance. Mr. Atwell seconded the motion and it passed unanimously.

Vote: 5 yea (Slemple, Clark, Neitch, Blevins, Perry)
2 absent (Roberts, Dishner)

Upon motion of Mr. Perry, seconded by Mr. Slemple, and unanimously carried, the Board approved the following recommendation from the Planning Commission:

Ms. Tuell made a motion to recommend to the Board of Supervisors that Buddy Call's request to rezone his lot be denied because it would constitute spot zoning. Mr. Atwell seconded the motion and it passed.

Vote: 5 yea (Slemp, Clark, Neitch, Blevins, Perry)
2 absent (Roberts, Dishner)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board declined the recommendation below from the Planning Commission, and that the citizens in the affected area should ask for the change not the Board of Supervisors or the Planning Commission.

Ms. Tuell made a motion to recommend to the Board of Supervisors that a joint public hearing be set for August 25, 2005, to take public comment on rezoning the entire area known as the McCready/Clear Estate Subdivision located on Saltville Highway from Residential to Agricultural/Rural. Motion was seconded by Mr. Davidson and carried unanimously.

Vote: 3 yea (Slemp, Clark, Perry)
2 nay (Neitch, Blevins)
2 absent (Roberts, Dishner)

Upon motion of Mr. Slemp, seconded by Mr. Perry, and duly carried, the Board adopted the following emergency ordinance concerning the establishment of adult businesses, for the period of sixty (60) days:

**PROPOSED AMENDMENT TO THE TEXT OF
THE SMYTH COUNTY ZONING ORDINANCE CONCERNING
THE ESTABLISHMENT OF ADULT BUSINESSES
FOR CONSIDERATION BY PLANNING COMMISSION
JULY 28, 2005**

(Adopted as an emergency ordinance by the Board of Supervisors on August 9, 2005, effective for sixty days (October 5, 2005))

Section 3-4.2: Add the following uses to Uses Permitted with Special Use Permit in the Commercial District:

- (p) Adult bookstore or adult video store
- (q) Adult drive-in theater
- (r) Adult entertainment establishment
- (s) Adult mini-motion picture theater

- (t) Adult model studio
- (u) Adult motion picture arcade
- (v) Adult motion picture theater
- (w) Adult retail store
- (x) Massage parlor

4-13 Requirements and standards for Adult Uses

4-13.1 No adult use may be established within one thousand (1,000) feet of any other such adult use in any zoning district.

4-13.2 No adult use may be established within one thousand (1,000) feet of a residentially zoned district, or a school, educational institution, church, public park, playground, playfield, public library or day care center.

4-13.3 The “establishment” of an adult use as referred to herein shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion, in whole or part, of an existing business to any adult use.

4-13.4 In addition to the requirements set forth in this section, all adult uses shall be required to comply with any other ordinances applicable to the same.

4-13.5 Measurements of distance: All distances specified in this section shall be measured from the property line of one use to another. The distance between an adult use and a residentially zoned district shall be measured from the property line of the use to the nearest point of the boundary line of the residentially zoned district.

4-13.6 Exemptions: The following are not considered “Adult Uses”:

- (a) A legitimate theatrical performance where nudity or semi-nudity is only incidental to the primary purpose of the performance.
- (b) A school of art which is operated by an individual, firm, association, partnership, corporation or institution which meets the requirements established in the Code of Virginia (1950), as amended, for the issuance or conferring of, and is in fact authorized there under to issue and confer, a diploma.
- (c) A licensed physical therapy establishment.
- (d) Massage therapists, nail technicians, and cosmetologists licensed by the state of Virginia.

Add to Definitions in Article 10:

Adult book store and adult video store. An establishment which has more than fifteen (15) percent of the total floor area utilized for the display of books, magazines, periodicals, films, videos or similar printed materials and which, with respect to the entire premises or a portion or a section of the premises, limits its

customers to persons over 18 years of age, or as one of its principal business purposes offers for sale, rental, or viewing for any form of consideration any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" as defined in Article 10.

Adult drive-in-theater. An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats, and presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons.

Adult entertainment establishment. A restaurant, nightclub, private club, or similar establishment which features, on a regular basis, live performances involving persons who are nude or seminude. Seminude shall mean (a) less than completely and opaquely covered pubic region, buttocks, or female breasts below a point immediately above the top of the areolae, excepting any portion of the cleavage of the female breast exhibited by a dress, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae are not exposed, but under no circumstances less than completely covered genitals, anus, or areolae of the female breast; (b) Male genitals in a state of arousal even if completely and opaquely covered. Any establishment that features such performances more than one day in a thirty (30) day period shall be deemed to be an adult entertainment establishment.

Adult mini-motion picture theatre. An establishment, with a capacity of more than five (5) but less than fifty (50) persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons.

Adult model studio. Any establishment open to the public where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity.

Adult motion-picture arcade. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or specified "anatomical areas".

Adult motion picture theater: An establishment, with a capacity of fifty (50) or more persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown; and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons.

Adult retail store: An establishment that sells instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult use. Any adult bookstore, adult video store, adult entertainment establishment, adult motion picture theater, adult mini-motion picture theater, adult motion picture arcade, adult model studio, adult drive-in theater, or massage parlor as defined herein. Also included are establishments that sell instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

Massage parlor. Any establishment, whether private or public, operated as a massage salon, bath parlor or similar type of business where any physical or mechanical contact is made to a recipient's body by another person or mechanical device for the purpose of massaging or stimulating the recipient's body.

Specified anatomical areas: Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, and human male genitals in discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Vote: 4	yea (Slomp, Clark, Blevins, Perry)
1	nay (Neitch)
2	absent (Roberts, Dishner)

After Mr. Tate reviewed the advertisement placed in the paper, a reason is necessary to give those who did place a bid.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and duly carried, the Board reconsidered the truck bids for the Water and Sewer Department.

Vote:	3	yea (Slemp, Clark, Neitch)
	2	nay (Blevins, Perry)
	2	absent (Roberts, Dishner)

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and duly carried, the Board accepted the bid of \$17,717 from Family Ford on a 2005 Chevrolet truck for the Water and Sewer Department.

Vote:	3	yea (Slemp, Clark, Neitch)
	2	nay (Perry, Blevins)
	2	absent (Roberts, Dishner)

Kristina Morris, of the Southwest Virginia Medical Reserve Corps, explained to the Board the Corps purpose in this area. The Corps is a national organization and has been in existence for approximately a year and a half, taking any volunteers in the event of a large-scale disaster. Volunteers are both non-medical and medical professional. The organization currently has about 400 volunteers with about 125 from the Mount Rogers region. About 100 of those 125 are from Smyth County with the most response to volunteer orientation. Charlie Harrington currently serves on the advisory committee, along with others from the hospital. This organization is a partner with the Red Cross.

Larry Harley of the Southwest Virginia Legal Aid Society updated the Board on the society's legal aid in Smyth County. The society opened in 1972 and in 2001 expanded to cover the area from Montgomery County to Lee

County. They handle mostly civil cases, family law for the low income. Some of the services they provide are protecting victims of domestic violence by obtaining protective orders, saving families' homes, cars and incomes through consolidation personal debts, advocating for Medicaid and Food Stamp benefits for families truly in need, and helping prevent problems with landlord/tenant problems. There are 21 Board of Directors (Herbert Clay currently serves on that Board). This society is the most efficient in the state with the highest number of cases closed.

The Board recessed 3:30 – 3:35 p.m.

Old Business

1. Collection of delinquent taxes (Mr. Whitmore has contacted the attorneys **8-10-04**).
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).
3. Ken Heath's request concerning establishment of local tax abatement ordinance.
4. East County Spring Source Study (**8-1-03**).
5. Manufactured home park ordinance referred to the Planning Commission, the remainder of proposed changes to the zoning ordinance referred to the Ordinance Committee (**3-8-05**).
6. Marevine Slem, request for water service on Fox Valley Road (**5-11-04**).
7. The Water and Sewer Committee has requested the full Board review and discuss the estimate for the culvert on Shannon Gap Road.
8. The Building and Grounds Committee recommends that up to \$200,000.00 be spent on remodeling the outside of the old school board building.
9. Approval of the Smyth County Emergency Operations Plan (**11-10-04**).

10. Request for tax-exempt status for the Smyth County Community Foundation.
11. Courthouse Renovation.
12. Request the Board adopt a resolution to participate in the Virginia Juvenile Community Crime Control Act **(6-14-05)**.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board removed item #12 from old business; it was completed at the last Board meeting (July 28, 2205).

Vote: 5 yea (Slemp, Clark, Neitch, Blevins, Perry)
0 nay
2 absent (Roberts, Dishner)

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13. Request the Board consider a recommendation from Jimmy Warren concerning Virginia Code Section 15.2-1613.1 **(6-14-05)**.
 14. The following appointments expire June 30, 2005, request the Board to reappoint the members or appoint a new member **(6-14-05)**.

Community Policy Management Team (1 year term)

Mary Rouse (parent representative)

Penny Dixon (private provider representative)

Wytheville Community College (4 year term)

Charles Overbay (Mr. Overbay is not eligible for reappointment)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board appointed Ms. Sabrina Rose to the Community Policy Management Team, as a parent representative (replacing Mary Rouse). Term to expire June 30, 2006.

Vote: 5 yea (Slemp, Clark, Neitch, Blevins, Perry)
0 nay
2 absent (Roberts, Dishner)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board reappointed Ms. Penny Dixon to the Community Policy

Management Team, as a private provider representative. Term to expire June 30, 2006.

Vote:	5	yea (Slomp, Clark, Neitch, Blevins, Perry)
	0	nay
	2	absent (Roberts, Dishner)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board appointed Mrs. Linda P. White to the Wytheville Community College Board. Term to expire June 30, 2009.

Vote:	5	yea (Slomp, Clark, Neitch, Blevins, Perry)
	0	nay
	2	absent (Roberts, Dishner)

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15. Request the Board nominate a Workforce Investment Board Replacement for Joseph Ellis **(7-12-2005)**.
 16. Request the Board approve the requested portion of the Capital Improvement project at the Mountain Empire Airport in the amount of \$4,314 **(7-12-2005)**.

With the attorney's approval, Mrs. Neitch motioned, Mr. Slomp seconded and the Board unanimously agreed to allow Mr. Whitmore to sign a lease agreement with the State School Department of Education to house a school nutritionist in an office on the 4th floor of the Morrison Building. Cost is \$576 a year.

Vote:	5	yea (Slomp, Clark, Neitch, Blevins, Perry)
	2	absent (Roberts, Dishner)

The Board discussed who would be attending the Teacher of the Year Banquet, August 15, 2005, Town & County Barbecue, August 18, 2005, Celebration of Teamwork on the Allison Gap Sewer project and August 11, 2005, The Board was also informed of 100 years of ministry celebration for the First Church of God of Allison Gap. The County was invited to enter into the parade

on August 20, 2005 because of the new sewer line. The Board requested that Michael Roberts be informed of this invitation.

Scott Simpson explained that Jeff Campbell, Water and Sewer Attorney, approved the contract from Rural Development for the balance of the East Hungry Mother Package. The balance includes Vance Drive, Arden Lane, and Redstone.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved the contracts from Rural Development on the balance of the East Hungry Mother package.

Vote:	5	yea (Slemp, Clark, Neitch, Blevins, Perry)
	2	absent (Roberts, Dishner)

The County Engineer also informed the Board that the Low to Moderate Income (LMI) agreements were approved by Jeff Campbell and were ready to be signed. The Board approved the LMI agreements at the last meeting (July 28, 2005), pending attorney approval.

Both of the above-mentioned documents are on file in the Engineering Office of the County Administrator's Office.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board agreed to enter into closed session at approximately 3:56 p.m., to discuss prospective business or industry, as outlined in Section 2.2-3711 (A) (5), of the Code of Virginia, as amended.

Vote:	5	yea (Slemp, Clark, Neitch, Blevins, Perry)
	0	nay
	2	absent (Roberts, Dishner)

At approximately 4:12 p.m. the chairman ended the closed session.

Upon motion of Mrs. Neitch and seconded, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote:	5	yea (Slemp, Clark, Neitch, Blevins, Perry)
	0	nay
	2	absent (Roberts, Dishner)

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to enter into closed session at approximately 4:12 p.m., to discuss disposition and possible acquisition of real estate, as outlined in Section 2.2-3711 (A) (3), of the Code of Virginia, as amended.

Vote:	5	yea (Slemp, Clark, Neitch, Blevins, Perry)
	0	nay

2 absent (Roberts, Dishner)

At approximately 4:33 p.m. the chairman ended the closed session.

Mr. Slemp left at approximately 4:30 p.m., during closed session.

Upon motion of Mr. Perry seconded by Mr. Blevins, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 4	yea (Clark, Neitch, Blevins, Perry)
0	nay
3	absent (Roberts, Dishner, Slemp)

Mr. Tate informed the Board that in 2004 a law passed by the General Assembly has allowed Appalachian Power Company (APCO) to file a petition

(filed July 22, 2005) to recover \$62 million in environmental and transmission enhancement costs. APCO is trying to raise money to cover money already spent and what they estimate they will spend. Local rates will be targeted for the raise. Currently a contract with APCO has capped rates through 2007. There is currently a steering committee in Richmond that is working to prevent the raise in rates.

The Board requested that the County Administrator have someone from the airport commission at the September meeting to answer questions concerning #16 on old business.

Upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried, at 4:41 p.m., the Board continued the meeting until Thursday, August 25, 2005, for a joint public hearing with the Planning Commission on the Comprehensive Plan (5:00 p.m.) and a joint public hearing for other zoning requests at 7:00 p.m.

Vote:	4	yea (Clark, Neitch, Blevins, Perry)
	0	nay
	3	absent (Roberts, Dishner, Slemp)

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, August 25, 2005, at 5:00 P.M.

Board Members	Mr. Charlie Clark, Chairman	Mr. Todd Dishner
Present:	Mr. Harold Slemp	Mr. Marvin Perry
	Mrs. Darlene R. Neitch	Mr. Wade Blevins, Jr.
	Mr. Michael Roberts (arrived at 5:20pm)	

**Staff Members
Present:**

Mr. Edwin B. J. Whitmore, III
Mr. Charlie Atkins
Miss Amber Tilson

Mr. Michael Carter
Mr. John Tate

At approximately 5:00 p.m. Chairman Clark and Chairman Dennis Blevins of the Planning Commission opened the joint public hearing on the Smyth County Comprehensive Plan – 2005 Review and Update. Mr. Whitmore read the hearing notice as published in the Smyth County News & Messenger and the rules and procedures for public hearings. There were approximately 10 citizens present. Mrs. Sally Morgan gave background on the creation and preparation of the plan. Six informational meetings were held around the County.

Mrs. Ann Catron provided maps, soils information, and a petition and requested that the Plan be changed to indicate the land as prime agriculture in the St. Clair's Creek area.

Dr. Gerard Murphy spoke in favor of a designation of prime agriculture.

Chairman Clark and Blevins closed the public hearing at approximately 5:16 p.m.

The Planning Commission recessed until 6:00 p.m. while the Board proceeded with other agenda items.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board approved an appropriation in the amount of \$9,310 to the Town of Marion, which is 13.3% of the \$70,000 committee to the Campbell Avenue Sewer Project.

Vote: 6 yea
1 absent (Roberts)

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously

carried, the Board appropriated \$64.20 from the On Site Wastewater Fund.

Vote: 7 yea
 0 nay

The Clerk was given a count of who would be attending the MRPDC Joint Annual Fall Dinner meeting, Friday, August 26, 2005.

At 5:22 p.m., the Board recessed until 7:00 p.m. for a second joint public hearing with the Planning Commission.

At approximately 7:00 p.m. Chairman Clark and Chairman Dennis Blevins of the Planning Commission opened the joint public hearing on an application from Michael J. and Vickie C. Osborne for a Special Use Permit for a golf course behind 269 and 271 Goodpasture Hollow Road. The lot is zoned Agricultural/Rural and is identified by Tax Map Number 47-A-83 and 47-A-83A. Mr. Whitmore read the hearing notice as published in the Smyth County News & Messenger and the rules and procedures for public hearings. There were approximately 25 citizens present.

Clegg Williams, Zoning Administrator, stated that Mr. Osborne applied for a special use permit to establish/operate a 9-hole, par 3 golf course behind his residence at 271 Goodpasture Hollow road. He said that Sections 3-2.2(t) and Article VI of the zoning ordinance applied to this application.

Mr. Osborne spoke on behalf of his application.

Mrs. Debbie Martin of 317 Goodpasture Hollow Road spoke against the application and expressed concerns about increased traffic, property damaged by miss hit golf balls, operating hours, strangers walking around and on her

property, and noise.

Ms. Louise McCullops of 337 Goodpasture Hollow Road spoke against the application. She said the golf course did not fit in the rural, quiet community and expressed concerns about infrastructure, an additional 100 cars a day traffic, alcohol consumption, and offensive language and behavior.

Mr. Bob Powell of 218 Goodpasture Hollow Road spoke against the application and expressed apprehension that the golf course would destroy the peaceful tranquility of the area, and would increase traffic on the narrow, dead-end road, which would be a safety hazard to the children.

Mr. Mike Williams of 257 Goodpasture Hollow Road spoke against the application and expressed concern about the additional traffic, alcohol, the effect on the neighborhood tranquility, miss hit balls, operating hours, and chemical drainage.

Mr. Michael Osborne spoke again on behalf of his application and addressed the neighbors' concerns by stating that: the course would not be lighted, restrooms would be provided, the entrance would be to the left of 269 Goodpasture Hollow Road, the course would be designed so that balls were not hit in the direction of the Martin property, only a limited number would play at any one time, the number of vehicles would be restricted to two per appointment, a thirty-foot wide entrance would be provided, operating hours would be from 9:00 a.m. to dark, location and number of golf carts would be limited to one area, and coolers and alcohol would not be permitted. He stated that golf is not a noisy sport.

Mrs. Ann Williams of 253 Goodpasture Hollow Road spoke against the application and said she was concerned that there was not enough land for the golf course, the noise would increase, maintenance would be done in early morning hours and late evenings, and children would not be able to enjoy outdoor activities as much.

Mr. Pat Martin of 317 Goodpasture Hollow Road spoke against the application and expressed concern about sewage disposal and drainage into a spring that serves five houses.

Mr. Perry asked for a show of hands of those opposed and for the golf course.

The Chairmen closed the public hearing at 7:43 p.m. The Planning Commission recessed until 8:00 p.m., after the Board completed their agenda.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board appropriated funds for V-STOP continuation grant #05-I9359VA04 for January 1, 2006 through December 31, 2006. Local match of \$8,495, federal \$24,483, total \$33,978. The Board agreed to support the application for the two-year grant and approve funding for the second year (funding to remain the same) at the appropriate time.

Vote:	6	yea
	1	abstention (Neitch)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board continued the recommendation from the Animal Control Committee to pay animal claims in the amount of \$1585. Mr. Tate will conduct further research on payment of claims caused by coyote.

The meeting was adjourned at 7:58 p.m.

Virginia: At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, September 13, 2005 at 12:00 noon.

Board Members Present: Mr. Harold Slemp, Vice Chairman Mr. Wade Blevins, Jr.
Mr. Michael Roberts Mr. Marvin Perry
Mrs. Darlene R. Neitch
(Note: Mr. Perry left at approximately 3:00 p.m.)

Staff Members Present: Mr. Edwin B.J. Whitmore, III Mr. John H. Tate, Jr.
Mr. Michael Carter Ms. Amber Tilson
Mr. Scott Simpson Mr. Charlie Atkins

The vice chairman called the meeting to order at 11:59 a.m. Mrs. Pam Testerman led the pledge of allegiance and Mr. Steve Eller gave the invocation.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board adopted the agenda as to form, with the additional agenda items, adding disposition of property to closed session, and citizens to VDOT and Zoning time.

Vote: 5 yea (Slemp, Neitch, Blevins, Perry)
2 absent (Clark, Dishner)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved the minutes of August 9, and 25, 2005.

Vote: 5 yea (Slemp, Neitch, Blevins, Perry)
2 absent (Clark, Dishner)

The Board unanimously approved the following:

<u>Appropriations</u>		
General County		\$1,500,000
Animal Damage (animal control office supplies)		\$442.00
On-Site Sewer		\$24.50
Allison Gap Sewer Project		\$3,768.76
Groseclose Water Project		\$12,308.90
Cedars/Hall Addition Sewer Project		\$37,783.93
Department of Social Services (Sept. 14-30, 2005)		\$310,000
(October 1-11, 2005)		\$35,000
Schools	Operating Fund	\$2,900,000
Accounts payable listing		\$945,628.26

Vote: 5 yea (Roberts, Slemp, Neitch, Blevins, Perry)
2 absent (Clark, Dishner)

During citizen's time the following citizens spoke:

Rhea Lawrence of Park Boulevard explained that he wishes to keep his

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road a private road. There are neighbors who want to use the road to access property beyond his property. Charles Dalton, a neighbor of Mr. Lawrence, spoke on his behalf.

Betty Testerman inquired about the funding for water on Axum Lane.

Mary Ann Buchanan of the Nebo Community Center informed the Board that they had obtained their 501(C) 3. Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board scheduled a public hearing to take public comment on donating the old Nebo School to the Nebo Community Center. Hearing will be held on Tuesday, October 11, 2005 at 3:00 p.m.

Vote: 5	yea (Roberts, Slomp, Neitch, Blevins, Perry)
2	absent (Clark, Dishner)

Sandy Stoots and Bonnie Murray inquired about the status of the East Hungry Mother Water project.

Barbara Debord introduced herself as the new Director of the Chamber of Commerce.

Tom Burkett was present to request information from the Chairman he had requested. Mr. Whitmore was asked to remind the Chairman of his request. At the request of Mr. Tate, Mr. Burkett discussed the car tax relief to begin January 2006. Mr. Tate suggested that the budget committee be given the authority to act on the car tax relief.

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board rescheduled a public hearing for comment on proposed changes to the senior citizen relief package. Hearing is scheduled for Tuesday, October 11, 2005 at 3:15 p.m.

Vote: 4	yea (Roberts, Slomp, Neitch, Blevins)
3	absent (Clark, Dishner, Perry)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and duly carried, the Board agreed to write off \$11,004.91 from the landfill charge accounts. This total is from accounts older than 3 (three) years.

Vote: 4	yea (Roberts, Slomp, Neitch, Blevins)
1	nay (Perry)
2	absent (Clark, Dishner)

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Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved the use of the Courthouse for Halloween Madness/Mountain Dew Day festivities on October 29, 2005.

Vote: 5 yea (Roberts, Slemp, Neitch, Blevins, Perry)
2 absent (Clark, Dishner)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board agreed to allow the Sheriff to correspond with Mr. Harry Howell of Project Crossroads to dispose of personal hygiene items from the jail to those affected by hurricane Katrina.

Vote: 5 yea (Roberts, Slemp, Neitch, Blevins, Perry)
2 absent (Clark, Dishner)

Mr. Perry explained that the Budget Committee is in process of purchasing defibrillators, the money was not placed in the budget. Mr. Mike Carter explained that he has spoken to Mr. Robert Taylor (who requested the Board purchase the machines) and he is looking into other models and prices.

Mrs. Neitch updated the Board on a public hearing scheduled by the Ordinance Committee to take comment on adult uses ordinance. The joint public hearing with the Planning Commission is scheduled for Thursday, September 22, 2005 at 7:15 p.m.

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board scheduled a public hearing for the next regular Board meeting, Tuesday, October 11 at 4:00 p.m. Public hearing will be to take comments on the proposed ordinance to the County Code concerning nuisances. A copy of the proposed ordinance is on file in the County Administrator's office.

Vote: 4 yea (Roberts, Slemp, Neitch, Blevins)
3 absent (Clark, Dishner, Perry)

Upon motion of Mr. Roberts, seconded by Mrs. Neitch and duly carried, the Board approved the following disbursement of the 2004 and 2005 Homeland Security funds. Mr. Roberts expressed concern on how the high band repeater for the Sheriff's department would affect other agencies.

- 1) Purchase three (3) Zetron consoles with two (2) being paid for with Homeland Security funds in the amount of \$81,867, the third being

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purchased with 911 funds in the amount of \$40,933 for a total of \$122,800.

- 2) Purchase two (2) portable metal detectors and two (2) detector wands for courthouse security at a cost of \$6,300.
- 3) Purchase and install a high band repeater which will enable the Sheriff's Department to utilize a high band frequency. The equipment will be located on Walker Mountain and will cost \$5,000.
- 4) Use the balance of \$24,241 to purchase mobile radios for the county public works department.

Vote: 4 yea (Roberts, Slemp, Neitch, Blevins)
1 nay (Perry)
2 absent (Clark, Dishner)

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved appropriations in the amount of \$1,315 for the following animal control claims not caused by coyote:

Johnny White	\$400
Virginia Ross	\$125
Kim Gallehan	\$400
Dempsey Olinger	\$75
Rose Dean	\$80
Melissa Mitchell	\$60
Joseph Copenhaver	\$175
<u>Total:</u>	<u>\$1,315</u>

Vote: 5 yea (Roberts, Slemp, Neitch, Blevins, Perry)
2 absent (Clark, Dishner)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board reappointed Mr. Shannon Williams to the Southwest Virginia Emergency Medical Services Council, Inc. Term to expire September 30, 2008.

Vote: 5 yea (Roberts, Slemp, Neitch, Blevins, Perry)
2 absent (Clark, Dishner)

The Board continued the reappointment of Charles Smith to the Southwest Virginia Emergency Medical Services Council.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board reappointed Mr. David Schwartz to the Board of Appeals Virginia Statewide Uniform Building Code. Term to expire September 30, 2008.

Vote: 5 yea (Roberts, Slemp, Neitch, Blevins, Perry)
2 absent (Clark, Dishner)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board appropriated \$500.00 to the Rye Valley Self Help project. Money will be used for materials needed to supply water to seven houses that

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CDBG funds will not cover.

Vote: 5 yea (Roberts, Slemp, Neitch, Blevins, Perry)
2 absent (Clark, Dishner)

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board approved the Community Services Board's annual Performance Contract with the Department of Mental Health, Mental Retardation and Substances Abuse Services. A summary of the contract follows (to be in official minutes) and a full copy of the contract is on file at the County Administrator's Office.

Vote: 4 yea (Roberts, Slemp, Neitch, Blevins)
3 absent (Clark, Dishner, Perry)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board removed the Virginia Department of Transportation local project cost estimating to be held on October 6, 2005. This does not apply to Smyth County.

At the request of the Virginia Department of Health, Ms. Lavonda Carson, Mr. Perry motioned that the Board agree to fund the advertisements in the Smyth County News and Messenger (\$261.84) and the Saltville Progress (\$90) for the annual rabies clinic. Mr. Blevins seconded the motioned and it was unanimously carried.

Vote: 5 yea (Roberts, Slemp, Neitch, Blevins, Perry)
2 absent (Clark, Dishner)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved payment to the Mountain Empire Airport in the amount of \$4,314.00, for the county's portion of the Capital Improvement project. Mr. Perry stated that Smyth County contribute their portion on the condition that all other participating jurisdictions pay their share.

Vote: 5 yea (Roberts, Slemp, Neitch, Blevins, Perry)
2 absent (Clark, Dishner)

Mr. Slemp thanked Mr. Bob Dix for his work with the Airport.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board upheld the Planning Commission's recommendation to deny a special use permit for a golf course from Michael and Vicki Osborne.

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Vote: 5 yea (Roberts, Slemp, Neitch, Perry, Blevins)
2 absent (Clark, Dishner)

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and duly carried, the Board agreed to hold a joint public hearing with the Planning Commission to take comments on the proposed rezoning of a subdivision located in the McCready area, just outside the Town of Saltville limits, from Residential to Agricultural Rural. The Planning Commission can set the pubic hearing at the appropriate time.

Vote: 3 yea (Roberts, Neitch, Blevins)
1 nay (Slemp)
3 absent (Clark, Dishner, Perry)

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved an engineering contract with Lane Engineering for Hutton Branch Well Specifications, not to exceed \$3,000.

Vote: 5 yea (Roberts, Slemp, Neitch, Blevins, Perry)
2 absent (Clark, Dishner)

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board authorized Scott Simpson to request proposals (RFP) for Pleasant Heights Water Replacement, Long Hollow Water Project Phase 1 and 2.

Vote: 5 yea (Roberts, Slemp, Neitch, Blevins, Perry)
2 absent (Clark, Dishner)

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board accepted and authorized an appropriation for final payment to Frizzell Construction Co. for the Allison Gap Sewer Project, Division II (wastewater treatment plant), in the amount of \$168,585.76.

Vote: 5 yea (Roberts, Slemp, Neitch, Blevins, Perry)
2 absent (Clark, Dishner)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board authorized Scott Simpson to execute a contract with Thompson & Litton for the Watson Gap Interconnect Tank and Specifications, not to exceed \$1,000.

Vote: 5 yea (Roberts, Slemp, Neitch, Blevins, Perry)
2 absent (Clark, Dishner)

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Note: Charlie Clark and Michael Roberts stated that they have family members who work for the Smyth County School System and that they could vote impartially.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved a budget amendment request to increase revenue and expenditures, for the School Board, in the amount of \$422,210.60.

Vote: 4 yea (Roberts, Slemp, Neitch, Blevins)
3 absent (Dishner, Clark, Perry)

Upon motion of Mrs. Neitch and unanimously carried, the Board scheduled a public hearing for Tuesday, October 11, 2005 at 3:00 p.m. on the remainder of requested School Board budget amendments.

Vote: 4 yea (Roberts, Slemp, Neitch, Blevins)
3 absent (Dishner, Clark, Perry)

Upon motion of Mr. Blevins, seconded by Mr. Roberts, and unanimously carried, the Board approved a journal entry between the Instruction category and the food Services category in the amount of \$1,222.13. This will correct an expenditure coding error.

Vote: 4 yea (Roberts, Slemp, Neitch, Blevins)
3 absent (Dishner, Clark, Perry)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board agreed to support the application for the Virginia Works grant, in the form of a resolution.

Vote: 4 yea (Roberts, Slemp, Neitch, Blevins)
3 absent (Dishner, Clark, Perry)

Old Business

1. Collection of delinquent taxes (Mr. Whitmore has contacted the attorneys **8-10-04**).
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).
3. Ken Heath's request concerning establishment of local tax abatement ordinance.
4. East County Spring Source Study (**8-1-03**).
5. Manufactured home park ordinance referred to the Planning Commission, the remainder of proposed changes to the zoning ordinance referred to the Ordinance Committee (**3-8-05**).
6. Marevine Slemp, request for water service on Fox Valley Road (**5-11-04**).

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7. The Water and Sewer Committee has requested the full Board review and discuss the estimate for the culvert on Shannon Gap Road.
8. The Building and Grounds Committee recommends that up to \$200,000.00 be spent on remodeling the outside of the old school board building.
9. Approval of the Smyth County Emergency Operations Plan **(11-10-04)**.
10. Request for tax-exempt status for the Smyth County Community Foundation.
11. Courthouse Renovation.
12. Request the Board consider a recommendation from Jimmy Warren concerning Virginia Code Section 15.2-1613.1 **(6-14-05)**.
13. Request the Board nominate a Workforce Investment Board Replacement for Joseph Ellis **(7-12-2005)**.
14. Request the Board approve the requested portion of the Capital Improvement project at the Mountain Empire Airport in the amount of \$4,314 **(7-12-2005)**.
15. Request the Board approve payment of animal control claims in the amount of \$270, for damages by coyote **(8-25-2005)**.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board removed items 2, 3, and 14 from the old business. The Board requested that the ordinance committee meet to discuss items 9 and 12.

Vote: 4	yea (Roberts, Slemp, Neitch, Blevins)
3	absent (Dishner, Clark, Perry)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board agreed to enter into closed session at approximately 4:12 p.m., to discuss disposition of property and prospective business or industry, as outlined in Section 2.2-3711 (A) (3) and (5), of the Code of Virginia, as amended.

Vote: 4	yea (Slemp, Roberts, Neitch, Blevins)
3	absent (Clark, Dishner, Perry)

At approximately 4:22 p.m. the chairman ended the closed session.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

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WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote:	4	yea (Slomp, Roberts, Neitch, Blevins)
	3	absent (Clark, Dishner, Perry)

Mr. Steve Buston of the Virginia Department of Transportation explained the procedure for the public hearing scheduled for 5:00 p.m. on the Six –Year plan, they hope to add approximately \$150,000 in projects to the list. Mr. Buston also informed the Board of a public hearing to be held by the Commonwealth Transportation Board on September 26, 2005. The public hearing will be to review and provide comments on projects and programs that are candidates for inclusion on the Fiscal year 2007-2012 Six-year Improvement Program, including highway, rail, and public transportation initiatives. Mr. Buston suggested that someone be there to represent Smyth County.

Mr. Buston also took the following maintenance concerns:

- 1) Installing a guardrail at the Old Quarry to prevent dumping, Mr. Roberts.
- 2) Grading of Hurricane Road, Mrs. Neitch.
- 3) Sight distance at exit ramp 47 turning onto Highway 11, Mr. Slomp.

At 5:05 p.m. the Board proceeded with a joint public hearing with the Virginia Department of Transportation on the proposed Secondary Six-Year Plan for Fiscal years 2006-2007 through 2011-2012 and on the Secondary System Construction Budget for fiscal year 2006/2007. Mr. Whitmore read the advertisement as placed in the Smyth County News and Messenger and the rules for procedure. There were approximately 5 citizens present.

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- 1) Mrs. Page Coulthard requested at least a coating of Cave Ridge Road, route 677.
- 2) Mr. Billy Bowman expressed safety concerns on Horseshoe Bend Road, route 617.
- 3) Mike Roberts requested that the walls in Allison Gap be looked at again and the ditch problem in North Holston at the Lowery property be addressed.

VDOT will be present to answer questions from the public after the hearing. Mr. Slemp thanked VDOT for their cooperation and help. The public hearing was closed at 5:12 p.m.

At 5:22 p.m., upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the meeting was continued until Thursday, September 22, 2005 at 7:00 p.m. for a joint public hearing with the Planning Commission. A second hearing is scheduled for 7:15 p.m.

Vote: 4	yea (Slemp, Roberts, Neitch, Blevins)
3	absent (Clark, Dishner, Perry)

C.C. Clark, Jr., Chairman

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, September 22, 2005, at 7:00 P.M.

Board Members	Mr. Charlie Clark, Chairman	Mr. Todd Dishner
Present:	Mr. Harold Slemph	Mr. Marvin Perry
	Mrs. Darlene R. Neitch	Mr. Wade Blevins, Jr.
	Mr. Michael Roberts	

Staff Members	Mr. Edwin B. J. Whitmore, III	Mr. Michael Carter
Present:	Mr. John Tate	Miss Amber Tilson

At approximately 7:00 p.m. the chairmen of the Board and Planning Commission (Commission members present were Dennis Blevins Blevins, Chairman, Graham Davidson, Karl Kalber, Earl McClure, Amy Tuell, and Wayne Venable) called the first joint public hearing to order. Mr. Whitmore read the rules for procedure and the notice as published in the Smyth County News and Messenger on September 10 and 17, 2005, on the Central Motors, Mike Hayes, and Eva J. Jackson applications to the zoning ordinance. There were approximately 7 citizens present.

Central Motors Application: Clegg Williams summarized an application from Central Motors for a Special Use Permit for automobile sales and service at 104 Williamsburg Drive. The lot is zoned Agricultural/ Rural and is identified by Tax Map Number 54-A-67. Mr. Widener is requesting a special use permit to establish an Automotive Sales and Service business near his residence. Letters were sent to all of the adjoining property owners for which an affidavit is on file. He did not receive any comments on this case other than general questions.

Mr. Widener spoke on behalf of his application and said that he had his business in Middlefork previously and had moved it to Atkins in 2001. He said he had never received a complaint about his business. He now wanted to return to Middlefork for health reasons. Mr. Widener said he had talked to his neighbors about the business.

Mike Hayes Application: Mr. Williams summarized an application from David Michael Hayes to amend the zoning map at 932 Southfork Road from Agricultural/Rural to Commercial. The property is identified as Tax Map Number 67-A-113A. Mike Hayes was operating a retail store at 932 South Fork Road when Smyth County adopted the zoning ordinance. He recently closed the business and has plans of remodeling the space into mini-storage units. Since the use of the property would be changing, Mr. Williams informed Mr. Hayes that he would need to comply with the Zoning Ordinance. Because mini-storage units are not allowed in the A/R District either by right or by Special Use and in order to bring his project into compliance, he would need to get the property rezoned to Commercial, the only district in which district mini-storage units are permitted. Mr. Williams sent a first class mailing to all adjoining property owners and an affidavit to that affect is on file.

Mr. Hayes spoke on behalf of his application and stated that he had operated a business in the building since 1968, but had recently relocated

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the business to Marion. He proposed to use the building for interior climate-controlled storage.

At approximately 7:19 p.m. the Chairman opened the floor for comments from the Board and Commissioners on the proposed Adult Use text amendment to the zoning ordinance. Mr. Perry offered comments in support of the amendment, Mr. McClure made comments in opposition to the amendment, and Mr. John Tate, County Attorney, explained the legal ramifications of complete prohibition of adult uses and of the proposed amendment. Mr. Williams demonstrated on the projector the areas of the County that would allow this type of establishment, with setback from schools, churches, and residential districts.

At 7:39 p.m. the chairmen opened the joint public hearing on the proposed Adult Use text amendment. Mr. Whitmore read the rules for procedure and the notice as published in the Smyth County News and Messenger on September 10 and 17, 2005. There were approximately 125 citizens present.

The following citizens spoke in opposition of the proposed Adult Use text amendment:

Wanda Fisher	Walter Robinson
Gary Trout	Johnny Rouse
Roy Hayes	Barbara Hollinsworth
Lawrence Holman	Carolyn Barr
Jeff Pageant	John L. Blevins
Jerry Creasy	Everett Buchanan
Steven Farris	John Price
Otis Barker	Denise Williams
Michael L. Halsey	Martha Larmer
Ada Carrico	Betty Heath
Bill Haymaker	Tony Wagoner
Stuart Orr	Carolyn Widener
Norma McClure	Brian Karriker
Mary Price	

Reasons for opposition included secondary effects, exposure of porno literature to children, sex crimes, increased expenses for social service agencies and institutions, and health hazards of sexual activities.

The hearing closed at 8:39 p.m. and the Board and Commission took a break.

At 8:48 p.m. the Chairmen reopened the 7:00 p.m. joint public hearing to hear the last case.

9/22/2005

Eve Jane Jackson application: Mr. Williams summarized an application from Eva Jane Jackson to amend the zoning map at 108 and 116 Fan Lane from Residential to Agricultural/Rural. The property is identified as Tax Map Number 54A-1-2. He explained that Ms. Eva Jane Jackson owns a tract of land located at the intersection of Apple Valley Road and Venice Lane. When Smyth County adopted the zoning ordinance, Ms Jackson's land was zoned Residential and had two homes on it (a single-wide and a double-wide manufactured home). Recently, Ms. Jackson applied for a permit to place a single-wide manufactured home on the site where the double-wide was once located. Mr. Williams said he determined that the property was zoned residential and then reviewed §3-3.1 of the Ordinance and concluded that single-wide manufactured homes are not allowed in the Residential district. At that point, Ms. Jackson requested that she be allowed to install the home on another part of the property and stated that she had always planned to place a third home on the property. To support her claim, she stated that the county installed a third water meter on the property many years ago. The home, however, was never installed and after reviewing §1-4.4 Vested Rights, Mr. Williams concluded that she did not have a vested right for the third home. Ms. Jackson elected to appeal the decision, and the BZA voted to affirm the decision. As a result of their decision, Ms. Jackson opted to apply for a map amendment. She is requesting that her property be rezoned to Agricultural/Rural. A first class mailing was sent to all of Ms. Jackson's neighbors for which an affidavit is on file. Mr. Williams did not receive any comments on this case.

Ms. Jackson spoke on behalf of her application and said she needed a place to live and could not afford to buy a double-wide home.

Mrs. Carolyn Barr spoke against the Jackson application and referred to maintenance of the private street, the survey markers, and nearby houses.

Mr. Tim Barr spoke against the Jackson application and said he wanted the lot to remain Residential.

The public hearing was closed at 9:04 p.m.

The Board recessed until the Planning Commission voted on a recommendation concerning the Adult Use proposed text amendment.

The Board reconvened at 9:27 p.m., Mr. Williams informed the Board that the Planning Commission recommended, by majority vote, the adoption of the Adult Use text amendment to the zoning ordinance.

Upon motion of Mr. Perry, seconded by Mr. Roberts, and duly carried, the Board approved the recommendation from the Planning Commission to adopt the Adult Use text amendment to the zoning ordinance.

Vote: 4	yea (Clark, Slemp, Roberts, Perry)
3	nay (Dishner, Neitch, Blevins)

Mr. Tate requested that the Courthouse be added to closed session of the next regular meeting.

9/22/2005

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Chairman adjourned the meeting at 9:40 p.m.

C.C. Clark, Jr., Chairman

Virginia: At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, October 11, 2005 at 12:00 noon.

Board Members Present: Mr. Charlie Clark, Chairman Mr. Wade Blevins, Jr.
Mr. Michael Roberts Mr. Marvin Perry
Mrs. Darlene R. Neitch Mr. Todd Dishner
Mr. Harold Slempp

Staff Members Present: Mr. Edwin B.J. Whitmore, III Mr. John H. Tate, Jr.
Mr. Michael Carter Ms. Amber Tilson
Mr. Scott Simpson Mr. Charlie Atkins

The Chairman called the meeting to order at 11:59 a.m. Mr. Herbert Clay led the pledge of allegiance and Rev. Gary Trout gave the invocation.

Upon motion of Mrs. Neitch, seconded by Mr. Slempp, and unanimously carried, the Board adopted the agenda as to form, with the two (2) items on the additional agenda.

Upon motion of Mr. Slempp, seconded by Mr. Dishner, and unanimously carried, the Board approved the minutes of September 13, and 22, 2005, with minor corrections discussed.

Upon motion of Mr. Blevins, seconded by Mr. Slempp, and unanimously carried, the Board unanimously approved the following:

<u>Appropriations</u>	
General County	\$1,100,000
Animal Damage (animal control office supplies)	\$1,070.08
On-Site Sewer	\$261.60
Department of Social Services (Oct. 12-31, 2005)	\$320,000
(Nov 1-9, 2005)	\$35,000
Schools	
Operating Fund	\$3,400,000
Textbook	\$130,000
Debt and Capital Outlay	\$80,000

Accounts payable listing

\$518,805.17

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and duly carried, the Board scheduled a public hearing for the next regular scheduled meeting on Wednesday, November 9 at 3:00 p.m. The hearing will be to take public comment on enacting an ordinance, section 15.2-1613.1 of the Code of Virginia. This section addresses a \$25.00 processing fee that may be imposed on certain individuals remanded to jail following conviction. The Board agreed to divide the fee with the Regional Jail, 90% going to the Smyth County Sheriff's Department and 10% going to the jail. Mr. Perry voiced concerns on dividing the fee with any other agency.

Vote: 6 yea (Clark, Slemp, Dishner, Roberts, Neitch, Blevins)
1 nay (Perry)

Upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried, a joint public hearing with the Planning Commission, will be scheduled for the continued meeting, Thursday, October 27. The hearing will be to take comment on amending section 3-2.2 of the Zoning Ordinance to include mini-storage in the list of uses by Special Use Permit in the Agricultural/Rural District.

Upon motion of Mrs. Neitch, seconded by Mr. Perry and duly carried, the Board approved the recommendation from the ordinance committee to accept the proposed zoning amendments to the Zoning Ordinance with the exception of merging the manufactured home ordinance into the zoning ordinance; as well as; the placement of manufactured homes in the conservation/recreation district. A full copy of the Zoning Ordinance is on file in the Zoning Department of the

County Administrator's Office.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1 nay (Roberts)

Upon motion of Mr. Dishner, seconded by Mr. Roberts, and duly carried the Board adopted the revised Comprehensive Plan as presented by Mrs. Sally Morgan and recommended by the Planning Commission. The entire plan is on file at the County Administrator's Office.

Vote: 5 yea (Dishner, Roberts, Clark, Neitch, Blevins)
2 nay (Perry, Slemp)

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, at the request of Mrs. Sally Morgan, the Board continued the Rye Valley self help project, Flat Ridge Road Water Extension.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board accepted the low bid from Totten Construction Company for the Allison Gap Sewer Low to Moderate Income (LMI) connections. Subject to revisions, by the Water and Sewer attorney, the Chairman is authorized to sign the contract.

At the request of Scott Simpson, County Engineer, the Chairman appointed Mr. Roberts, Mr. Dishner, and Mr. Carter to the committee to review and recommend firms for the Engineering proposals received on October 3. The Committee will return to the Board with a recommendation at the continued meeting on October 27.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board adopted the following resolution in support of October 15,

Smyth County Clean-up Day, at the request of the Chamber of Commerce:

WHEREAS, Saturday, October 15, 2005 has been selected to correspond with Stewardship Virginia, a statewide campaign that enhances and conserves Virginia's natural resources and clean-up activities sponsored by Clean Virginia Waterways and the East Tennessee Roundtable, and

WHEREAS, The Area Beautification Committee of the Chamber of Commerce of Smyth County, Inc. encourages all Adopt-A-Highway program participants, churches, clubs, and organizations to schedule a cleanup, and

WHEREAS, the Virginia Department of Transportation is arranging special pickups to support the efforts of volunteers throughout the Smyth County area.

NOW, THEREFORE BE IT RESOLVED, That the Board of Supervisors of Smyth County acknowledges the importance of encouraging area residents to work together to maintain that appearance of Smyth County, and declares Saturday, October 15, 2005 as "Smyth County Clean-up Day."

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board released the lien on two (2) properties with in the Clarkcrest Subdivision. Property owners Michael and Mary Untiedt have fulfilled the financial obligation as part of the Colecrest Drive special assessment.

With the Solid Waste Committee's recommendation, the Board unanimously approved the bid of \$100,256 from Volvo for a roll off truck to be used in the Solid Waste Department.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved the recommendation from the Solid Waste Committee to accept the bid from EMATS, Inc. in the amount of \$144,210 for Stage 1-Phase 2 of the landfill gas collection system.

Upon motion of Mr. Perry, seconded by Mr. Slep, and unanimously carried, the Board authorized Mike Carter to notify Waste Management that the

County received their request for increase in hauling rates. The County will continue with the current hauling contract to monitor the annual CPI adjustment next month. Mr. Carter will also notify Waste Management that the County will receive hauling bids at the end of the current contract. They will be notified 180 days before the contract expires.

Upon recommendation of the Solid Waste Committee and motion of Mr. Perry, the Board unanimously agreed to write off old tipping fees for the Towns of Marion (\$92,506.88), Chilhowie (\$46,763.81), and Saltville (\$33,151.04). Total \$172,421.73.

Mr. Whitmore informed the Board that he had been talking with Davenport and Company in the possibility of refinancing the water and sewer debt. He would keep the Board posted on the issue.

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, the Board approved a recommendation from the Planning Commission to grant a Special Use Permit to Central Motors.

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, the Board declined the Planning Commission's recommendation not to rezone Mr. Mike Hayes property. The Board unanimously agreed to grant the request of Mr. Hayes that his property at 932 Southfork Road, be rezoned from Agricultural/Rural to Commercial. The Board requested that the Planning Commission look into the possibility of rezoning the entire area near Thomas Bridge from Agricultural/Rural to Commercial. There are several businesses in that area that were grandfathered into the zoning ordinance.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board agreed with the Planning Commission's recommendation to extend the Agricultural/Rural District to cover Ms. Eva Jane Jackson's lot on Fan Lane.

Dr. David Wilkin, President, presented the Virginia Highlands Community College annual report. Mr. Perry requested information on how the college is working with the industries of Smyth County.

Robert Hurt of the Virginia Department of transportation distributed maintenance concerns. He also distributed a list of requests received at the public hearing held at the last meeting, September 13. He hopes to have a revised Six-Year-Plan to present to the Board in the next couple of months.

Upon motion of Mr. Perry, seconded by Mr. Slemph and unanimously carried, the Board adopted the following resolution, at the request of Walter Robinson:

WHEREAS, the drought conditions in the County of Smyth have severely affected farmers; and

WHEREAS, during the growing season of this year the County of Smyth has received considerably less rain than normal while experiencing unseasonably high temperatures; and

WHEREAS, the County of Smyth Food and Agriculture Council, made up of the Farm Agency, the Natural Resource Conservation Service, and Virginia Cooperative Extension has reported that almost one hundred percent of the farm land has been adversely affected within the county at an estimated loss of \$2,100,000; and

WHEREAS, it is incumbent upon the County of Smyth Board of Supervisors of the County of Smyth, Virginia, that the County Administrator is hereby instructed to file with the governor of Virginia a request that the County of Smyth be designated as a drought disaster area.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board agreed to return \$84,616 in proceeds from a land sale in the park to Smyth – Washington Regional industrial Facilities Authority (S.W.I.F.A).

At approximately 3:24 p.m. the Board proceeded with a public hearing as advertised in the Smyth County News for 3:15 p.m., on amending Chapter 34, Article V, tax exemptions for certain elderly and disabled persons. Mike Carter read the advertisement and the rules for public hearings. There were approximately 5 citizens present. Kay Berry spoke in favor of the amendment. Jeff Richardson, Commissioner of Revenue explained the changes and answered questions from the Board. The Chairman closed the hearing at 3:42 p.m.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved amending Chapter 34, Article V – tax exemptions for certain Elderly and Disabled Persons, of the Smyth County Code. The changes are as follows:

- 1) Raise the gross combined income contained in Section 34-158 (3) from an amount not to exceed \$18,000 to an amount not to exceed \$22,000.
- 2) Raise the total combined financial worth combined in Section 34-158 (4) from an amount not to exceed \$30,000 to an amount not to exceed \$35,000.
- 3) The maximum relief permitted under Section 34-160 (b) would remain at \$200.
- 4) Amend the tables revising the percent of relief to be granted within the new range of income established in (1) above and net worth as established in (2) above.

At approximately 3:44 the Chairman opened a 3:30 p.m. public hearing as published in the Smyth County News and Messenger. The hearing was to take comment on proposed amendments to the School Board budget and the Smyth

County budget for fiscal year 2005-2006. Mike Carter read the advertisement and the rules for public hearings. There were no citizens present to speak. Mr. Jim Sullivan, School Superintendent answered questions. Darlene Doyle and Elizabeth Roberts of the school board office were also present. The Chairman closed the hearing at approximately 3:54 p.m.

Note: Charlie Clark and Michael Roberts stated that they have family members who work for the Smyth County School System and that they could vote impartially.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved the proposed budget amendment to the operation category of the school budget in the amount of \$1,083,411. This amount includes the emergency appropriations approved in September in the amount of \$422,210.60.

Mr. Tom Burkett, Treasurer, discussed the car tax relief to begin January 2006. He explained that the Board would need to decide how to handle the tax relief. Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, John Tate, Tom Burkett, Charlie Atkins, and Ed Whitmore would work together on a recommendation for the Board, as how to handle the car tax relief.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved a request from Tom Burkett, Treasurer for \$3,000 to fund a part time position during tax season.

At approximately 4:28 p.m., the Board proceeded with a public hearing as advertised in the Smyth County News and Messenger for 4:00 p.m. The hearing was to take public comment on revising Chapter 58 of the Smyth County Code on nuisances considered to be a danger to the public health or safety of county

residents. Mr. Carter read the advertisement as published and the rules for public hearings. There were approximately 5 citizens present. Mrs. Zelda Nutter of Kent Street in Saltville spoke in favor of the revision. It would address a burned out home in her community. Clegg Williams and Shirley Spencer were present to answer questions. The Chairman closed the hearing at 4:36 p.m.

Following discussion, Mr. Roberts motioned, Mrs. Neitch seconded, and it was unanimously carried, that the proposed revision of Chapter 58 of the Smyth County Code is approved. The County administrator is given authority to determine who will enforce this section of the code concerning nuisances considered to be a danger to the public health or safety of county residents. The amendments to the Smyth County Code are on file at the County Administrator's office.

Old Business

1. Collection of delinquent taxes (Mr. Whitmore has contacted the attorneys **8-10-04**).
2. East County Spring Source Study (**8-1-03**).
3. Manufactured home park ordinance referred to the Planning Commission, the remainder of proposed changes to the zoning ordinance referred to the Ordinance Committee (**3-8-05**).

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board removed item #3 from old business.

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4. Marevine Slemp, request for water service on Fox Valley Road (**5-11-04**).
 5. The Water and Sewer Committee has requested the full Board review and discuss the estimate for the culvert on Shannon Gap Road.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board removed item #5 from old business.

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6. The Building and Grounds Committee recommends that up to \$200,000.00 be spent on remodeling the outside of the old school board building.

Upon motion of Mr. Dishner, seconded by Mrs. Neitch, and unanimously carried, item #6 from old business is removed.

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7. Approval of the Smyth County Emergency Operations Plan (**11-10-04**).
8. Request for tax-exempt status for the Smyth County Community Foundation.
9. Courthouse Renovation.
10. Request the Board consider a recommendation from Jimmy Warren concerning Virginia Code Section 15.2-1613.1 (**6-14-05**).

Upon motion of Mrs. Neitch, seconded by Mr. Slemph, and unanimously carried, item #10 is removed from old business. It will be under new business at the next regular scheduled meeting for a public hearing.

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11. Request the Board nominate a Workforce Investment Board Replacement for Joseph Ellis (**7-12-2005**).
12. Request the Board approve payment of animal control claims in the amount of \$270, for damages by coyote (**8-25-2005**).
13. Request the Board reappoint or appoint a new member to the following:

Southwest Virginia Emergency Medical Services Council, Inc.

Charles W. Smith 09-30-2005 (3 year term)

Mr. Blevins mentioned a request from the Chilhowie old high school to receive the kitchen appliances going to auction by donation from the County. The Board agreed to proceed with the auction.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board agreed to enter into closed session at approximately 5:06

p.m., to discuss prospective business or industry and legal briefing, as outlined in Section 2.2-3711 (A) (5) and (7), of the Code of Virginia, as amended.

At approximately 6:19 p.m. the Chairman ended the closed session.

Upon motion of Mr. Perry, seconded by Mr. Blevins, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

At 6:20 p.m. the Chairman continued the meeting until Thursday, October 20, 2005 at 6:00 p.m. to discuss the courthouse renovation.

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, October 20, 2005, at 6:00 P.M.

Board Members	Mr. Charlie Clark, Chairman	Mr. Todd Dishner
Present:	Mr. Harold Slemp	Mr. Marvin Perry
	Mrs. Darlene R. Neitch	Mr. Michael Roberts

Staff Members	Mr. Edwin B. J. Whitmore, III	Mr. Michael Carter
Present:	Mr. John Tate	Miss Amber Tilson
	Mr. Charlie Atkins	Mr. Scott Simpson

The Chairman called the meeting to order at approximately 6:00 P.M.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (3) for disposition of property and (A) (7) for legal briefing.

Vote:	6	yea
	0	nay
	1	absent (Blevins)

At 7:20 P.M. the Chairman ended the closed session.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened in a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of

Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 6 yea
 0 nay
 1 absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board requested that the County Administrator pursue the matter of a land swap with an individual in the County.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board requested that Mr. Tate converse with Mr. Smith, the attorney for the judges, to discuss concept #4 for the courthouse renovation. The Board is interested in knowing if the following concepts would satisfy their needs:

- vehicle sally port to secure detainee transfer to and from the courthouse
- holding cells within the courthouse for each court
- single point of entry for public and space for security check point
- separate circulation pass for detainees, judges, and public
- more space and security for juvenile and domestic relations court
- more storage for the court clerks

The County Administrator is instructed to talk with the City of Bristol on how they are satisfying their courthouse needs and the cost.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board agreed to utilize Mr. John Tate as the attorney for the

courthouse renovations.

At 7:25 P.M. the Chairman continued the meeting until Thursday, October 27, 2005 at 7:00 P.M. for a joint public hearing with the Planning Commission and any other business that may arise.

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, October 27, 2005, at 7:00 P.M.

Board Members	Mr. Charlie Clark, Chairman	Mr. Todd Dishner
Present:	Mr. Marvin Perry	Mrs. Darlene R. Neitch
	Mr. Wade Blevins, Jr.	Mr. Michael Roberts

Staff Members	Mr. Michael Carter	Mr. Scott Simpson
Present:	Mr. John Tate	Miss Amber Tilson
	Mrs. Sally Morgan	Mr. Bud Owens
	Mr. Clegg Williams	

The Board of Supervisors met with the Planning Commission to conduct a joint public hearing with the Planning Commission, all commission members were present. The Chairman opened the public hearing at 7:05 p.m. Mr. Michael Carter, Assistant County Administrator, read the advertisement as advertised in the Smyth County News and Messenger and the rules for public hearings. There were approximately 8 citizens present.

Clegg Williams, Zoning Administrator, summarized the first application:

An application from Stella Shuler for a Special Use Permit to relocate the manufactured homes at 143 Needmore Road and 244 Branchwood Lane to different sites inside her existing mobile home park located on Branchwood and Breezewood Lanes. The park is located in the Agricultural/ Rural zoning district and is identified by Tax Map Number 64-A-72A.

Mr. Dennis Shuler spoke on behalf of Mrs. Stella Shuler. He explained plans to relocate the manufactured homes inside the existing mobile home park and answered questions from the Board.

Mrs. Julia Robinson, an adjoining property owner spoke in opposition to the special use permit. She presented pictures and spoke of the hazards the park currently poses. The Board, Planning Commission, and counsel asked

questions.

At 7:29 p.m., Clegg Williams explained the second issue to be heard at the hearing:

At the direction of the Board, this hearing was advertised to amend the zoning map from Residential to Agricultural/Rural for the area known as the McCready/Clear Estate Subdivision and surrounding lots that are currently zoned Residential. The area is located at the junction of Saltville Highway and Upper Poore Valley Road. Mr. Williams has only received general questions concerning the amendment.

No citizens spoke on the proposed change. Mr. Perry expressed concerns on changing an entire subdivision, for one individual. Mr. Roberts explained that he felt the area had been zoned incorrectly when zoning was put in place.

At 7:33 p.m., Mr. Williams summarized the final issue to be heard:

At the direction of the Board, he advertised to amend the Smyth County Zoning Ordinance to allow mini-storage units as defined by Section 10-46 in the Agricultural/Rural District by Special Use Permit in Section 3-2.2(aa).

There were no citizens present to speak. The Board and counsel briefly asked questions and discussed the amendment.

The Chairman closed the joint public hearing at 7:40 p.m.

Mr. Virgil Miller, Director of Smyth County Social Services, updated the Board with the department's annual report. The revenue for fiscal year 2004-2005 was a total of \$35,027.239 with \$614,897, local funds. Mr. Miller mentioned how successful the department has been and two donations that have been made to the department this summer.

Mr. Clark congratulated Mrs. Sally Morgan and the staff on the receipt of

funds from the state announced. Virginia Works granted the Smyth Washington Regional Industrial Facilities Authority (SWIFA) \$900,000. Mr. Perry thanked Mr. Ed Whitmore for his work on the grant application.

Mr. Carter updated the Board on the refinancing of the water and sewer loans. Mr. Tate informed the Board that this is currently on the fast track and more information is needed such as how much the County is paying Davenport, who has given the quotes.

The Board continued the recommendation from the Water and Sewer Committee to allow Mr. Simpson continue with the Highway 107 Interconnect design. This will allow time for further information to be obtained and it will be on the agenda at the next regular Board meeting.

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board gave the Chairman the authority to sign engineering proposals with Draper Aden for Pleasant Heights and Thompson and Litton for Long Hollow Road water projects.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board appropriated \$2,500 to the Family Readiness Group of A Company 463rd to assist in a homecoming ceremony to honor the 463rd Engineers Battalion from Iraq. The staff was asked to obtain more information on the organization and where to send the donation.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to enter into closed session at 8:13 p.m., as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) for pending litigation and legal

briefing.

Vote: 5 yea
 2 absent (Dishner, Slemp)

At 9:02 P.M. the Chairman ended the closed session.

Upon motion of Mr. Blevins, seconded by Mr. Dishner, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened in a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 6 yea
 0 nay
 1 absent (Slemp)

At 9:04 p.m., upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, the meeting was adjourned.

Board Members Present:	Mr. Charlie Clark, Chairman	Mr. Harold Slemp
	Mr. Marvin Perry	Mrs. Darlene R. Neitch
	Mr. Todd Dishner	
	Mr. Michael Roberts (arrived at 12:07 p.m.)	
Staff Members Present:	Mr. Edwin B.J. Whitmore, III	Mr. John H. Tate, Jr.
	Mr. Michael Carter	Ms. Amber Tilson
	Mr. Scott Simpson	Mr. Charlie Atkins

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board adopted the agenda as to form, with the one (1) item on the additional agenda.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved the minutes of October 11, 20, and 27 2005, with minor corrections discussed by the clerk and Mr. Tate.

Upon motion of Mr. Slemph, seconded by Mrs. Neitch, and unanimously carried, the Board unanimously approved the general county Appropriation in the amount of \$1,275,000.

Vote: 5 yea (Dishner, Slemph, Clark, Neitch, Perry)
2 absent (Roberts, Blevins)

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board unanimously approved the Allison Gap Sewer project appropriation in the amount of \$37,584.15.

Vote: 5 yea (Dishner, Slemp, Clark, Neitch, Perry)
2 absent (Roberts, Blevins)

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board unanimously approved the Groseclose Water project appropriation in the amount of \$357.67.

Vote: 5 yea (Dishner, Slemp, Clark, Neitch, Perry)
2 absent (Roberts, Blevins)

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board approved the following appropriation:

Department of Social Services (Nov. 10-30, 2005)	\$320,000
(Dec. 1-9, 2005)	\$35,000

Vote: 5 yea (Dishner, Slemp, Clark, Neitch, Perry)
2 absent (Roberts, Blevins)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved an appropriation for the Smyth County Schools, Operating Fund, in the amount of \$3,400,000.

Vote: 5 yea (Dishner, Slemp, Clark, Neitch, Perry)
2 absent (Roberts, Blevins)

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved the accounts payable listing in the amount of \$518,805.17.

Vote: 5 yea (Dishner, Slemp, Clark, Neitch, Perry)
2 absent (Roberts, Blevins)

The Chairman congratulated Mr. Perry, Mr. Roberts, and Mr. Blevins, on the re-election to the Board of Supervisors.

Upon motion of Mr. Perry, seconded by Mr. Slemph and unanimously carried, the Board approved the following holiday schedule for County employees as given to state employees by the governor:

Thanksgiving

Wednesday, November 23: Closed at noon

Thursday, November 24: Closed for Thanksgiving Day

Friday, November 25: Closed

Christmas

Friday, December 23: Closed

Monday, December 26: Closed in substitution for Christmas Day on Sunday

New Year

Monday, January 2: Closed in substitution for New Year's Day on Sunday

Vote: 6 yea (Roberts, Dishner, Slemph, Clark, Neitch, Perry)
1 absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board approved payroll for the month of December 2005 on Wednesday, December 21, 2005 as opposed to the last working day of the month, due to the holidays.

Vote: 6 yea (Roberts, Dishner, Slemph, Clark, Neitch, Perry)
1 absent (Blevins)

Upon motion of Mr. Dishner, seconded by Mr. Slemph, and unanimously carried, the Board agreed to host the quarterly meeting with the Chamber of Commerce, to be held on Thursday, December 8, 2005 at Hemlock Haven in the Hungry Mother State Park.

Vote: 6 yea (Roberts, Dishner, Slemph, Clark, Neitch, Perry)

1 absent (Blevins)

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, the Board approved funds from the Department of Motor Vehicle Dog and Cat Sterilization Fund. For fiscal year 2005, Smyth County will receive \$465. The funds will be given to the Smyth County Humane Society

Vote: 6 yea (Roberts, Dishner, Slemph, Clark, Neitch, Perry)
1 absent (Blevins)

The Board duly approved the recommendation from the Insurance Committee to renew the health benefits with Anthem, effective January 1, 2006, with the same employer/employee ratio of 82.32%/17.68%. The following changes will be effective with the renewal:

- 1) 14.84% increase in rates
- 2) The third tier of the drug card which is \$35 would go to \$20 or 20%, which amount is the highest
- 3) Anthem would cover wellness, preventive exams

Vote: 4 yea (Slemph, Dishner, Clark, Perry)
2 nay (Roberts, Neitch)
1 absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board continued the Law Enforcement Terrorism Prevention Program grant. Sheriff Bradley, Kenny Lewis, and Mike Roberts will attend an informational meeting on November 15. They will return to the Board on Thursday, November 17, with more information on how the funds can be spent.

Vote: 6 yea (Roberts, Dishner, Slemph, Clark, Neitch, Perry)
1 absent (Blevins)

Upon motion of Mr. Slemph, seconded by Mr. Perry, and unanimously carried, the Board approved the Tower License Agreement with Appalachian

Power Company. The agreement will continue for ten (10) years with the option to renew for one additional ten (10) year term. The agreement is on file in the County Administrators Office and with the 911 Coordinator.

Vote: 6 yea (Roberts, Dishner, Slemp, Clark, Neitch, Perry)
1 absent (Blevins)

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board continued appropriating the funds from the Allison Gap Sewer project for Mendon Pipeline final payment, until the next continued meeting. Staff can request funds from the funding agency but payment cannot be mailed until a few maintenance concerns have been addressed.

Vote: 6 yea (Roberts, Dishner, Slemp, Clark, Neitch, Perry)
1 absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board continued the Water Committee recommendation to allow Mr. Scott Simpson continue with the Highway 107 Interconnect design, until the next continued meeting.

Vote: 6 yea (Roberts, Dishner, Slemp, Clark, Neitch, Perry)
1 absent (Blevins)

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board accepted the Groseclose pump station and additional water main installed by Wolfe Brothers and approved final payment.

Vote: 6 yea (Roberts, Dishner, Slemp, Clark, Neitch, Perry)
1 absent (Blevins)

Mr. Scott Simpson informed the Board that he has received notice that the County has been awarded a construction grant of approximately \$141,000

and a \$25,000 design grant from Virginia Department of Health, both grants to be used for the 107 Interconnect. The County has also been awarded a planning grant in the amount of \$25,000, for a water source study throughout the County.

Mr. Roberts inquired about different water sources such as Watson Gap for the Shannon Gap area. He also requested an update on the status of GIS on the internet. He asked that it be placed on old business of the agenda.

Note: Michael Roberts stated he was a Town of Marion employee and could vote impartially.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board set a public hearing for the proposed enterprise zone amendment that would add portions of the Town of Marion to the zone, in addition to the Groseclose area to the east of the current zone. The hearing is scheduled for the next regular meeting, Tuesday, December 13, 2005 at 3:00 p.m.

Vote: 6	yea (Roberts, Dishner, Slemp, Clark, Neitch, Perry)
1	absent (Blevins)

Mr. Robert Hurt of the Virginia Department of Transportation was present to answer questions and distributed maintenance concerns. He informed the Board that he is currently working on the revised Six-Year Plan and should have it to present to the Board at the December meeting. He also informed Mr. Clark that Jay Keen has spoken with Mr. Hagy on his drainage problem.

Mr. Mike Roberts inquired about the guardrail at the Old Quarry. Mr. Hurt informed him that they are working with the guardrail contractor on their response time. Mr. Roberts requested that Mr. Hurt speak with Mr. Davidson, a citizen concerned with this request. Mr. Roberts also mentioned road work needed due

to the Allison Gap Sewer Project. Mr. Hurt will work with Mr. Simpson on this maintenance concern.

Mr. Dishner asked if the paint crew has stopped work for the year. Earlier in the year he had spoken with Mr. Steven Buston on painting Route 658, Spring Valley Road.

Mr. Perry requested an update in the speed study to be conducted in Scratch Gravel Road. Mr. Hurt stated that the study had not been completed to the point to install new signs at 35 mph.

Upon motion of Mr. Slemp, seconded by Mr. Dishner and unanimously carried, the Board approved the recommendation from the Planning Commission to approve the special use permit for Stella Shuler, Little Village Manufactured Home Park. With the conditions that a new plat be submitted indicating the location of the new spaces and the abandoned spaces. A ninety (90) day time limit is set to remove the existing homes from the abandoned spaces.

Vote:	6	yea (Roberts, Dishner, Slemp, Clark, Neitch, Perry)
	1	absent (Blevins)

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and duly carried, the Board approved the recommendation from the Planning Commission to amend the zoning map from Residential to Agricultural/Rural in the area known as the McCready/Clear Estate Subdivision and surrounding lots that are zoned Residential considering the support of the citizens from the area.

Vote:	5	yea (Roberts, Dishner, Slemp, Clark, Neitch)
	1	nay (Perry)
	1	absent (Blevins)

Upon motion of Mrs. Neitch, seconded by Mr. Roberts, and duly carried

the Board did not approve the recommendation from the Planning Commission not to amend the text of the zoning ordinance to allow mini-warehouse units in the Agricultural/Rural District.

Vote:	5	yea (Roberts, Dishner, Slemp, Clark, Neitch)
	1	nay (Perry)
	1	absent (Blevins)

Upon motion of Mrs. Neitch, seconded by Mr. Roberts, and duly carried, the Board would amend the text of the zoning ordinance to allow mini-warehouse units in the Agricultural/Rural District, with a special use permit.

Vote:	5	yea (Roberts, Dishner, Slemp, Clark, Neitch)
	1	nay (Perry)
	1	absent (Blevins)

At approximately 3:00 p.m. the Board proceeded with a public hearing as advertised in the Smyth County News. The public hearing was to take public comment on imposing a processing fee not to exceed \$25 for any person admitted to the County or Regional Jail following conviction. If adopted, the funds would be used to defray cost of processing those persons. The Ordinance would provide that the fees collected be paid 90% to Smyth County Sheriff's Department and 10% to the Southwest Regional Jail.

Mr. Mike Carter read the advertisement and the rules for public hearings. Mr. McClure was the only citizen to speak in favor of the ordinance.

The Chairman closed the hearing at 3:03 p.m.

After discussion, upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board continued the issue of the \$25 processing fee until the December 13 meeting. This will allow time to get answers from

questions by the Clerk of the Court and the Sheriff.

Vote: 6	yea (Roberts, Dishner, Slemp, Clark, Neitch, Perry)
1	absent (Blevins)

Monte Collins of Duke Energy Gas Transmission updated the Board in the Jewel Ridge Lateral Project. Mr. Clark and Mr. Tate excused themselves because of conflict of interest. Mr. Slemp acted as Chairman during the discussion. Mr. Collins answered questions from the Board and also requested that the County endorse the project.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board continued the Jewel Ridge Lateral Gas Project endorsement until the regular meeting of January 2006.

Vote: 5	yea (Slemp, Dishner, Roberts, Perry, Neitch)
1	abstention (Clark)
1	absent (Blevins)

Tom Burkett, Treasurer and Jeff Richardson, Commissioner of Revenue were present to answer questions on the Personal Property Tax Relief Act.

After discussion, upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board scheduled a public hearing for the next regular meeting on Tuesday, December 13, 2005 at 4:00 p.m. Hearing will be to take comment on an ordinance to provide for the implementation of the 2004-2005 changes to the Personal Property tax relief act of 1998.

Vote: 6	yea (Roberts, Dishner, Slemp, Clark, Neitch, Perry)
1	absent (Blevins)

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and duly carried, the Board authorized Mr. Tate to file suits against those owing personal property

taxes up to 5 years old and at least \$100.

Vote:	5	yea (Dishner, Slemp, Clark, Neitch, Perry)
	1	nay (Roberts)
	1	absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board scheduled a public hearing for Monday, November 28, 2005 at 6:00 p.m. The hearing is to take comment on refinancing \$6,400,000 of water and sewer loans including cost of the new issue. Total amount of new bond is not to exceed \$6,600,000.

Vote:	6	yea (Roberts, Dishner, Slemp, Clark, Neitch, Perry)
	1	absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board would employ Webster Day for bond counsel (\$9,400) and Davenport (\$32,615) for the services to refinance water and sewer loans.

Vote:	6	yea (Roberts, Dishner, Slemp, Clark, Neitch, Perry)
	1	absent (Blevins)

Old Business

1. Collection of delinquent taxes (Mr. Whitmore has contacted the attorneys **8-10-04**).
2. East County Spring Source Study (**8-1-03**).
3. Marevine Slemp, request for water service on Fox Valley Road (**5-11-04**).
4. Approval of the Smyth County Emergency Operations Plan (**11-10-04**).
5. Request for tax-exempt status for the Smyth County Community Foundation.
6. Courthouse Renovation.
7. Request the Board nominate a Workforce Investment Board Replacement for Joseph Ellis (**7-12-2005**).

8. Request the Board approve payment of animal control claims in the amount of \$270, for damages by coyote **(8-25-2005)**.
9. Request the Board reappoint or appoint a new member to the following:

Southwest Virginia Emergency Medical Services Council, Inc.
Charles W. Smith 09-30-2005 (3 year term)
10. Rye Valley self-help project – Flat Ridge Road Water Extension **(10-11-2005)**.
11. Water Committee recommendation to allow Mr. Scott Simpson continue with the Highway 107 Interconnect design **(10-27-2005)**.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, at 4:47 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (3) for disposition of property, (5) report on business prospect, and (A) (7) for legal briefing.

Vote: 6	yea (Roberts, Dishner, Slemp, Clark, Neitch, Perry)
1	absent (Blevins)

At 5:28 P.M. the Chairman ended the closed session.

Upon motion of Mr. Perry, seconded by Mr. Dishner, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened in a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such closed

meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 6	yea (Roberts, Dishner, Slemph, Clark, Neitch, Perry)
1	absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board authorized Mr. Simpson to proceed with the acquisition of property as discussed in closed session.

Vote: 6	yea (Roberts, Dishner, Slemph, Clark, Neitch, Perry)
1	absent (Blevins)

Upon motion of Mr. Slemph, seconded by Mr. Dishner, and unanimously carried, at 5:30 p.m., the Board continued the meeting until Thursday, November 17, at 6:00 p.m. for closed session (pending litigation and legal briefing) and at 7:00 p.m. for a joint public hearing with the Planning Commission followed by any other business that may arise.

Vote: 6	yea (Roberts, Dishner, Slemph, Clark, Neitch, Perry)
1	absent (Blevins)

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, November 17, 2005, at 6:00 P.M. (4th floor, Social Services Board Room).

Board Members	Mr. Charlie Clark, Chairman	Mr. Wade Blevins
Present:	Mr. Harold Slemph	Mr. Marvin Perry
	Mrs. Darlene R. Neitch	Mr. Michael Roberts
	Mr. Todd Dishner (arrived at approximately 6:05 p.m.)	

Staff Members	Mr. Edwin B. J. Whitmore, III	Mr. Scott Simpson
Present:	Mr. John Tate	Miss Amber Tilson
	Mr. Charlie Atkins	Mr. Mike Carter

The Chairman called the meeting to order at approximately 6:00 P.M.

Upon motion of Mr. Slemph, seconded by Mr. Blevins, and unanimously carried, the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) for legal briefing.

Vote: 6	yea
1	absent (Dishner)

At approximately 6:50 P.M. the Chairman ended the closed session.

Upon motion of Mr. Perry, seconded by Mr. Slemph, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened in a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of

Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote:	7	yea
	0	nay

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board agreed not to exercise the right to appoint a panel for the courthouse renovations.

After a short recess, the Board reconvened in the Board of Supervisors meeting room on the 1st floor.

At approximately 7:00 p.m. the Chairman of the Board and the Chairman of the Planning Commission opened the joint public hearing. (All Planning Commission members were present, Dennis Blevins, Chairman, Amy Tuell, Karl Kalber, Wayne Venable, Graham Davidson, Archie Atwell, and Earl McClure) Mr. Whitmore read the advertisement as ran in the Smyth County News. He also read the rules for public hearings. There were approximately 35 citizens present.

Clegg Williams, Zoning Administrator, summarized the first application for a special use permit. Harold W. Waddell requests a Special Use Permit to expand a non-conforming use by constructing a 20x40 addition to 4429 Lee Highway. The site is zoned Agricultural/ Rural and is identified by Tax Map No. 470-2-12-14. Mr. Williams notified all adjoining property owners, by mail and received no comment on the application. He pointed out section 10-49 which defines a nonconforming use, section 5-2, and Article VI which contains the standards which must be met before a SUP may be approved.

Mr. Waddell addressed the Board and Planning Commission on his intentions. This would allow him to work on tractor trailers out of the weather.

Mr. Williams summarized the second application for a special use permit. Larry A. Poston requests a Special Use Permit to expand a non-conforming use by constructing a storage building for his equipment at 1761 Everett Lane. The site is zoned Agricultural/Rural and is identified by Tax Map No. 45-A-74. Mr. Williams notified all adjoining property owners, by mail and received no comment on the application. He pointed out §10-49 which defines a nonconforming use, §5-2 which requires a special use permit to expand or relocate a nonconforming use, and Article VI which contains the standards which must be met before a SUP may be approved.

Mr. Poston spoke on behalf of his application stating the building would be used to store equipment during the winter. He answered questions from the Board; he has been in the construction business for several years and started his own asphalt business a year ago. Mr. Jay Overbay was the only citizen to speak on this application. Asking how big the proposed building would be. Mr. Poston stated it would be 30x50. Mr. Overbay stated that he did not think it would have an effect on his adjoining property.

Mr. Williams explained the third application from Walker and Bonnie Keen requesting a Special Use Permit to operate a service business behind 695 Adwolfe Road. The site is zoned Agricultural/Rural and is identified by Tax Map No. 56B-4-12. Mr. Williams notified all adjoining property owners, by mail and was not asked to convey any comments on this application. He point out §10-65 which defines a service business, §3-2.2 U which allows a service business in the A/R district by special use and Article VI which contains the standards which must be met before a SUP may be

approved.

Mrs. Teresa Hash spoke on behalf of her father's application. She stated that her father employed up to 30 people at a time and over the course of the business since 1967 had employed about 150 people. The downsizing staff and moving to the building behind 695 Adwolfe Road is mainly used for warranty work.

Finally, Mr. Williams summarized the forth application for a special use permit. Stephanie Addair requests a Special Use Permit for a recreational facility (motocross track) at 3518 Old Rich Valley Road. The site is zoned Agricultural and is identified by Tax Map No. 25-A-4 & 4C. Mr. Williams notified all adjoining property owners, by mail. He was not asked to convey any comments on the application. Mr. Williams pointed out §3-1.2 m) which allows recreational facilities in the Agricultural District by special use and Article VI which contains the standards which must be met before a SUP may be approved.

James Addair addressed the Board and answered questions. He explained that motocross racing involved kids and was a clean sport. No alcohol or drugs are permitted on the premises. Operating hours would range from noon-6 p.m. in the summer with one race a month. He anticipated up to 50 racers and 150 -200 spectators. Mr. Addair started work on the track before he realized the county had a zoning ordinance. The Addairs currently own a motocross track in West Virginia.

The following citizens spoke in opposition to the proposed track. Their main concerns were traffic, noise that would intrude on the serene community, disrupt a nearby church, drug and alcohol use, decrease in property values, increased presence of rescue and law enforcement, environmental impact such as dust and drainage, advertising signs,

closeness to the Appalachian Trail, also failure to comply with Article 6 standards in the zoning ordinance. Mr. Cassell presented a letter from John Clark (in opposition) and Diane Cassell presented a petition with 17 names opposing the track.

Jeff Cassell,	Diane Cassell
Emily Cassell	Melanie Cassell
Gordon Jones	Sam Hambrick
Steve Yontz, Director with Piedmont Appalachian Trail Hikers	

Below is a list of citizens that spoke in favor of the application. They pointed out that this activity gives young people something to do and keeps them out of trouble. The dust would be controlled by a sprinkler; trees could be planted as a noise barrier. Racing would not take place at night, so lights would not be needed.

Ann Spence	Beth Spence
Dean Spence	Ralph Calvin
Betty Hubble	Betty Barker

At approximately 7:58 p.m., the public hearing was closed. The Planning Commission reconvened in the Board room and the Board of Supervisors resumed their meeting in the 4th floor board room.

After discussion, upon motion of Mr. Roberts, seconded by Mr. Slemph, and unanimously carried, the Board accepted the awarding of the law enforcement terrorism prevention program grant. Kenny Lewis of the Sheriff's Department thanked the Board for their help in allowing Mr. Roberts and Charlie Atkins, Chief Financial Officer, to go with him to the information meeting on the grant.

Upon motion of Mr. Roberts, seconded by Mr. Slemph, and unanimously carried, the Board appropriated \$74,881.17 from the Allison Gap fund to pay Mendon Pipeline's final payment in Division 10 of the Allison Gap Sewer Project.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the

Board accepted the awarding of a Virginia Department of Health Planning Grant in the amount of \$25,000 for a water study. Mr. Roberts encouraged that the study be followed.

With discussion, upon motion of Mr. Perry, seconded by Mr. Blevins, and duly carried, the Board accepted the awarding of a Virginia Department of Health Planning/Design grant for the 107 Interconnect with the Town of Chilhowie. This grant is not to exceed \$25,000. The Board also accepted the awarding of a Southwest Virginia Regional Water/Wastewater Grant from the Mount Rogers Planning District Commission. The award is in the amount of \$141,974 to assist in the 107 Interconnect with the Town of Chilhowie.

Vote: 6	yea (Clark, Slem, Dishner, Neitch, Blevins, Perry)
1	nay (Roberts)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved Thompson and Litton to conduct the design of the 107 interconnect with the Town of Chilhowie.

Upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried, the Board scheduled an appeal hearing on an application for variance to the subdivision ordinance. The hearing is scheduled for the next regular Board meeting on Tuesday, December 13, 2005 at 5:00 p.m. The decision by the Planning Commission is being appealed by Leslie Parsons, and Kevin, St. Ives. Also by Donna Donnelly, Coldwell Banker for Leslie Parsons.

At 8:45 p.m., upon motion of Mr. Perry, and unanimously carried by the Board, the meeting was continued until Monday, November 28 at 6:00 p.m. for the public hearing on refinancing of the water and sewer loans and any other issues that may come up.

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, November 28, 2005, at 6:00 P.M.

Board Members	Mr. Charlie Clark, Chairman	Mr. Wade Blevins
Present:	Mr. Harold Slemp	Mr. Marvin Perry
	Mrs. Darlene R. Neitch	Mr. Michael Roberts
	Mr. Todd Dishner	
Staff Members	Mr. Edwin B. J. Whitmore, III	Mr. Scott Simpson
Present:	Mr. John Tate	Miss Amber Tilson
	Mr. Charlie Atkins	

At approximately 6:00 P.M. the Chairman opened a public hearing as advertised in the Smyth County news on November 12 and 19, 2005 on proposed bond issue. Mr. Whitmore read the advertisement and the rules for public hearings. There were two citizens present.

Mr. Earl McClure spoke in opposition to the refinancing of the water and sewer loans. He requested that the Board not vote on the issue until they fully understand the risks and have had answers to questions.

At 6:07 p.m. the Chairman closed the public hearing.

Note: Mr. Slemp stated that he owned a small portion of stock in the Blur Ridge Bank.

Mr. Whitmore and Charlie Atkins answered questions of the Board. With much discussion, upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board adopted a resolution authorizing the issuance of general obligation refunding bonds of Smyth County in a principal amount not to exceed \$6,600,000, and providing for the formal details of payment thereof and the refunding of certain listed prior bonds and authorizing all related actions. A full copy of the resolution is on file at the County Administrators Office.

Vote: 6 yea (Roberts, Clark, Slemp, Dishner, Blevins, Perry)
1 abstention (Neitch)

The Chairman adjourned the meeting at approximately 6:50 p.m.

Virginia: At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, December 13, 2005 at 12:00 noon.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Marvin Perry Mr. Todd Dishner	Mr. Wade Blevins Mrs. Darlene R. Neitch Mr. Michael Roberts
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Board Members Absent: Mr. Harold Slempp

Staff Members Present:	Mr. Edwin B.J. Whitmore, III Mr. Michael Carter	Mr. John H. Tate, Jr. Ms. Amber Tilson
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The Chairman called the meeting to order at approximately 12:00 noon. Mr. Clegg Williams led the pledge of allegiance and Rev. Mark Ross gave the invocation. Mr. Clark, thanked the staff and Board members for a good year and wished everyone a Merry Christmas.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board adopted the agenda as to form.

Vote:	6	yea
	1	absent (Slempp)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved the minutes of November 9, 17, and 28, 2005.

Vote:	6	yea
	1	absent (Slempp)

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board unanimously approved the General County appropriation in the amount of \$995,000.

Vote:	6	yea
	1	absent (Slempp)

Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the Board approved the Animal Control appropriation in the amount of \$70.00.

Vote:	6	yea
	1	absent (Slempp)

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board unanimously approved the Allison Gap Sewer Project appropriation in the amount of \$30,976.20.

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Vote: 6 yea
1 absent (Slomp)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved the following appropriation:

Department of Social Services (Dec. 10-31, 2005)	\$320,000
(Jan. 1-10, 2005)	\$35,000

Vote: 6 yea
1 absent (Slomp)

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board approved an appropriation for the Smyth County Schools, Operating Fund, in the amount of \$3,440,000.

Vote: 6 yea
1 absent (Slomp)

Upon motion of Mr. Dishner, seconded by Mrs. Neitch, and unanimously carried, the Board approved an appropriation for the Smyth County Schools, Debt and Capital Outlay Fund, in the amount of \$25,000.

Vote: 6 yea
1 absent (Slomp)

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved the accounts payable listing in the amount of \$499,998.96.

Vote: 6 yea
1 absent (Slomp)

The following citizen's spoke during citizen's time:

Mrs. Sue McVey, an employee of the Smyth County Department of Social Services for 32 years requested that the Board consider participating in the Virginia Retirement System program that provides a \$45 credit to retirees of 15 years or more. Participating in the program would benefit future retirees. She also requested that retirees remain on the County's insurance plan after retirement to avoid high costs of insurance.

These requests were referred to the Personnel Committee.

Mr. Charles Evans requested permission for a pump and haul permit for the Walker's Creek Baptist Church. Mr. Evans was referred to Mr. Scott

12/13/2005

Simpson, County Engineer, for assistance.

Mr. Earl McClure explained that there was an error in the Planning Commission minutes included in the Board packet. The error was in the section of the minutes pertaining to the Addair case and the execution of standards. Mr. McClure also apologized to the Board and Mr. Tate for the way five (5) members of the Planning Commission handled the response from Mr. Tate concerning the discrimination of the manufactured home.

Mrs. Ann Spence requested to speak concerning the Addair case. Mr. Tate requested that she and any one else that wished to speak on this matter be referred to Zoning time at 2:30.

Mr. Alvin Jones of Marion spoke about the water line he owns from the town spring to Route 689, on Highway 16. This line was not repaired when the County installed the Currin Valley and Attawoy water line.

Mrs. Mary Ann Buchanan of the Nebo Community Center informed the Board that they do have liability insurance to cover the Nebo School property.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board accepted the Nebo School property from the Smyth County School Board. This will be recorded in the Clerk of Circuit Court's office, by Mr. Tate. The next step would be to hold a public hearing to release the property to the Nebo Community Center.

Vote: 6 yea
1 absent (Slomp)

Mr. Mike Carter informed the Board that the Smyth County Landfill will be closed on Monday December 26, 2005 and will reopen Tuesday at 7:00 a.m. The closing is due to the Bristol landfill closing due to the Christmas holiday on Sunday. The newspaper was asked to help get the word out about this closing.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board renewed the lease to the department of Criminal Justice for space in the old school board building. The lease is for \$100/month and is on file at the County administrator's office.

Vote: 6 yea
1 absent (Slomp)

12/13/2005

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board approved disbursement of the following checks. Funds are profits from the county Surplus Auction held December 7, 2005 at Powers Auction sales in Chilhowie.

Smyth County	\$135.62
Smyth County Sheriff's Department (to be deposited into the General County)	\$6,890.62
Smyth County Department of Social Services	\$1,277.50
<u>Smyth County School Board</u>	<u>\$4,585.00</u>
TOTAL	\$12,888.74

Vote: 6 yea
1 absent (Slemp)

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved the cost of \$5,826 for the difference in materials for the St. John's Crossing water line. This would upgrade the water line from 6" to 8".

Vote: 6 yea
1 absent (Slemp)

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board approved the following tax refund requests:

1) Mary Campbell	\$16.03
2) John Edwards Norris	\$11.81
3) National Bank of Commerce	\$928.49
4) Cleve Smith	\$251.10
5) Frank Detweiler	\$9.45

The request from Philip Blevins for \$73.97 was denied.

Vote: 6 yea
1 absent (Slemp)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the following disbursement of the fiscal year 2005 Four-For-Life Funds:

Sugar Grove Life saving Crew	\$5,767.04
Marion Life Saving Crew	\$5,767.04
Chilhowie Fire Dept. /EMS	\$5,767.04
Saltville Life Saving Crew	\$5,767.04

Vote: 6 yea
1 absent (Slemp)

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Upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried, the Board approved reimbursement to the Adwolfe Volunteer Fire Department for the consumer utility tax paid from July 1, 2004 through June 30, 2005. Total amount to refund is \$366.26.

Vote: 6 yea
1 absent (Slomp)

Upon motion of Mr. Dishner, and with the budget committee's recommendation, the Board unanimously approved a budget amendment to fund 39 (911 Surcharge) in the amount of \$3,540 in both revenue and expenditure to reflect insurance receipts and subsequent expenditures to replace a damaged control panel audio card.

Vote: 6 yea
1 absent (Slomp)

After discussion, upon motion of Mr. Perry, seconded by Mrs. Neitch, and duly carried, the Board appropriated \$6,000 for the Sheriff's Department, to be used January 2006-June 2006 to employ Nationwide Testing Association to conduct random drug testing. In July 2006 the funds for this program will be considered in the budget.

Vote: 5 yea (Perry, Clark, Dishner, Neitch, Blevins)
1 nay (Roberts)
1 absent (Slomp)

Upon motion of Mr. Dishner, seconded by Mrs. Neitch, and unanimously carried, the Board nominated Mr. John Saunders and E.P. Ogle to the Board of Zoning Appeals, Mr. Saunders for a five (5) year term and Mr. Ogle to complete the current term of Mr. Roger Seymore ending on December 31, 2006.

Vote: 6 yea
1 absent (Slomp)

The nomination of Roberts Odum to the Board of Zoning appeals was continued.

Upon motion of Mr. Dishner, seconded by Mrs. Neitch, and unanimously carried, the Board reappointed Ms. Glenna Lowe and Ms. Susan Sneed to the Chapter 10 Mental Health & Mental Retardation Services Board. Terms will expire December 31, 2008.

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Vote: 6 yea
1 absent (Slomp)

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board reappointed Mr. Marvin Perry and Mr. Todd Dishner to the District Three Governmental Cooperative Board. Terms will expire December 31, 2006.

Vote: 6 yea
1 absent (Slomp)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board reappointed Mr. Michael Roberts as the Emergency Services Director. Term will expire December 31, 2006.

Vote: 6 yea
1 absent (Slomp)

Upon motion of Mr. Dishner, seconded by Mr. Blevins, and unanimously carried, the Board reappointed Mr. Miles Untiedt to the Smyth-Bland Regional Library Board. Term will expire December 31, 2009.

Vote: 6 yea
1 absent (Slomp)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board reappointed Mr. Marvin Perry and Mr. Mack Blevins to the Smyth-Washington Regional Industrial Facilities Authority. Term will expire December 31, 2009.

Vote: 6 yea
1 absent (Slomp)

Upon motion of Mr. Dishner, seconded by Mrs. Neitch, and unanimously carried, the Board reappointed Mrs. Sally Morgan and Mr. Michael Roberts as the alternate to the 9th District Development Financing. The two (2) year term will expire December 31, 2007.

Vote: 6 yea
1 absent (Slomp)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board reappointed Mr. Marvin Perry to Virginia's aCorridor, Mount Rogers Partnership. The one (1) year term will expire December 31, 2006.

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Vote: 6 yea
1 absent (Slomp)

The reappointments of the Transportation Citizen’s Participation Committee were continued.

Bill Huber represented the Board of the Lincoln Theatre, which is a 501(C) 3 corporation. He requested tax exempt status for the Lincoln Theatre. Personnel property taxes have been paid for the current year. He asked that if tax exempt status was granted that it be retroactive to those taxes paid for the current year.

Mr. Tate requested that he speak with Mrs. Sally Morgan in reference to the Enterprise Zone and the incentives available to the Theatre. He also thanked the Board for its continuing support of the Lincoln Theatre.

Mr. Steve Buston of Virginia Department of Transportation, explained and answered questions concerning the Six-Year Plan.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors adopts the following Six (6) Year Secondary System for the County of Smyth Construction Program and fiscal year 2006-2007 to 2011-2012. A copy of the complete Six-Year Plan is on file at the County Administrator’s Office.

YEAR	2006-2007
NEW SURFACE & TREATMENT	\$278,712
FEDERAL	-0-
OTHER	\$1,091,350
TOTAL	\$1,370,062

And further approves the first year of plan titled Details of Smyth County, Virginia Secondary Construction Budget for July 1, 2006 through June 30, 2007.

The Board also adopts the following list of projects placed in storage for Smyth County:

<u>Name</u>	<u>Est. cost</u>	<u>from</u>	<u>to</u>	<u>priority</u>
Old Lake Rd. (Rt. 700)	\$705,967	Int. Rt. 617	North Corp. Limit	7
Grubmore Rd. (Rt. 657)	\$1,900,000	Int. Rt. 645	1.3 mi. E 645	8
Lick Skillet (Rt. 634)	\$300,000	Rt. 613	Dead End	9

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Slab Town Rd. (Rt. 672)	\$700,000	.2 Mi. N Rt. 701	Rt. 670	10
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Vote: 6 yea
1 absent (Slomp)

Mr. Roberts Hurt of the Virginia Department of Transportation returned maintenance concerns and answered questions from the Board on other concerns.

Mr. Steve Yonts, Director of Piedmont Appalachian Trail Hikers, spoke in behalf of the trail and in opposition to the Addair request for a special use permit. He introduced Laura Belleville, Appalachian Trail Conservancy, and Regional Director. She also spoke in behalf of the trail, supporting the Planning Commission's recommendation to deny the request by Stephanie Addair for a Special Use Permit for a recreational facility (motocross track) at 3518 Old Rich Valley Road.

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board approved the Planning Commission's recommendation to grant Harold W. Waddell's application for a Special Use Permit to expand a non-conforming use by constructing a 20x40 addition to 4429 Lee Highway.

Vote: 6 yea
1 absent (Slemp)

Upon motion of Mr. Dishner, seconded by Mrs. Neitch, and unanimously carried, the Board approved the Planning Commission's recommendation to grant Larry A. Poston's application for a Special Use Permit to expand a non-conforming use by constructing a storage building for his equipment at 1761 Everett Lane.

Vote: 6 yea
1 absent (Slemp)

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved the Planning Commission's recommendation to grant Walker and Bonnie Keen's application for a Special Use Permit to operate a service business behind 695 Adwolfe Road.

Vote: 6 yea
1 absent (Slemp)

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Clegg Williams listed the letters he had received in opposition to the application from Stephanie Addair for a Special Use Permit for a recreational facility (motocross track) at 3518 Old Rich Valley Road. Those opposed to the application were Diana Cassell, Melanie Cassell, Woodson and Tillie Umbarger, Edward Thompson, Appalachian Trail Conservancy, and the National Park Service Department of Interior. Those letters in favor of the application were submitted by Ann Spence, Dean Kirk of Kirk Farms, Dottie Scott, Shirley Bunce, Howard and Gisels Hubble, and Garnett Hubble on behalf of the Zion Methodist Church. Also submitted by Mrs. Spence was a VDOT highway entrance permit, copies of petitions submitted November 17, pointing out there were only 4 Smyth County voters on the petition.

The Chairman allowed one representative in opposition and one representative in favor of the application, to address the Board for 5 minutes.

Diana Cassell spoke in opposition to the application and Ann Spence spoke in favor of the application.

Following discussion, Mr. Perry motioned to approve the Planning Commission's recommendation to deny the application for the special use permit. Mr. Roberts seconded the motion and ended with a tie vote:

Vote: 3	yea (Roberts, Perry, Clark)
3	nay (Dishner, Blevins, Neitch)
1	absent (Slomp)

As stated in the rules of procedures, if a tie vote occurs, the question shall be passed by until the next meeting, at which time it must be put to a vote again.

Mrs. Susie Jennings, President of the Lincoln Theatre Board introduced Mr. Joe Ellis of the Lincoln Theatre. He discussed a program at the Lincoln Theatre called Song of the Mountains. The program has just been accepted into syndication by the National Television Catalog and will be broadcast to 195 channels. The program is growing too large for Mr. Ellis to handle. He requested \$12,000 to assist in the yearly salary of hiring a fulltime coordinator for the program. He has also requested \$12,000 from the Town of Marion and \$6,000 from the Towns of Chilhowie and Saltville. He has also received \$26,000

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from the private sector. This request was forwarded to the budget committee.

At 3:36 p.m. the Board proceeded with a public hearing on a proposed amendment to the existing Smyth County/Chilhowie/Atkins Enterprise Zone. The clerk read the advertisement as ran in the Smyth County News and Messenger. The draft amendment application proposes revisions to the Enterprise Zone map to add areas within the Town of Marion and additional unincorporated portions of Smyth County, including the Groseclose area. Mrs. Sally Morgan summarized the amendment. The first citizen to speak in favor of the amendment was Mr. David Fields. Mr. Ken Heath and Mr. Joe Ellis also spoke in favor of the amendment. The hearing was closed at approximately 3:45 p.m.

Mr. Perry spoke in favor of the amendment. Mrs. Morgan answered questions. Following discussion, upon motion of Mr. Perry, seconded by Mr. Blevins and duly carried, the Board adopted the following resolution in support of the amendment:

WHEREAS, the current joint Enterprise Zone, including portions of Glade Spring, Chilhowie, Smyth County and Washington County, was established to provide economic incentives to businesses who locate in the zone; and

WHEREAS, the Smyth County Board of Supervisors is proposing a boundary amendment to the zone in order to add portions within the Town of Marion and additional unincorporated area in eastern Smyth County that were not originally included in the zone; and

WHEREAS, the Virginia Department of Housing and Community Development allows localities to request zone amendments following specific guidelines, and

WHEREAS, the Board of Supervisors of Smyth County has held a public hearing on December 13, 2005 on the proposed amendment application; and

WHEREAS, the other participants in the joint Enterprise Zone have been asked to agree to the submittal of the proposed Enterprise Zone amendment application, and these agreements will be included in the application; and

THEREFORE BE IT RESOLVED that the Board of Supervisors of Smyth

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County authorizes the County Administrator to submit all information needed to apply for an Enterprise Zone amendment and to carry out all program administrative and reporting requirements on its behalf.

Note: Michael Roberts stated he was a Town of Marion employee and could vote impartially.

Vote: 5	yea (Perry, Blevins, Dishner, Clark, Roberts)
1	abstention (Neitch)
1	absent (Slomp)

At approximately 4:09 p.m. the Board proceeded with a public hearing as advertised, to consider the adoption of new provisions to the Smyth County Code. These new provisions will be incorporated in an ordinance which will implement, in Smyth County, the actions of the Virginia General Assembly in capping the amount of tax relief granted under the provisions of the Personnel Property Tax Relief Act of 1998 (PPTRA), and will end the relief for previous tax years as of September 2, 2006. There were no citizens present to speak and the hearing was closed.

Mr. Tate explained the proposed ordinance.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board unanimously adopted the following ordinance: **(the ordinance will be inserted into the official minutes)**

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, at 4:21 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (3) for disposition of property, (5) report on business prospect, and (A) (7) for legal briefing.

Vote: 6	yea
1	absent (Slomp)

At 5:03 P.M. the Chairman ended the closed session.

Upon motion of Mr. Perry, seconded by Mr. Blevins, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened in a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

ORDINANCE

**AN ORDINANCE TO PROVIDE FOR THE IMPLEMENTATION
OF THE 2004-2005 CHANGES TO THE PERSONAL PROPERTY
TAX RELIEF ACT OF 1998**

WHEREAS, the Personal Property Tax Relief Act of 1998, Virginia Code §58.1-3523, *et seq.*, ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and,

WHEREAS, these legislative enactments require Smyth County to take affirmative steps to implement certain changes, and to provide for the computation and allocation of relief provided pursuant to the Personal Property Tax Relief Act as revised; and,

WHEREAS, these legislative enactments provide for the appropriation to Smyth County, commencing in 2006, of a fixed sum to be used by Smyth County exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax ("PPT") on such vehicles;

Now, therefore, be it ORDAINED by the Board of Supervisors of Smyth County, Virginia on this ___ day of November, 2005, that Chapter 34, Finance and Taxation, of the Smyth County Code be, and is hereby, amended to add Article XI, Sections 34-300 to Section 34-304, *et seq.*, which shall read as follows:

§ 34-300 Purpose; Definitions; Relation to other Ordinances.

(a) The purpose of this Ordinance is to provide for the implementation of the changes to the Personal Property Tax Relief Act affected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.

(b) Terms used in this Ordinance that have defined meanings set forth in the Personal Property Tax Relief Act, shall have the same meanings as set forth in Virginia Code §58.1-3523 (effective January 1, 2006), as amended.

(c) To the extent that the provisions of this Ordinance conflict with any prior Ordinance or provision of Smyth County, Virginia, this Ordinance shall control.

§ 34-301 Method of Computing and Reflecting Tax Relief.

(a) For tax years commencing in 2006, Smyth County adopts the provisions of Item 503 (E) of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for personal property tax relief by a qualifying taxpayer, and the reporting of such specific dollar relief on the tax bill.

(b) The Board of Supervisors shall, by resolution, set the percentage of tax relief at such a level that it is anticipated fully to exhaust Personal Property Tax Relief Act relief adopted by the Commonwealth of Virginia and provided to the Smyth County by the Commonwealth in each tax year beginning in the calendar year 2006.

(c) Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an

explanation of the general manner in which relief is allocated, which shall be a pro-rated share of relief for each qualifying vehicle as set out hereafter.

§ 34-302 Allocation of Relief among Taxpayers.

(a) Allocation of personal property tax relief shall be provided in accordance with the general provisions of this Article, as implemented by the specific provisions of the Smyth County annual budget relating to the Personal Property Tax Relief Act.

(b) Relief shall be allocated in such a manner as to eliminate personal property taxation of each qualifying vehicle with an assessed value of \$1,000.00 or less.

(c) Relief with respect to qualifying vehicles with assessed values of more than \$1,000.00 shall be provided at a percentage, annually fixed and applied to the first \$20,000.00 in value of such qualifying vehicle, that is estimated annually to fully use all available state personal property tax relief funding received by Smyth County.

(d) The percentage of relief in any tax year shall be determined and established annually for qualifying vehicles as provided herein, and the basis of the percentage of relief shall be the total of the assessments for qualifying vehicles from the immediately preceding year's PPTRA tax assessment divided by the Personal Property Tax Relief Act funds provided by the Commonwealth to Smyth County in the current tax year.

(e) The percentage of relief, after allocating relief in such a manner as to eliminate personal property taxation of each qualifying vehicle with an assessed value of \$1,000.00 or less, shall be uniformly applied to the tax assessments of all other qualifying vehicles up to a maximum assessed value of \$20,000.00.

(f) In any year in which the total amount of relief provided by the

Commonwealth is not exhausted by the formula adopted herein by Smyth County, the amount of unused Personal Property Tax Relief remaining after the application of relief to all qualifying vehicles shall be carried forward to the following tax year and applied, with the funds coming from the Commonwealth in this subsequent year, to establish the percentage of qualifying Personal Property Tax relief in the succeeding tax year.

§ 34-303 Transitional Provisions

(a) Pursuant to authority conferred in Item 503 (D) of the 2005 Appropriations Act, unless the assessment is determined to be of no fault of the taxpayer (??), Smyth County's Treasurer is authorized and directed to issue a supplemental personal property tax bill, in the amount of 100% of the tax due, without regard to any former entitlement to state personal property tax relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a qualifying vehicle for the tax year 2005, or any prior year, remain unpaid on September 1, 2006, or on such date as state funds for reimbursement of the state share of such bill have become unavailable, whichever earlier occurs.

(b) Penalty and interest with respect to bills issued pursuant to subsection (a) of this section shall be computed on the entire amount of tax owed. Interest shall be computed at the rate provided by Chapter 34, Article I, §34-2 (d) of the Smyth County Code at a rate of ten (10%) percent from the original due date of the tax.

(c) Personal property tax bills shall set forth on their face the information set out in §34-301 (c) of the Smyth County Code.

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WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 6 yea
1 absent (Slomp)

Mr. Wade Blevins left at approximately 5:00 p.m.

At approximately 5:07 p.m. the Board proceeded with an appeal hearing from Ms. Leslie Parsons and Kevin St. Ives. They filed an application in September for a variance to the Subdivision Ordinance in order to access a new lot by a right-of-way. At the October meeting of the Planning Commission, the application was denied.

Mr. Karl Kalber of the Planning Commission explained that the Commission felt there was adequate road frontage and a right of way was not necessary.

Mrs. Donna Donnely, Coldwell Banker real estate agent, spoke on behalf of the appellants. She expressed their concerns with sight distance going in and out of the property.

After discussion, upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried the Board upheld the Planning Commission's decision not to grant the variance to the subdivision ordinance.

Vote: 5 yea (Roberts, Dishner, Clark, Neitch, Perry)
2 absent (Blevins, Slomp)

Old Business

1. Collection of delinquent taxes (Mr. Whitmore has contacted the attorneys 8-10-04).

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2. East County Spring Source Study (8-1-03).
3. Marevine Slem, request for water service on Fox Valley Road (5-11-04).
4. Approval of the Smyth County Emergency Operations Plan (11-10-04).
5. Request for tax exempt status for the Smyth County Community Foundation.
6. Courthouse Renovation.
7. Request the Board nominate a Workforce Investment Board Replacement for Joseph Ellis (7-12-2005).
8. Request the Board approve payment of animal control claims in the amount of \$270.00, for damages by coyote (8-25-2005).

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and duly carried, the Board approved the following payment of animal control claims, out of Fund 3, for damages by coyote:

Jack Hash	\$120
JS Staley	\$150
TOTAL:	\$270

Vote: 5	yea (Dishner, Roberts, Clark, Neitch, Blevins)
1	nay (Perry)
1	absent (Slem)

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9. Request the Board reappoint or appoint a new member to the following (9-13-2005):

Southwest Virginia Emergency Medical Services Council, Inc.
Charles W. Smith 09-30-2005 (3 year term)

10. Rye Valley self-help project – Flat Ridge Road Water Extension (10-11-2005).
11. Request the Board vote on the public hearing held Wednesday, November 9, 2005 on imposing a processing fee not to exceed \$25 for any person admitted to the County or Regional Jail following conviction (11-9-2005).
12. Geographical Information Systems (GIS) on the Smyth County website (11-9-2005).

Upon motion of Mr. Perry and carried by the Board the meeting was continued until Thursday, December 15, 2005 at 7:00 p.m. for a joint public hearing with the Planning Commission and any other items that may arise.

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, December 15, 2005, at 7:00 P.M.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Harold Slemph Mrs. Darlene R. Neitch Mr. Todd Dishner	Mr. Wade Blevins Mr. Marvin Perry Mr. Michael Roberts
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Staff Members Present:	Mr. Edwin B. J. Whitmore, III Mr. John Tate Mrs. Sally Morgan Mr. Mike Carter	Mr. Scott Simpson Miss Amber Tilson Mr. Clegg Williams
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Planning Commission Members Present:	Karl Kalber, Vice Chairman Earl McClure Graham Davidson	Amy Tuell Wayne Venable Archie Atwell
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At 7:00 p.m. the Chairman of the Board and Vice Chairman of the Planning Commission called the joint public hearing to order. There were approximately 35 citizens present. Mr. Mike Carter read the advertisement as placed in the Smyth County News and Messenger and the rules and procedures for public hearings.

Mr. Clegg Williams, Zoning Administrator, summarized the first case. Ms. Gloria Hagy owns 2946 Cedar Springs Road, a vacant building once used as a country store. Her property is zoned A/R and is identified by Tax Map #62-1-2. Ms. Hagy would like to remodel the building and convert it into a mini-storage warehouse. She has applied for a special use permit under the newly adopted text amendment to the Zoning Ordinance, §3-2.2 bb), which allows mini-storage in the A/R district by issuance of a special use permit. In addition to submitting her application, Ms. Hagy paid the required fee. Notice was sent by first class mail to all of her adjoining property owners for which an affidavit is on file. Mr. Williams was not asked to convey any comments on this application. He pointed out §10-46 which defines Mini-warehouse, §3-2.2 bb) and Article VI which contains the standards which must be met before a SUP may be approved.

Mr. Williams stated that he had spoke with Ms. Hagy earlier in the afternoon, she would not be able to attend the hearing due to the weather.

There were no citizens present to speak on his application.

Mr. Williams explained the second request for a special use permit application was from Ryan Hall on November 21. Mr. Hall has recently

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purchased 2338 and 2340 Riverside Road along with the surrounding 12.59 Acres. Until recently, the property was the site of the "Adwolfe Meat Processing Plant". It is currently zoned Agricultural/Rural and is identified by tax map #66-A-94 and 55D-A-7, he requests the property be rezoned to residential.

Along with his application, Mr. Hall submitted the required fee. All adjoining property owners were notified by first class mailing, an affidavit to that affect is on file.

Mr. Williams expressed that he had not received any comments on this case. He pointed out sections of the zoning ordinance: §3-2.3 b) which requires that any property "subdivided" be rezoned to Residential, and Article IX which contains the standards for Amendments to the ordinance and map.

There were no citizen's present to speak on this request. Mr. Williams answered a couple questions from the Board.

Mr. Williams explained the third and final request from Mr. James Box who would like to develop a residential subdivision on approximately 13 acres of his farm. His farm is located near Greenwood Methodist Church just outside Marion, is zoned Agricultural/Rural, and is identified by Tax Map #45-A-115B. Any development defined as a subdivision by the County's Subdivision Ordinance is required to be rezoned to Residential by §3-2.3 b) of the Zoning Ordinance. As a result, Mr. Box has applied to have the area proposed to be developed rezoned to Residential. He submitted the required application and paid the required fee.

Mr. Williams notified all adjoining property owners by first class mailing to which an affidavit is on file. He did not receive any comments on this request.

Mr. James Box was present to answer questions and explain his plans. He stated that the minimum lot size would be 125x150 feet. Some restrictions would include no mobile homes, foundation must be brick or block, accessory buildings and homes would be a specific size.

The only citizen to spoke on opposition of the rezoning was Mr. Mark Myers. He had with concerns with populating the farm land around this residence.

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At 7:21 p.m. the joint public hearing was closed.

The Planning Commission recessed and remained in the room until the Board completed their agenda.

With a tie vote on Tuesday, December 13, 2005, subject to the rules and procedures of the Board, the application from Stephanie Addair for a Special Use Permit for a recreational facility (motocross track) at 3518 Old Rich Valley Road was put to a second vote. After much discussion, the following was the deciding vote to approve the Planning Commission's recommendation to deny the request for the Special Use Permit:

Vote: 4 yea (Roberts, Slemp, Clark, Perry)
 3 nay (Neitch, Blevins, Dishner)
Mr. Clark read the right of appeal process.

Mr. Roberts and Mr. Slemp spoke of items on the ordinance Committee's agenda.

The Chairman scheduled a budget committee meeting for Tuesday, December 27, 2005 at 3:00 p.m.

The nomination of Robert Odum to the Board of Zoning Appeals and reappointments to the Transportation Citizen's Participation Committee was continued.

Mr. Mike Carter reminded the Board that the Statements of economic interest must be returned by January 6, 2006.

Mr. Tate informed the Board that newly elected Board members must take their oath of office before first of January 2006. He also explained that the warrants in debt have been filed on selected unpaid personal property taxes.

Upon motion of Mr. Marvin Perry, seconded by Mrs. Neitch, and unanimously carried, the meeting was adjourned at 7:45 p.m.

C.C. Clark, Jr. Chairman

