

Virginia: At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, January 10, 2006 at 12:00 noon.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Marvin Perry Mr. Todd Dishner Mr. Harold Slemp	Mr. Wade Blevins Mrs. Darlene R. Neitch Mr. Michael Roberts
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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 Chairman called the meeting to order at approximately 12:00 noon. Mr. Steve Eller gave the invocation and Mrs. Pam Testerman led the pledge of allegiance.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, Mr. Whitmore presided as the temporary chairman to accept nominations for the election of the Chairman for the 2006 calendar year.

Mr. Perry nominated Mr. Charles Clark as the Chairman for 2006. The nomination was seconded by Mr. Slemp, and unanimously carried. Mr. Whitmore then handed the gavel over to Mr. Clark.

Mr. Dishner nominated Mr. Harold Slemp as Vice-Chairman for 2006. Nomination was seconded by Mr. Perry and unanimously carried.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, Mr. Ed Whitmore was named clerk and Mr. Michael Carter was named Deputy Clerk.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board adopted the rules and procedures for the Smyth County board meetings.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the agenda was adopted with 2 additional items and 1 minor change.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, minutes of Tuesday, December 13, 2005 were approved with 4 changes (wording and grammatical errors), Thursday, December 15, 2005 were also approved.

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

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General County		\$1,200,000
Sheriff Social Security Fund		\$535.30
Allison Gap Sewer Project		\$40,868.70
Cedars/Hall Addition Sewer Project		\$59,947.40
Department of Social Services (Jan. 11-31, 2006)		\$320,000
(Feb. 1-14, 2006)		\$35,000
Schools	Operating Fund	\$3,545,000
	Debt & Capital Outlay	\$55,000

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the accounts payable listing in the amount of \$700,873.42 was approved.

Ms. Monica Roulo spoke during citizen's time. She expressed her concern with the lack of dental care for the elderly and disabled. She is in need of dental care and is unable to get assistance, Social Services has an age limit on dental care of 21. She requested that the County implement a dental plan for those in need.

Mr. Perry motioned that the local state representatives be made aware of this situation. He requested that the County discuss with the local representatives the options those retired and disabled have for dental assistance. The motion was seconded by Mr. Slemp, and unanimously carried.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board scheduled the regular meeting for November 2006 on the 15th, due to a conflict with the VaCO conference to be held Sunday, November 12- Tuesday, November 14, 2006.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board scheduled all other regular meetings for the calendar year 2006 on the second Tuesday of each month.

The Chairman appointed himself, Mr. Slemp and Mr. Blevins to a committee to assist in the appointments needed throughout the county on various Boards and groups.

The appointment to replace Mrs. Glenna Lowe to the Chapter 10 Mental Health & Mental Retardation Services Board was continued, Mr. Roberts has

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someone interested he will confirm before the next regular meeting in February.

Upon motion of Mr. Roberts, seconded by Mr. Slempp, and unanimously carried, the Board reappointed Mr. Raymond Buchanan to the Chapter 10 Mental Health & Mental Retardation Services Board. Term will expire December 31, 2008.

Upon motion of Mr. Slempp, seconded by Mr. Blevins, and unanimously carried, the Board reappointed Mr. J. Patton Graham to the Smyth-Bland Regional Library Board, to represent the Atkins District. Term will expire December 31, 2009.

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board reappointed Mrs. Helen Barbrow to the Smyth-Bland Regional Library Board, to represent the Saltville District. Term will expire December 31, 2009.

Expired term of Rev. Jim Bangle to the Highlands Juvenile detention Center was continued, the committee appointed above will address the reappointment.

Upon motion of Mrs. Neitch, seconded by Mr. Slempp, and unanimously carried, the Board approved final payment in the amount of \$41,272.82 to W-L Construction & Paving, Inc. for Division 3 of the Allison Gap Sewer Project.

Upon motion of Mr. Roberts, seconded by Mr. Slempp, and unanimously carried, the Board approved final payment in the amount of \$88,656.61 to Little B Enterprises for Division 1A of the Allison Gap Sewer Project.

Upon motion of Mr. Perry, seconded by Mr. Slempp, and unanimously carried, the approval of the water contract for the St. John's Crossing was removed from the agenda, at the request of the County Engineer, Scott Simpson.

Note: Michael Roberts stated he was a Town of Marion employee and could vote impartially.

Mr. Scott Simpson, County Engineer, explained the following information (**Memo from Scott will be included in the official minutes**).

After much discussion, Mr. Slempp motioned that the Board determine this an emergency situation allowing the staff to procure the services mentioned

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above under section 2.2-4303 F of the Code of Virginia. This is deemed an emergency on the grounds that the Town of Marion could turn off water supply or limit the water supply to the County if the turbidity problem at the Town Spring was to continue. The motion was seconded by Mr. Perry and duly carried.

Vote: 6 yea
 1 nay (Roberts)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board authorized Mr. Simpson to conduct a preliminary study on connecting to Thomas Bridge Water on Scratch Gravel Road to carry water to customers on Route 16. This would also help with the amount of water bought from the Town of Marion. Mr. Simpson is to report to the Water and Sewer Committee.

Vote: 7 yea
 0 nay

Mr. Tate informed the Board that the Nebo Community Center has been handed over to the County by the School Board. The deed has been filed.

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, February 14, 2006 at 3:00 p.m. Hearing will be to take public comment on donating the old Nebo School to the Nebo Community Center.

Mr. Tate informed the Board that the Virginia Department of Transportation had over charged the County on the Colecrest Drive road project. The original cost estimate was \$300,000 but actually cost approximately \$207,979. The staff is currently working on refunding those who have paid in full for their portion and adjusting the payment for those who are making payments.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board continued the Colecrest Drive issue.

Mr. Tate also updated the Board on the outcome of the Personal Property Tax Relief Act (PPTRA) law suits filed. There were originally 218 cases filed totaling \$173,052. 43 of the cases had improper addresses and were not served. 72 paid in full for a total of \$44,659.96. The remainder cases were abatements, judgments, continued, or not addressed.

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Mr. Tom Burkett, Treasurer, expressed how this process had helped in cleaning up the records and helped in getting taxes paid even if it was after the December 31, 2005 deadline to aid in the PPTRA.

Upon motion of the Budget Committee, the Board unanimously agreed to donate \$6,000 (\$3,000/quarter) to the Lincoln Theatre to be used for the Song of the Mountains programming. Funds will be disbursed from the Gifts Contingency fund.

Mr. Carter informed the Board that re-codifying the County code process has begun and it will soon be ready to send to the printers. This issue was continued.

NOTE: Mr. Tate disqualified himself from the discussion due to conflict of interest.

After discussion, upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the endorsement of the Jewel Ridge Lateral Gas Project was continued.

Vote: 6 yea
 1 abstention (Clark)

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board approved the closing of the FHA Debt Reserve account. Remaining funds can be transferred to the County General fund.

Steve Buston of the Virginia Department of Transportation informed the Board that the Six-Year Plan had been sent to Richmond. He took verbal maintenance concerns on Route 610, continuing road repairs on Nicks Creek Road through to Route 16, speed study on Scratch Gravel Road, and the dangerous intersection at exit 47 and Highway 11.

Mr. Michael Sturgill, Principal of Chilhowie Elementary School, was present to request that the Board allow VDOT take over the loop, at his school, as a secondary road. VDOT would then take care of the maintenance issues.

This issue was continued until questions concerning what would be permitted on the road if placed under the VDOT system, are resolved.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board approved the recommendation from the Planning Commission

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to grant the application from Gloria Hagy for a Special Use Permit to have a mini-warehouse at 2946 Cedar Springs Road.

Upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried, the Board approved the recommendation from the Planning Commission for the Ryan Hall application to rezone land at 2338 Riverside Road from Agricultural/Rural to Residential.

Upon motion of Mr. Roberts, seconded by Mr. Slempp, and unanimously carried, at the request of Mr. James Box, the Board continued the Planning Commission's recommendation to rezone his property on Greenwood Road from Agricultural/Rural to Residential. Request to continue until the February meeting is allowed by Section 9-2.6 of the zoning ordinance.

NOTE: Mr. Tate disqualified himself from the discussion due to conflict of interest.

Mr. Peter Cassan of Duke Energy was present to request easements for temporary work space in Highway 107 and Highway 643. These sites were use previously for a project. Mr. Cassan addressed concerns such as entering and exiting the area to be used at the landfill and the back up of traffic on Highway 107. Also concerns on moving dirt at a former landfill on Highway 643. The easements will be referred to Jeff Campbell for review and Mr. Carter will return to the Board with his comments.

Mr. Tom Burkett, Treasurer, requested that the Board allow his office purchase credit cards machines. He distributed a list of prices for Visa, Master Card, and Discover Card machines. After a short discussion, upon motion of Mr. Perry, seconded by Mr. Slempp, and unanimously carried this request was continued until the next meeting to allow time for the attorney to research the Code of Virginia to see if it allows this procedure.

Upon motion of Mr. Perry, seconded by Mr. Slempp, and unanimously carried, at 3:17 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 and (5) report on business prospect.

Vote: 7 yea
 0 nay

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At 4:08 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: 7 yea
 0 nay

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 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 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)

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9. Rye Valley self-help project – Flat Ridge Road Water Extension (10-11-2005).
10. 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).
11. Geographical Information Systems (GIS) on the Smyth County website (11-9-2005).
12. Request the Board reappoint or appoint a new member to the following (12-13-2005):

Transportation Citizen’s Participation Committee (Mt. Rogers P.D.C.)
James D. Parlier–114 Glade Mountain Road, Atkins (783-7056)
Ron Thomason – (Alternate) 581 South Meadowlark Lane, Marion
(783-2930)

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board reappointed Mr. James Parlier to the Mount Rogers Planning District Commission Transportation Citizen’s Participation Committee. Term will expire December 31, 2006.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and duly carried, the Board reappointed Mr. Ron Thomason, as an alternate, to the Mount Rogers Planning District Commission Transportation Citizen’s Participation Committee. Term will expire December 31, 2006.

Vote: 6 yea
 1 nay (Neitch)

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13. Request the Board recommend a nominee for the following (12-13-2005):
(space is vacant until nomination is made)

Board of Zoning Appeals (5 year term, recommendations by Smyth County Board of Supervisors, Appointed by Judge of Circuit Court)
Robert W. Odum–765 Flatwood Acres Road, Chilhowie (646-8463)
Chilhowie District

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board nominated Mr. Robert Odum, to represent the Chilhowie District, for the Board of Zoning Appeals, if appointed by the Judge of Circuit Court, term will expire December 31, 2010.

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14. Request for tax exempt status for the Lincoln Theatre (12-13-2005).

The request from the Lincoln Theatre for tax exempt status was referred to the budget committee.

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

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carried, the Chairman will appoint a committee to work with the disposition of property as discussed in closed session.

Mrs. Neitch requested that the Chairman or Clerk send a weekly email to Board members updating them on things that happen throughout the week.

The Board briefly discussed the status of the Smyth County Community Hospital. Mr. Slemm is authorized by the Board to speak with Mr. Gary Peacock, Chairman of the hospital board. He was asked to convey the Boards concerns with the hospital's future. The Board wishes to be kept up to date in the hospital's status.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the meeting was continued until Thursday, January 26 at 7:00 p.m. for a joint public hearing with the Planning Commission and any other issues that may arise.

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, January 26, 2006, at 7:00 P.M.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Harold Slemp 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 Miss Amber Tilson Mrs. Sally Morgan	Mr. Clegg Williams Ms. Shirley Spencer Mr. Charlie Atkins
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Planning Commission Members Present:	Dennis Blevins, Chairman Earl McClure Graham Davidson Karl Kalber	Amy Tuell Wayne Venable Archie Atwell
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At approximately 7:04 p.m. the Chairman of the Board and Chairman of the Planning Commission called the joint public hearing to order. There were approximately 21 citizens present. Mr. Ed Whitmore 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, explained the procedure for the Hearing. After the public hearing, the Planning Commission would reconvene and make a recommendation to be presented to the Board of Supervisors at their regular meeting on Tuesday, February 14, 2006.

Mr. Williams summarized the first request from American Wood Fibers which is currently negotiating with Mr. Don Medley to purchase Mountain Wood Products. For over a decade, Mr. Medley has created a business out of a by product from many local wood industries. He processes sawdust and the larger shavings are bagged as animal bedding. The finer material known as wood flour is marketed to composite companies like EPOCH in Chilhowie or to American Wood Fibers where it is further refined and processed into wood pellets.

The Mountain Wood Products property is zoned Agricultural/Rural. His business is best described in the zoning ordinance as "wood products manufacturing" and since that particular use is not permitted in the A/R district, Mountain Wood products is by definition a "nonconforming use", when the zoning ordinance was adopted.

American Wood Fibers is interested in expanding the operation by adding a number of new structures. This would include a new building for the storage of raw material, a new building for the storage of finished product, three new silos and possibly a new structure for the production of wood pellets. In addition to the new structures the

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company plans to introduce the production of wood pellets at the site.

Section 5-2 of the ordinance addresses the expansion of nonconforming uses and it requires a special use permit for any expansion over 10%. The public hearing was advertised in the Smyth County News and Messenger on January 14 & 21, 2006 . All adjoining property owners were notified by mail. Mr. Williams received no comments on the application. He pointed out Section 10-49 of the zoning ordinance which defines a nonconforming use, Section 5-2, and Article VI which contains the standards which must be met before a special use permit may be approved.

Mr. Donald Medley, President of Mountain Wood Products spoke in his behalf. He stated that he would be selling the current operation to American Wood Fibers, he and other family members would remain as employees at the facility. He answered questions from the Board such as dust, current water supply, if the road was sufficient enough, amount of employees, sufficient parking and if the local farmers would still benefit from the wood fibers.

Steven Faehner of American Wood Fibers briefly discussed the history of his family's company which has been in business since 1966 and started by his father. He stated they would be adding approximately 25 jobs to the current 23-28 employees. By 2010 this facility would become one of the largest American Wood Fibers facilities.

Mr. Dave Parsons was the only citizen to speak. As an adjoining property owner, he voiced his concerns with safety and pollution. The safety concern was with the road which is curvy and a cars must to stop when encountering a truck. He stated that pollution has settled around his home in the past.

Mr. Montie Fleshman, Sugar Grove Representative on the Smyth County Industrial Development Authority spoke in the Authority's behalf that they were very much in support of the special use permit request.

At this time Mr. Williams explained the second request. At the public hearing held on December 15, 2005, Mr. James Box requested to develop a residential subdivision on approximately 13 acres of his farm land. After that public hearing, Mr. Box decided he would like to develop approximately 9 more acres. Considering his request involved rezoning more land than originally proposed, Mr. Williams advised him

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that a separate application and hearing would be required.

Mr. Box's farm is located near Greenwood Methodist Church just outside of Marion, and is zoned Agricultural/Rural. 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.

Mr. Williams advertised this notice of public hearing in the Smyth County News and Messenger on January 14 & 21, 2006. Adjoining property owners were notified by mail. Mr. Williams did not receive comments on this request.

Mr. James Box spoke on his own behalf. He explained that he needed the extra lots to make his plans feasible.

Mr. Mark Myers and Steven Farris expressed their opposition to the rezoning to residential. Reasons for opposition were traffic, should continue use of farm land, and should abide by the zoning ordinance which was adopted.

At 7:47 p.m. the joint public hearing was closed.

The Planning Commission recessed and remained in the room until the Board completed their agenda.

Tom Burkett, Treasurer, distributed section 2.2-614.1, authority to accept revenue by commercially acceptable means; service charge; bad check charge. He asked that the Board review the section. The use of credit card machines at the treasurer's office was continued from Tuesday, January 10, 2006 until the next regular meeting of the Board on Tuesday, February 14, 2006.

Upon motion of Mr. Perry, seconded by Mr. Slemp, the meeting was adjourned at 8:00 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, February 14, 2006 at 12:00 noon.

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

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

The Chairman called the meeting to order at approximately 12:00 noon
Mr. Mark Haga gave the invocation and Mr. Mike Carter led the pledge of
allegiance.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously
carried, the agenda was adopted along with the additional agenda and also
adding the following:

- Courthouse committee update
- Resolution on social security
- Section 2.2-3711 (A) 3 for discussion of acquisition of property and
(A) 7 for pending litigation and legal briefing for closed session

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously
carried, minutes of Tuesday, January 10, 2006 were approved with changing
small grammatical errors. Minutes of the Thursday, January 26, 2006 meeting
were also approved.

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

General County	\$1,250,000
Animal Control (office supplies)	\$31.14
Sheriff Social Security Fund	\$126.56
FHA	\$1.56
Allison Gap Sewer Project	\$41,283
Department of Social Services (Feb. 15-28, 2006)	\$310,000
(March 1-14, 2006)	\$45,000
Schools Operating Fund	\$3,810,000
Debt & Capital Outlay	\$15,000

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously
carried, the accounts payable listing in the amount of \$728,654.72 was approved.

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CITIZEN'S TIME

Mr. Bill Shuler expressed the need for sewer in Groseclose, Exit 54 area. He explained that businesses were forced to close due to sewer problems. Mr. Shuler hopes that the sewer project will soon get underway.

Mrs. Betty Testerman inquired about the status of funding for water on Axum Lane.

Mr. Ronnie Harrington representing the Smyth County Historical Society spoke on behalf of Mrs. Brenda Gwyn. She hoped to familiarize the Board with the importance of the Smyth County Museum. He expressed the Society's wishes to own the building and would appreciate assistance in remodeling and obtaining ownership of the building.

Mr. Bill Huber spoke as a private citizen with an architect's suggestion for the old grammar school. Some of his suggestions included relocating offices from the courthouse to the jail and moving the Commissioner of Revenue and the Treasurer to the old school. He also suggested utilizing tax credits.

Mr. Earl McClure requested that the committee meetings be placed in the newspaper, he mentioned that the Board agenda should be on the County's website, and he mentioned the revenue bonds reserve account. He also asked why the revenue bonds reserve account could not be used for water on Axum Lane.

Upon motion of Mrs. Neitch, seconded by Mr. Roberts, and unanimously carried, the Board requested that previous years Board minutes be placed on the website as they were before the website reconstruction.

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the following recommendation from the Budget Committee was approved:

Sheriff David Bradley requested that a position be funded to clean the jail. The cleaning would require one employee once a week. Mr. Carter suggested that one of the two part time maintenance employees be made a full time employee, moved to 40 hours a week from 32 hours a week.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and carried by the committee, the above request was approved. The budget increase to fund the position from March – June 2006 would cost \$4,200.

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Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the following recommendation from the Budget Committee was approved:

More funds were received from the 4-For-Life program than budgeted. A budget amendment is needed to reflect these funds.

Funds received	\$23,068.16
<u>Funds budgeted</u>	<u>\$13,750.00</u>
Total amendment	\$9,318.16

Revenue account # 018030-0014
Expense account # 032030-8888

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the following recommendation from the Budget Committee was approved:

More funds were received for the Fire Program than budgeted. A budget amendment is needed to reflect these funds.

Funds received	\$52,031
<u>Funds budgeted</u>	<u>\$31,000</u>
Total amendment	\$21,031

Revenue account # 018030-0017
Expense account # 032020-5604-7

Town of Chilhowie	\$4,671.83
Town of Saltville	\$4,671.83
Nebo Fire Dept.	\$10,671.83
Atkins Fire Dept.	\$10,671.83
Sugar Grove Fire Dept.	\$10,671.84
Adwolfe Fire Dept.	\$10,671.84

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

The three grants received by the Engineering department approved by the Board in November 2005, were amended in the budget as follows.

107 Interconnect design grant	\$25,000
107 Interconnect construction grant	\$141,974
<u>Water Source Study grant</u>	<u>\$25,000</u>
Total amendment	\$191,974

Revenue account #502-012010-0066	\$166,974
Revenue account #502-012010-0067	\$25,000
Expense account #502-012010-0170	\$25,000
Expense account #502-012010-0180	\$141,974
Expense account #502-012010-0190	\$25,000

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Upon motion of Mr. Dishner, seconded by Mr. Slempp, and unanimously carried, the following recommendations from the Budget committee were approved:

The Sheriff Department's Police Activity Fund (radar funds) was amended to reflect a total revenue and expense of \$70,000. Through December the account has received over \$22,000 in revenue. The amendment estimate is for the remainder of the year.

Revenue account #744-010000-0001	\$70,000
Expense account #744-010000-1003	\$65,410
Expense account #744-010000-2001	\$4,590

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried the following recommendation from the Budget committee was approved:

\$1,500 was approved to transfer from the computer hardware account (021010-9001) to the office furniture account (021010-9005) in Isaac Freeman's budget. The funds were originally set up to purchase a computer which was purchased by the Supreme Court.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the following recommendation from the Budget Committee was approved:

A request from the Commissioner of Revenue to amend his budget to match the budget of the Compensation Board.

*Reduce account #012090-1001 \$13,201.75
Increase account #012090-1003 \$13,201.75*

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved a budget amendment in the amount of \$200,000 for a grant from the Department of Housing and Community Development (DHCD) as a part of the Rural Virginia Housing Rehabilitation program. This was not originally reflected in the budget, the funds must be spent by June 30, 2006.

Amendment needed: \$200,000

Revenue account #018030-0046
Expense account #081020-8888-68

Upon motion of Mrs. Neitch, seconded by Mr. Slempp, and unanimously carried, the Board scheduled a public hearing to amend the 2005-2006 School Board budget in the amount of \$1,103,033. The amendment requires no adjustment or change in local funding. The hearing is scheduled for Tuesday, February 23, 2006 at 7:30 p.m.

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Scott Simpson, County Engineer informed the Board of the American Council of Engineering Companies (ECEC) award received for the Allison Gap Wastewater Project.

The County Engineer updated the Board on the following projects:

The last 40-45 Low to Moderate Income (LMI) connections are being completed on the Allison Gap Sewer Project.

Mr. Simpson is awaiting Department of Environmental Quality (DEQ) approval on the Cedars/Hall Addition Sewer project. The pump station has been tested and bids for LMI connections will be taken soon.

The final design of the pump specifications for the Chilhowie Connection has been completed. Mr. Simpson hopes to have more progress on this by the March meeting.

Mr. Simpson mentioned he would bring the Dix Well up at the next meeting on the February 23, 2006. Quotes for drilling the second well will be accepted February 15, 2006.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board authorized advertisement for Request for Proposals (RFP) for term services contract for HVAC services on the 4 county buildings.

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board approved 2 legal services agreements from Jeff Campbell on East Hungry Mother water project for \$7,000 and on Greenwood/Pioneer/Kiawana Roads water projects for \$6,000. The agreements are on file in the County Engineering department at the Smyth County office building.

Mr. Perry mentioned letting the paper know of the progress on the East Hungry Mother project. Mr. Dishner explained that he had spoken with the residents of that area and explained the status of the project.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and duly carried, the Board agreed to notify the newspaper of the East Hungry Mother water project status.

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

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Mr. Roberts asked if this could be done for Pleasant Heights and North Holston areas also.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board supports the allocation of federal housing tax credits requested by Southview Village Apartments Limited Partnership for proposed renovations.

Vote: 6 yea
 1 absent (Blevins, stepped out of the room)

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

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 School System has placed cell phones on school buses for emergency purposes, and will not be able to use cell phones in the Sugar Grove area because there is no cellular telephone service providers in the area, 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.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board approved a lease agreement with the Virginia Department of Education for office space on the forth floor of the Morison Building. The term of the 18 month agreement is from January 3, 2006 through June 30, 2007 for \$250/month rent and reimbursement up to \$12,000, which will help offset janitorial and utilities. The agreement is on file at the County Administrator's Office.

Each member nominated their appointment to the following Area Beautification Committee for the Smyth County Chamber of Commerce. It was unanimously carried that all were reappointed.

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Area Beautification Committee Judges
(1 year term, beginning each January, district specific)

Phyllis Griffith - Rye Valley District
Alice Freeman - Park District
Mavis Williams - Atkins District
Debbie Ogle - North Fork District
Norma Marsh - Saltville District
Gay Hart - Royal Oak District
Sandy Davenport - Chilhowie District

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, Mr. Todd Dishner was appointed to the Smyth County Chamber of Commerce Board to replace Mrs. Darlene Neitch. The 3 year term will expire January 2009.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, Michael Roberts and Ed Stringer were reappointed to the Mount Rogers Alcohol Safety Action Program (ASAP) Board. Both 4 year terms to end March 31, 2010.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board appointed Mr. Doug Testerman to the Southwest Virginia Emergency Medical Services Council, Inc. His three year term will expire September 30, 2008.

Steve Buston of the Virginia Department of Transportation updated the Board on a couple of projects. Bidding for Route 610 will be advertised in mid-March. It will take approximately two and a half months to obtain a successful bid. The project will take about 18 months and will go from Route 630 to Route 677, 3.3 miles.

The traffic study conducted at the intersection of Highway 11 and exit 47 was conducted and is currently at traffic engineering.

At the request of Mr. Robert Hurt, Virginia Department of Transportation, the following motion was made:

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby authorizes the Department of Transportation to close State Route 683 at the intersection of Route 11 for the length of time necessary to complete construction

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of bridge repairs.

Mr. Hurt also informed the Board that the traffic study conducted on Scratch Gravel Road has been sent to Richmond with a recommendation of a 35 mile per hour limit.

Traffic engineering does not recommend changing the speed limit on Route 624 as requested.

Mrs. Neitch mentioned a concern on Sugar Street where water runs into a citizen's yard.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant the American Wood Fibers application for a Special Use Permit to expand a nonconforming use at 317 Old Brunswick Lane. The Board also agreed that the county and/or state should take a look at the traffic concerns expressed by Mr. David Parsons at the public hearing on January 26, and consider straightening the road curves.

With much discussion, upon motion of Mr. Perry, seconded by Mr. Slemp and duly carried, the Board approved the following recommendations from the Planning Commission concerning property owned by Mr. James Box on Greenwood Road:

- 1) To approve the application to rezone approximately 13 acres from Agricultural/Rural to Residential (request heard at joint public hearing on December 15, 2005, old business #17).
- 2) To approve the application to rezone approximately 9 acres from Agricultural/Rural to Residential (request heard at joint public hearing on January 26, 2006).

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

At approximately 3:00 p.m. the Board proceeded with a public hearing as advertised to consider the request of the Nebo Community Center, Inc., a non profit, non stock, 501 (c) (3) organization, located in Smyth County. The purpose of this hearing will be to consider if Smyth County will donate and transfer the real estate and buildings of the old Nebo School, located in the community of

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Nebo in North Fork Election District, Rich Valley Magisterial District, on the east side of State Route 622 to the Nebo Community Center, Inc., with reversion rights to Smyth County, Virginia if the same is abandoned as a community center, or the community center ceases to operate, and subject to such other conditions as the Board of Supervisors may determine if the transfer is approved by the Board.

Mr. Whitmore read the advertisement and upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously agreed to forgo reading of the rules and procedure due to the small number of citizen's present. There were 6 citizens present.

Ms. Sue Repass of the Nebo Community Center thanked the Board for their assistance in gaining ownership of the building.

The hearing was closed at approximately 3:03 p.m.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to donate and transfer the real estate and buildings of the old Nebo School (on Route 622) to the Nebo Community Center with reversion rights to Smyth County if the building is abandoned as a community center, or the community center ceases to operate, and subject to such other conditions as the Board of Supervisors may determine in the deed.

Mr. Tate suggested a committee review the deed upon its completion. The Chairman assigned the deed to review to the Surplus Property Committee.

After discussion, the Board scheduled an appeal hearing for the next regular meeting, Tuesday, March 14, 2006 at 4:00 p.m. The appeal was filed by Mr. Jeff Myers on the decision made by the Planning Commission to approve an application from Mr. James Box for a variance to the subdivision ordinance.

Mr. Joe Ellis presented the full Board with his idea for the old school building on Court Street in Marion. He presented his ideas to the Building and Grounds Committee and they asked that he do so for the complete Board.

He explained that he wished to obtain the old school building because of its historical value and would like to develop an Appalachian School of Music.

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This would preserve the building while still functioning as a school. The school would serve as a non profit asset to the County to generate revenue. He has contacted East Tennessee State University and they are interested in conducting bluegrass classes at the school. Mr. Ellis stated that he would commit to raise the funds and would need the County's assistance with 10% of Tobacco grants (if eligible) and becoming non-profit.

He answered general questions from the Board members. He also offered selling the Heilig Myers building to the County. Mr. Perry mentioned soliciting Request for Proposals. Mr. Ellis stated he would step aside if anyone had better intentions for the building.

Mrs. Neitch and Mr. Tom Burkett thanked Mr. Ellis for his interest in the County and his work on the Song of the Mountains.

Mr. Clark and Mr. Slemp agreed to attend the Town of Marion strategic planning meeting on Thursday, February 16, 2006 at 5:30.

Mr. Tate updated the Board on the Courthouse Committee meeting. The committee recommends that Mosley Architects' contract be extended to assist in the Courthouse renovations. The committee feels that another firm could not use the plans already presented by Mosley Architects. A deadline for site plans and schematic drawings to be submitted to the court and judges has been set for April 30, 2006. If a new firm was appointed the deadline would not be met, it would take at least 9 months to get to this point.

Upon motion of the committee and duly carried, the Committee is authorized to enter into negotiations with Mosley Architects on an extension of their contract.

Vote: 6 yea
 1 nay (Perry)

Upon motion of Mr. Dishner, seconded by Mr. Slemp, and unanimously carried, at 5:05 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 (7) for pending litigation and legal briefing .

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Vote: 7 yea
 0 nay

At 6:13 P.M. the Chairman ended the closed session.

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 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. Perry, seconded by Mr. Slemp, and unanimously carried, the Board authorized the County Attorney and Ed Whitmore to approach the individual discussed in closed session with a one year option on their property.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board appropriated \$5,000 for the above mentioned issue.

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**).

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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 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)

9. Rye Valley self-help project – Flat Ridge Road Water Extension (10-11-2005).
10. 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).
11. Geographical Information Systems (GIS) on the Smyth County website (11-9-2005).
12. Request for tax exempt status for the Lincoln Theatre (12-13-2005).
13. Reappointments (1-10-2006):

Chapter 10 Mental Health & Mental Retardation Services Board

(3 year appointment)

Glenna K. Lowe—1149 Town Spring Road, Chilhowie (646-5873)

Highlands Juvenile Detention Center

Rev. Jim Bangle 12-31-2005

14. Colecrest Drive refunds because of over estimate of project cost (1-10-2006).
15. Re-codifying of the Smyth County Code (1-10-2006).

Mr. Carter updated the Board on the re-codifying process. The information from the printing company has been given to the Attorney and he and Mr. Carter will review the information and return to the Board for appropriation soon.

16. Endorsement of the Jewel Ridge Lateral Gas Project (1-10-2006).

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the following resolution was adopted. This item will be removed from old business.

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Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby endorses the Jewell Ridge Lateral Project, to be constructed by East Tennessee Natural Gas. Approximately 32 miles of new 20 inch natural gas pipeline will be installed starting from a tie in with CNX Gas' existing facilities in Tazewell County, Virginia and providing a direct connection to East Tennessee's mainline in Smyth County Virginia.

Vote: 6 yea (Roberts, Dishner, Slemp, Neitch, Blevins, Perry)
1 abstention (Clark)

-
17. At the request of Mr. James Box, the Planning Commission's recommendation to rezone his property on Greenwood Road from Agricultural/Rural to Residential was continued **(1-10-2006)**.

The above was addressed earlier in the meeting during zoning time. This item will be removed from old business.

-
18. Duke Energy Gas Transmission Easement request **(1-10-2006)**.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the Duke Energy Gas Transmission easement request, upon review of the Water and Sewer Attorney who made grammatical changes. The easements are for work sites on Route 643 and Route 107 for a 24 month period and \$3,000 per site. The easements are on file at the County Administrator's Office. This item will be removed from old business.

-
19. Chilhowie Elementary School loop placed under the VDOT system, at the request of Mike Sturgill, Principal **(1-10-2006)**.

Mr. Blevins informed the Board that he had received a letter from Mr. Steve Buston of VDOT, stating that item #19 is not possible. This item will be removed from old business.

-
20. Purchase of credit cards machines at the request of Mr. Tom Burkett, Treasurer **(1-10-2006)**.

Mr. Tom Burkett, Treasurer, was present to discuss item #17 on old business, his request to purchase credit card machines. After much discussion, upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried the Board approved the recommendation from the Treasurer that the estimated cost to the County would be \$2,000 (for the 1.7% fee charged by the credit card companies) plus the cost of the machines. This cost is until the end of the fiscal year, the request to cover the cost has been requested in next year's budget. The Board asked the Treasurer to return in a year with a report on how the

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machines worked out.

Vote: 6 yea
 1 abstention (Clark)

This item will be removed from old business.

At approximately 6:20 p.m., upon motion of Mr. Slemo, and unanimously carried, the meeting was continued until Thursday, February 23 at 7:00 p.m. for a joint public hearing with the Planning Commission, a 7:30 p.m. public hearing on amending the school budget, and any other issues that may arise.

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, February 23, 2006, at 7:00 P.M.

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

Staff Members Present: Mr. Edwin B. J. Whitmore, III Mr. Clegg Williams
Miss Amber Tilson Ms. Shirley Spencer
Mr. Michael Carter Mr. John Tate

Planning Commission Members Present: Mr. Dennis Blevins, Chairman Ms. Amy Tuell
Mr. Earl McClure Mr. Wayne Venable
Mr. Graham Davidson Mr. Karl Kalber

Planning Commission Members Absent: Mr. Archie Atwell

At 7:00 p.m. the Chairman of the Board and Chairman of the Planning Commission called the joint public hearing to order. There were 2 citizens present. Mr. Ed Whitmore read the advertisement as placed in the Smyth County News and Messenger.

Upon motion of Mr. Perry, seconded by Mr. Slemm, and unanimously carried, the rules and procedures for public hearings were forgone due to the small number of citizens present.

Mr. Williams summarized the following request from Mr. Mike Taylor who recently acquired a five (5) acre tract of land located off Old Airport Road. Mr. Taylor would like to develop the property by dividing the property into four (4) lots and offering three (3) for sale as residential home sites. Since his proposal is by definition a subdivision, he has made a request for rezoning from Agricultural/Rural to Residential as required by §3-2.3 b) of the zoning ordinance. Part of his request is that only three of the four lots (7A, 7B, and 7C) be rezoned. Mr. Taylor intends to retain Lot 7 for his own use and has requested that it remain A/R. He submitted the required application and paid the required fee.

Mr. Williams advertised notice of this public hearing in the Smyth County News and Messenger and sent a first class mailing to all of Mr. Taylor's neighbors. Mr. Williams received no comments on this case.

Mr. Mike Taylor spoke on behalf of his application and answered questions from the Board and Planning Commission members. He explained that he did not want the parent lot rezoned because he owned an adjoining nine acres that he wished to

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combine it with for possible farm use. He intends to build himself a home on the parent lot.

The Chairmen closed the hearing at 7:15 P.M.

Board recessed until 7:30 p.m. while the Planning Commission completed their meeting.

At 7:30 p.m. the Board proceeded with a public hearing to receive comment on proposed amendments to the School Board budget and the Smyth County budget for fiscal year 2005-2006. The amendments relate to the Smyth County Schools operating fund only and involve additional income or receipts and additional expenses.

Mr. Whitmore read the ad as placed in the Smyth County News & Messenger. There were no citizens present to speak. Jim Sullivan, Elizabeth Roberts, and Rick Blevins were present from the school board. Charlie Atkins addressed the Board and answered questions on the requested amendment.

The public hearing was closed at 7:42 p.m.

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

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved the requested school board budget amendment in the amount of \$1,103,033. Following is a synopsis of amendment changes to the operations category of the school board budget the Debt and Capitol Outlay budget is not affected:

Smyth County, Virginia
Proposed School Board Amended Budget
For the Year Ending June 30, 2006

Summary of All Operations Budget Revenues			
	2005-2006 Current	2005-2006 Proposed	Difference
School Operating Fund			
State Funds	\$24,151,373	\$24,258,067	\$106,694
Federal Funds	\$4,941,008	\$5,897,142	\$956,134
County Funds	\$8,810,220	\$8,810,220	\$0
Sales Tax	\$4,741,237	\$4,741,237	\$0
Other Funds	\$666,053	\$706,258	\$40,205
Total School Operating	\$43,309,892	\$44,412,925	\$1,103,033

Summary of All Operations Budget Expenditures			
	2005-2006 Current	2005-2006 Proposal	Difference
School Operating Fund			
61000: Instruction	\$34,007,982	\$34,187,019	\$179,037
62000: Administration, and Attendance and Health	\$1,480,809	\$1,486,716	\$5,907
63000: Pupil Transportation Services	\$1,902,843	\$1,902,843	\$0
64000: Operating and Maintenance Services	\$3,645,176	\$3,660,774	\$15,598
65000: School Food Services	\$1,007,719	\$1,910,210	\$902,491
68000: Technology	\$1,265,363	\$1,265,363	\$0
Total School Operating Fund	\$43,309,892	\$44,412,925	\$1,103,033

Vote: 7 yea
0 nay

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board appointed Mr. Rhea Lawrence to the Chapter 10 Mental Health & Mental Retardation Services Board. His three year term will expire December 31, 2008.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board appointed Mr. Doug Testerman to the Southwest Virginia Emergency Medical Services Council, Inc. His three year term will expire September 30, 2008.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, at 7:49 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) for pending litigation and legal briefing .

Vote: 7 yea
0 nay

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At 8:32 P.M. the Chairman ended the closed session.

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 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. Blevins, seconded by Mr. Slemp, and duly carried, the Board instructed the County Administrator to offer \$405,000 for the property discussed during closed session.

Vote: 6 yea
 1 nay (Roberts)

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board scheduled a public hearing for Tuesday, March 14, 2006 (next regular meeting) at 5:00 p.m. to receive comments from citizens on a proposal made to the Board to lease at least 20 parking spaces, on an annual basis. The vacant lot owned by the Board is located between East Court Street and East Strother Street; just east of North Church Street, in the Town of Marion.

Mr. Roberts requested that the staff look at Project 21, a courthouse study being conducted in Williamsburg.

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Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the meeting was adjourned at approximately 8:45 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, March 14, 2006 at 12:00 noon.

Board Members Present: Mr. Charlie Clark, Chairman Mr. Wade Blevins
Mr. Marvin Perry Mrs. Darlene R. Neitch
Mr. Todd Dishner Mr. Michael Roberts
Mr. Harold Slemp
(NOTE: Mr. Perry excused himself at 4:30 p.m.)

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

The Chairman called the meeting to order at approximately 12:00 noon
Mr. Pat Arnold gave the invocation and Mr. Charlie Atkins led the pledge of
allegiance.

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously
carried, the agenda was adopted along with the additional agenda. Mr.
Simpson's request to adopt the Virginia Department of Health resolution in
support of funding for water projects, which includes Axum Lane was also moved
to citizen's time.

Upon motion of Mr. Slemp, and unanimously carried, the minutes of Tuesday,
February 10, 2006 were approved with a grammatical error change and inserting,
"with reversion rights" to the section pertaining to the old Nebo School. Minutes
of the Thursday, February 23, 2006 meeting were also approved.

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

General County		\$1,500,000
Animal Control (office supplies)		\$210.50
Allison Gap Sewer Project		\$20,149.20
Department of Social Services (March 15-31, 2006)		\$300,000
(April 1-11, 2006)		\$55,000
Schools	Operating Fund	\$3,623,426
	Debt & Capital Outlay	\$85,000

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously
carried, the accounts payable listing in the amount of \$933,029.93 was approved.

CITIZEN'S TIME

Mrs. Betty Testerman and Mr. Marvin Bee were present to inquire about the
status of funding for water on Axum Lane. Mr. Simpson requested adoption of the

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Virginia Department of Funding Resolution with includes Axum Lane. Mr. Simpson answered questions from Mr. Roberts and Mr. Bee.

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

WHEREAS, Smyth County has applied for funding for various drinking water projects in the County;

WHEREAS, the Virginia Department of Health – Office of Drinking Water has funded several drinking water projects in the County;

WHEREAS, the Smyth County Board of Supervisors have reviewed project planning material and found that the pre-requirements have been met for submitting a funding application.

THEREFORE, BE IT RESOLVED, the Smyth County Board of Supervisors hereby votes to seek additional funding from the Office for the following projects:

Axum Lane	\$33,000
Pioneer/Shale Bank Roads	\$622,000
Pleasant Heights	\$400,000
North Holston	\$473,000
Fox Valley Road	\$752,000
White Top Road Extension	\$150,000

THEREFORE, BE IT RESOLVED, that the County Administrator immediately begin to process funding applications for these projects and the authorized to sign any and all documents to accept such funding contingent upon review and concurrence by the County Attorney.

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board appropriated \$1,000 to donate to Chilhowie High School for Project Graduation and \$1,000 to Northwood High School for After Prom Party. Marion Senior High will be donated the same amount upon their request.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board adopted the following resolution. It will be sent to the members of the Senate and House Conference Committee and the Board requested that a copy also be sent to the Governor.

WHEREAS, the Smyth County Board of Supervisors at its regular meeting on Tuesday, March 14, 2006 approved this resolution to reinstate the \$5 million in funding for the Southwest Virginia Regional Water/Wastewater Grant program to Planning Districts 1, 2, and 3; and

WHEREAS, these funds have been used in 2005 to help implement several water and wastewater projects, leveraging \$12,822,991 of other monies; and

WHEREAS, Southwest Virginia have very unique aquatic life that is not found anywhere else in the state or region and the funding for water and wastewater treatment is needed to maintain a clean environment for the region's waters; and

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THEREFORE BE IT RESOLVED, that the Smyth County Board of Supervisors strongly encourages the state legislator to reinstate the \$5 million in funding to the Southwest Virginia Regional Water/Wastewater Grant program.

BE IT FURTHER RESOLVED, that Southwest Virginia is still a part of the Commonwealth of Virginia and that its need for clean water and wastewater is equally as important as Chesapeake Bay initiatives.

BE IT FINALLY RESOLVED, the Smyth County Board of Supervisors strongly supports the continuations of this appropriation from the general fund of the State of Virginia to Southwest Virginia Regional Water/Wastewater Grant program.

Mr. Charlie Atkins, CFO explained a request from the 4-H Extension Office to utilize \$2,000 of the current budget to start the position of a 4-H Tech at \$19,933 as opposed to \$17,933 as advertised. The Board unanimously agreed to change this position starting salary to \$19,933.

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

BE IT HEREBY RESOLVED, that, in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) for the East Hungry Mother Water Project, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED, that the Chairman of the Board be authorized to execute on behalf of the County of Smyth, the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

Upon motion of Mr. Roberts, seconded by Mr. Slempp, and unanimously carried, the Board approved the North Holston water main design engineering agreement from Draper Aden Associates in the amount of \$89,700. The engineering agreement document covers Design, Construction Administration, and Inspection. Currently only the design portion for the 46,500 will be conducted. After the design is complete the Board can decide the future of the construction part of the project. When, and if, we determine funding for the construction it will also include funding for the administration and the inspection. The agreement is on file in the County Engineering department at the Smyth County office building.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board authorized Mr. Simpson to advertise for bids for the Pleasant Heights Water, once Virginia Department of Health has approved the design.

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Mr. Simpson request approval of the following Town of Chilhowie Water

agreement:

WATER PURCHASE CONTRACT

This contract for the sale and purchase of water is entered into as of the _____ day of _____, 2006 between the County of Smyth a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the "County" or "Purchaser", and the TOWN OF CHILHOWIE a municipal corporation, hereinafter referred to as the "Town" or "Seller".

WITNESSETH:

WHEREAS, the Purchaser has elected, among other things, to construct and operate water supply distribution systems serving water users within Smyth County and,

WHEREAS, the seller owns and operates a water production and supply distribution system with the capacity currently capable of serving the present customers of the Seller's system and supplying a quantity of the water to Purchaser, and,

WHEREAS, by resolution enacted on the _____ day of _____, 2006 by the Seller, that sale of water to the Purchaser in accordance with the provisions of this contract was approved, and execution of this contract carrying out the said agreement by the Mayor and attested by the Clerk was duly authorized, and

WHEREAS, by resolution of the Board of Supervisors of the Purchaser, enacted on the ____ day of _____, 2006, the purchase of water from the Seller in accordance with the terms set forth in the agreement was approved, and execution of this contract by the Chairman, and attested by the Clerk was duly authorized;

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and conditions contained herein, the parties do agree as follows:

- 1. The Seller shall furnish to the Purchaser at the specified delivery points, potable treated water meeting applicable purity standards of the Commonwealth of Virginia and such other regulatory agencies as may, from time to time, be authorized to regulate public water systems in such quantities as may be required by the Purchaser.*
- 2. Water will be furnished to the Purchaser at a reasonably constant pressure calculated at the point of delivery. If greater than is normally available at the points of delivery is required by the Purchaser, the Purchaser shall bear the costs of providing such greater pressure. Emergency failures of pressure or supply due to main supply line breaks, powers failure, flood, fire, and use of water to fight fire, earthquake or other catastrophe shall excuse Seller from this provision for such reasonable period of time as may be necessary to restore service.*
- 3. The Seller and Purchaser shall establish mutually agreeable points at which Seller shall deliver water to Purchaser's water lines. On new systems the Purchaser shall install a meter and vault that meets Seller's specifications. The Seller shall operate and maintain all meters, at each point of delivery, and the necessary metering equipment, including a meter house or pit and required devices of standard types of properly measuring the quality of water delivered to the Purchaser and to calibrate such metering equipment whenever requested by the purchaser, but not more frequently than once each twelve (12) months. A meter registering not more than two percent (2%) above or below the test result shall be deemed to be accurate. Any meter found to be inaccurate (i.e. registering*

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more than 2% above or below the test result) shall be replaced and the cost of such replacement meter shall be borne by the Seller. The previous readings of any meter disclosed by test to be inaccurate shall be corrected for the three (3) months previous to such test in accordance with the percentage of inaccuracy found by such tests. If any meter fails to register for any period, the amount of water delivered in the corresponding period immediately prior to the failure, unless the Seller and Purchaser shall agree upon a different amount. The metering equipment shall be read on a monthly basis. An appropriate official of the Purchaser shall have access to the meter for the purpose of verifying its readings at all reasonable times. The Purchaser shall also provide a similar meter for any by-pass line and allow inspection and reading of the meter by Seller.

4. The Seller shall furnish to the Purchaser at its address, specified herein, a bill not later than the 5th of each month with an itemized statement for the amount of water furnished to the Purchaser during the preceding month at all points of delivery. The Purchaser shall pay to the Seller, not later than the 15th day of each month for water delivered in accordance with this agreement, the current commercial customer rate established at the time of execution of this agreement, which is \$ 17.50 for the first 5,000 gallons, \$ 3.00 per 1000 gallons for 5,001 to 500,000 gallons, and \$ 2.40 per 1000 gallons for 500,001 gallons and above.

Furthermore the rate shall only be increased when the Seller's commercial water rate is increased. However, any increase shall be limited to a maximum of two percent (2%).

5. The initial term of this contract shall be five (5) years commencing on the date of this agreement. This contract shall be renewable for fifteen (15) successive three (3) year periods at the mutual agreement of the Seller and Purchaser.
6. The points of delivery provided for by this contract shall be on existing water distribution lines of the seller at the time the proposed tapping is done. The cost of tapping that line and installing a point of delivery shall be at the sole expense of the Purchaser. Additional points of delivery may be agreed upon from time to time by Purchaser and Seller subject to the other provisions of this Contract.
7. In order to prevent contamination from other sources of water, the Purchaser shall not connect any line served by water purchased from Seller to any other line transmitting water from any other source without the written consent of Seller.
8. The delivery of water by the Seller to the Purchaser shall be subject to the rules and regulation of the water department of the Seller, provided that such rules and regulations shall be uniformly applied to all customers of the Seller. In the event of an extended shortage of water, or if the supply of water available to the Seller is otherwise diminished over an extended period of time, the supply of water to the Purchaser shall be reduced, diminished, or limited in the same ratio or proportion and on the same terms and conditions as the supply to the Seller's residential customers is reduced, diminished, or limited. The Seller shall exercise reasonable care and diligence to furnish water service to the Purchaser hereunder. Neither the Seller nor the Purchaser shall be liable to one another for any damage resulting from curtailment, interruption, or apportionment of such service occasioned by such necessary repairs or maintenance of the water distribution system, threatened or actual water shortage, or other shortages beyond either party's control.

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9. The current expected points of delivery and not to exceed volumes are as follows:

Route 107/Apple Valley Road	200,000 gpd
St. Clair's Creek Road	20,000 gpd
St. John's Crossing	15,000 gpd
Vance Drive	15,000 gpd
Fox Valley Road	1,000 gpd
Pioneer Road	5,000 gpd
Seven Mile Ford/Spring Branch Road	Emergency Only

Points of delivery and volumes may be amended at the mutual agreement of the Purchaser's and Seller's Executive Staff.

10. This contract shall nullify and replace any and all other Water Agreements between the Purchaser and Seller and is intended to consolidate all water sales and purchases under this one agreement.

11. This contract shall be binding upon and inure to the benefit of the successors and assigns the parties hereto.

12. If any provision of this Contract or the application thereof to any person or circumstance shall to any extent be held void, unenforceable or invalid, then the remainder of this Contract or the application of such provision to persons or circumstances other than those as to which it is held void, unenforceable or invalid shall not be affected thereby, and each provision of this Contract shall be valid and enforced to the fullest extent permitted by law.

13. This Contract represents the entire understanding between the parties, and there are no collateral or oral agreements or understandings not contained herein. This Contract shall not be modified, changed or terminated unless in writing of equal dignity signed by both parties.

IN WITNESS WHEREOF the parties, acting under the authority of their respected bodies, have caused this contract to be duly executed in duplicate each of which shall constitute an original.

TOWN OF CHILHOWIE
By:

Attest by:

Gary L. Heninger, Mayor

Marlene L. Henderson, Clerk

SMYTH COUNTY
By:

Attest by:

C.C. Clark, Jr. Chairman

Edwin B.J. Whitmore, III, Clerk

As to the Town of Chilhowie:

COMMONWEALTH OF VIRGINIA

3/14/2006

County of Smyth, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by Gary L. Heninger, Mayor, after proper approval by the Town Council of the Town of Chilhowie, Virginia.

My Commission Expires: _____

NOTARY PUBLIC

As to Smyth County:

COMMONWEALTH OF VIRGINIA
County of Smyth to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by C. C. Clark, Jr., Chairman, after proper approval by the Board of Supervisors for the County of Smyth, Virginia.

My Commission Expires: _____

NOTARY PUBLIC

Mr. Perry made a motion to approve the agreement and it was seconded by Mr. Blevins.

Mr. Roberts questioned if the agreement would affect other agreements with the Town of Chilhowie, Marion or Saltville. He also inquired about the funding to be used from the Mount Rogers Planning District Commission. Mr. Simpson explained the project would be complete by June 30, 2006 and would cost approximately \$280,000.

Mr. Slemp made a motion to call for question to end the discussion, it was duly carried.

Vote: 5 yea
 2 nay (Roberts, Neitch)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and duly carried, the above water purchase agreement with the Town of Chilhowie was approved. An original copy of the agreement is on file in the County Engineering department at the Smyth County office building.

Vote: 6 yea
 1 nay (Roberts)

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Mr. Roberts explained that the funding from the Planning District commission came unexpected and had to be used on projects that were ready to construct by June 30, 2006. He feels the funds should have been used elsewhere, where there would not be a possibility of receiving a grant to assist in the funding.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved the water source study proposal from Lane Engineering for the eastern portion of the County. Estimated cost is \$15,000.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the water source study proposal from Anderson & Associates for the western portion of the county focusing on the North Holston River. Estimated cost of this study is \$50,000.

Mr. Simpson requested that the remaining funds from the Allison Gap Sewer project be use to purchase equipment for the Water Department.

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board referred this request to the Allison Gap Sewer Committee. Mr. Simpson will list the equipment needed and what portion of the project was funded through the county and what portion was funded through the Town of Saltville.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board appropriated \$20,000 (account # 001-011010-6007) for the re-codifying of the Smyth County Code.

Upon motion of the Ordinance Committee and unanimously carried, the Board approved the Emergency Operations Plan and to incorporate Mr. Whitmore's suggestion that the Sheriff's Department be asked to notify the residents that an evacuation is recommended in the event of imminent danger. Hard copies of the document will be given to the Emergency Medical Services.

The following discussion was held concerning old business #6, courthouse renovation:

Mr. Clark stated that "he has been led to believe that we have until today to do something." He is not sure if it can be kept out of the courts at this time.

Mr. Tate distributed an article from the Roanoke Times covering the courthouse

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renovation in Lexington. He quoted the following statement from a judge in the article, "come up with plan B or Plan A will be built."

Mr. Blevins stated he would like to make a motion.

Mr. Slemp questioned Mr. Tate if the judges had said what concept they want. Mr. Tate explained that concept #1 was satisfactory with the judges but at this point he is unsure what to tell the judges as to what direction the Board is going in. His opinion is that since concept #1 is satisfactory, than any plan better than that would be acceptable.

Mr. Blevins motioned to pursue with concept #3, the Turnkey Job for the courthouse renovation. Mr. Dishner seconded the motion.

Mr. Clark requested that the discussion be included in the minutes.

Mr. Slemp expressed his concern with the parking problem and asked that it be figured into the cost.

Mrs. Neitch stated that a parking garage had been quoted at \$6 million.

Mr. Perry explained that he would like to know the cost of the project, where the funding will come from, how it will be paid back, how much will be borrowed, before he will vote on the renovation.

Mr. Clark stated that concept #3 would cost the most in the short run but would leave room for negotiation. This motion would move give the architects the direction they need, which will give us the cost of the renovation.

Mr. Roberts expressed his concerns that this would be a tough decision, like the Regional Jail and the Allison Gap Sewer Project. He mentioned that a gentleman in the article distributed by Mr. Tate was 12 years old when the courthouse renovation process started in Lexington. He stated that he thinks the Board has done some things to show progress. Mr. Roberts said "I do not believe I have seen cases go right up to the jury's set and would settle in a civil case, and I think that can still be done here." The board could talk to the judge's attorney, Mr. Smith and Mr. Tate. Mr. Roberts also stated, "Our problem is that we keep bouncing around, we've gone from swapping buildings, getting options on buildings, buying buildings, leasing parking lots. We come up here and meet, then we go home for a couple weeks then come up here and go in

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closed session and come out with another plan that doesn't work or one we can't seem to get it to take hold."

Mr. Roberts asked Mr. Tate if the step taken last month to extend the contract with Mosley was not a step forward. Mr. Tate answered yes. He also asked Mr. Tate about the April 30 deadline. Mr. Tate explained that he had never signed that order; there is no deadline at this point.

Mr. Roberts said he did not believe today was the deadline to make a decision. He suggested that the County should pay for any of the staff and court officials to attend the Courthouse 21 Project in Williamsburg. Mr. Roberts talked about how the Allison Gap Committee and Regional Jail Committee worked for a long time. He made the following suggestions:

- The Courthouse Committee should get the staff, administration, engineering, maintenance, planning, financial, bailiffs, and other courthouse staff more involved.
- Provide minutes, agendas.
- Research possible grants.
- Homeland Security funds were used to purchase metal detectors, cameras, extra bailiffs. Has anyone followed up to see if that is working? If they need more we will send them.
- Have regular meetings.
- Share information with Board and court officials.
- The Board has looked at 2 courthouses renovations that have had problems, have they looked at any that have done it right? Or look at one that could help the County.
- Should schedule trips to those courthouses that have made the right decisions and invite the court officials. Clerks, Commonwealth Attorneys, could sit down and ask their counterparts questions.
- Should have the Economic Development Director and the Financial Director work on finance ideas such as Tobacco Commission, Rural Development, Community Facilities grants & loans, historical credits.
- Conduct public meetings, to explain to the public what is going to happen.
- Go to civic clubs, ministerial associations, and rescue squads, to talk to the volunteers in the county to explain to them what is going to happen.
- Have open house at the Courthouse when the public can come look at the problems we are facing.

Mr. Roberts stated that we were not working with a big city and he felt we could work this out ourselves. He said, "I think we may have gone just a little too fast in getting the consultants, then we were stuck with what they had."

He also read the list of Concept #4 and what it would do to the Courthouse. It will be harder to build onto in the future but the cost is lower.

Mr. Roberts requested that the four concepts be brought back to the Board

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because there seems to be some confusion. He read from the Courthouse Guidelines that from the planning to construction could take years and quoted, "Where uncertainty exists as to the best solution, it may be desirable to defer decisions for further investigation into alternatives." In determining whether to renovate, enlarge, or construct a new building the availability of funds for the project is a vital consideration." The public's support is also important. "I don't think today is the day to rush in here and vote to spend so many millions, cold like this. I think we can show we are trying here and offer more help, offer more bailiffs, whatever they need until we can get this resolved. Get the staff involved and the administrator to take the ball here and lead this through."

Mrs. Neitch acknowledged that all of the Board members had not taken this renovation lightly, but stated that the Board is to the point that they don't have the option of deciding whether or when to renovate. "We can't do anything until we decide on the concept. My rationalization for going with concept #3, is that if we do any one of the other concepts for less money, they cover less years...if we have to come back in 5-10 years because we need more room, we will have to tear out the back of the courthouse and start over and waste a lot of money."

She quoted an estimate from Mr. Simpson of \$2.3 million, the cost of indecision. Mrs. Neitch explained how if concepts 1 or 2 were chosen, they would have to purchase another building. With the purchase of another building, maintenance would be needed and renovation to house the offices that will move there. "Concept #3 would do the total job, a 20 year fix, and is the most sensible." She also pointed out that the cost is not going to get cheaper. She suggested that the budget committee look in to bonds from VaCO, grants, and historical credits, "we need to exhaust all our options." She stated that she will not vote for a tax increase, she thinks we can get the funds elsewhere. A tax increase may be necessary in the future but not at this point.

Mr. Roberts then asked the following questioned concerning the last courthouse renovation:

- Was it a 20 year plan at that time?
- If so has it been reviewed?
- How was it paid for?

Mr. Perry answered that the renovation was to outlast him. He again mentioned

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he would not vote at this point, he did not know what he was voting on, he needed more information.

Mr. Roberts stated that, "you have to have a lot of information to make a decision and I don't think we've had that yet, we haven't looked at renting space, haven't thought about future technology." He quoted again from the courthouse guidelines, "to be careful doing your plan on population and case load, and I think that is what ours is based on."

Mr. Blevins declared, "I think if we don't get something done, we aren't going to have a decision, they are going to make it for us and the sky is the limit on the money."

Mr. Perry pointed out that the judges approved of Concept #1 which cost less, why option #3?

Mr. Clark explained that concept #1 did cost less but it does not include buildings to house the officials that will have to move out of the courthouse.

Mr. Roberts said he would go with concept #3 if all his suggestions were exhausted and there seemed to be no other choice. He has not been convinced that those are the only 2 options at this stage. He pointed out other needs in the county; there is a school that is bad shape, people desperate for water and sewer, employees to take care of. The general assembly has not set a budget yet for this year.

Mr. Perry agreed that something needs to be done but questioned "whether we need to do something before we know what we are doing."

Mrs. Neitch explained that they had considered all the options; she is not sure what else could be done to obtain more information. A lot of time has been wasted putting the decision off, with concept #3 maybe some changes can be made.

Mr. Slemp made a motion to amend the motion made to include if concept #3 was not accepted by the judges, then they would go to concept #1.

Mr. Perry mentioned that Mr. Tate's opinion is that concept #1 is satisfactory with the judges.

The Chairman stated that choosing concept #3 would show that they are moving forward.

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Mr. Roberts listed the five (5) steps to courthouse renovation from the courthouse guidelines:

1. Planning
2. Bidding
3. Design
4. Construction
5. Occupancy

He asked where the Board was in these steps. He also spoke of the confusion as to what offices are in which plans.

Since Mr. Slemp's motion to amend the motion made by Mr. Blevins, died from the lack of a second, he motioned to call for question; it was seconded and duly carried.

Vote: 6 yea
 1 nay (Roberts)

Ms. Tilson read the vote previously made by Mr. Blevins, to pursue with concept #3, the Turnkey Job for the courthouse renovation.

Vote: 5 yea
 2 nay (Roberts, Perry)

Mr. Perry explained he would vote in favor of the renovations in the future, once he obtained the proper information.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board authorized Mr. Tate to advertise a public hearing to amend the Personnel Property Tax Relief Act (PPTRA) ordinance, when he has researched the necessary changes to make.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved an application from the Sheriff's office to apply for a Department of Motor Vehicles grant. Grant period of October 1, 2006 through September 30, 2007, local funds in the amount of \$8,753, federal funds in the amount of \$43,764.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board approved an application from the Sheriff's office to apply for a Community Policing grant. Grant period of July 1, 2006 through December 31, 2006, local funds \$875, federal funds \$2,625.

Steve Buston of the Virginia Department of Transportation returned maintenance concerns. He also explained that he will respond to the Local Assessments Division in

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Richmond that there were no candidates for the Rural Edition, Revenue Sharing Program in Smyth County for fiscal year 2006. These funds can be requested next year if desirable.

He responded to a request from Mr. Slemp that VDOT is going to install more signs on Route 622 to prevent large trucks from going beyond the industrial park turn in. Warning signs will also be install on the Highway 16 end of Route 622.

Mrs. Neitch made Mr. Buston aware of a problem on the bridge on Route 16 to the Sugar Grove School (route 601). The weight limit has been decreased and the school bus must take an alternate route.

Mr. Russell Dix appeared to request his road, Shortly Stone Road, be tarred and graveled. The road is a half mile long with seven residents. Mr. Buston stated it could be a candidate for rural rustic. Mr. Dix will speak with Mr. Buston.

Mr. Clarence Smith of the Southwest Virginia Industrial Facilities Authority (S.W.I.F.A) Board gave their annual report. The access road has been completed and the drainage problem has been solved. SWIFA has won the workforce training grant in the amount of \$900,000. Mr. Smith informed the Board if their website, www.highlandspark.com. The only occupant presently in the park is American Electric Power Company. SWIFA is committed to housing good companies with good payroll.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant Mr. Michael Taylor's application to amend the zoning map to rezone approximately 1.7 acres from Agricultural/Rural to Residential. The land is located across from 417 Old Airport Road and is part of Tax Map No. 65-8-7. The three front lots are rezoned to Residential and the parent lot will remain Agricultural/Rural. Mr. Perry's motion includes requesting the Planning Commission to amend the section of the zoning ordinance that requires all subdivisions be rezoned to residential.

Mr. Sean Mitchell of the Virginia Department of Health was present to provide the Board with information on the pump and haul permit request from Charles Evans for the Grove Baptist Church. The church has requested a pump and haul permit due to the location not sufficient for a conventional septic tank and drainage system. He explained

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that one of the few options left for the church was to apply for the permanent permit.

Mr. Perry mentioned a small treatment plant. Mr. Mitchell explained that process and it must be approved by the Department of Environmental Quality. DEQ will consider the treatment plant once all other options have been exhausted. The church is aware of this option.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved a temporary pump and haul permit which will allow time for the church to pursue the small treatment plant option. Mr. Mitchell will be assisting them in the process.

Mrs. Lindy White, Administrator of the Smyth County Community Hospital was present to inform the Board of the hospital's status. Back in August, in planning for the future, the hospital Board stepped back to regroup and looked at the strengths and weaknesses. They looked at what objectives, short and long term that need to be met to stop out migration. The first need is position recruitment. Mrs. White is looking at recruiting new doctors with specializations in urology and orthopedics, for example. The second objective is looking at why patients are not choosing the Smyth County facility. She is working on "getting back to the basics" with improvements in the emergency room and process improvement. Some of the other things the Board are now working on:

- A full time MRI unit; currently this is a part time service at the hospital.
- Improvement of patient flow, separating acute patients from seriously ill patients.
- Enhancement of facilities and grounds. She stated this had taken a back seat due to cut backs. In approximately four to five years, they are looking at a \$12 million renovation which would include showers in each room and all private rooms.
- In about three years the hospital will have electronic medical records.

Mrs. White explained that the Board is considering an affiliation. The Board has put a lot of thought into this decision and has concluded that it would enhance services for the community and patients. With an affiliation, services such as cardiology and oncology could be obtained. Pooling resources is one of the financial reasons for the affiliation. The Board is studying and visiting Wellmont and Mountain States Health Alliance. They are not in a hurry, researching and visiting other locations; this could happen in the next 3 to 4 months. Mrs. White feels that the previous partnership did not

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succeed because both parties were not fully engaged, the benefits were not noticed. She acknowledged the problems that the hospital has had and those are being addressed.

Mrs. White stated that they are “still a very strong financial, stable, rural community hospital that is looking to form a strategic alliance with a system that can improve services for our community.”

Mrs. White answered questions from the Board concerning the financial impact on the Smyth County Community Foundation with the separation from Carilion Health Systems. The hospital and the foundation are currently obligated on a \$19 million outstanding note with a 5 year grace period, to repay Carilion.

She thanked the Board for their support and interest in the hospital.

At 4:00 p.m. the Board proceeded with an appeal hearing. The appeal was filed by Mr. Jeff Meyers who objects to a variance granted by the Planning Commission for Mr. James Box to Section 9.1 of the county subdivision ordinance.

Mr. Dennis Blevins asked that Mr. Myers speak first since he did not speak at the public hearing held by the Planning Commission.

Mr. Myers of Tanglewood Lane, Marion, explained his appeal. His property adjoins the proposed subdivision. He is also considering developing a subdivision or mobile home park. The access roads required in section 9.1 would provide more convenient access the new development and a connection to state maintained, streets and the new subdivision. It would also make the traffic less hazardous. This variance without connecting streets, his property would be blocked solid.

Mr. Blevins, Chairman of the Planning Commission spoke on behalf of the Commission. Section 9.1 of the subdivision ordinance states, the arrangement of streets in the new subdivision shall make provisions for the continuation of existing streets in adjoining areas. There are no exiting streets there to connect to. Secondly, how many of the 4 adjoining properties would Mr. Box have to run streets to? Also, the majority of the Planning Commission felt that this section of the code address subdivisions that are already in place and the adjoining property proposed a subdivision. The Planning Commission was not aware Mr. Myers was considering a

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subdivision. If so, it would seem he would have to construct the streets. Mr. Blevins pointed out that Mr. Tate stated it was mandatory to install the streets which prompted Mr. Box to file for the variance. Mr. Blevins asked Mr. Tate if it was mandatory to construct the streets.

Mr. Tate read from the subdivision ordinance, "where in the opinion of the agent it is desirable to provide for street access to adjoining property, proposed street shall be extended by dedication to the boundary line, of such property." The state code (section 15.2) has mandatory provisions for subdivision ordinance and optional provisions. He read a section of the state code which states it is mandatory. He stated that the Commission had made its judgment.

Mr. McClure offered comments from the minority of the Planning Commission. He stated that the Planning Commission had exceeded its authority in granting the variance because the provisions are spelled out in the state code, section 15.2. He is, by no means, opposed to the subdivision.

Mr. Bud Owens, Subdivision Agent, explained he had talked to Mr. Tate and had been advised that the streets were mandatory and he then contacted Mr. Box.

The Board then discussed the legality of the action taken by the Planning Commission and the number and type of streets Mr. Box would have to construct.

Mr. Box spoke on his own behalf. He stated he felt like he was being discriminated against, this has not affected previous subdivisions. He quoted from the subdivision, section 9.1, and "shall provide a continuation of existing streets." He is confused as to how this can be accomplished since there are currently no existing streets.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board denied the appeal by Mr. Jeff Myers and affirmed the Planning Commission's decision to grant Mr. James Box's variance request to section 9.1 of the county subdivision ordinance. Mr. Box is proposing a subdivision on Greenwood Road.

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

Mr. Perry excused himself at this time (4:30 p.m.).

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Mr. Ken Heath of Marion Downtown discussed their plans for improvement. They are addressing the parking problems while developing a plan for the future. They will be working on signage, blight in areas such as Lee Street and Board Street, and job creation. His main concern is parking and he shared the results of a summary conducted of downtown shoppers, merchants, and businesses. One important question asked was if a parking garage was built in the downtown area, would they pay a nominal fee? 64% responded, yes. The Town is currently researching the ideas for parking and will be happy to work with the County in any way.

At 5:00 p.m. the Board proceeded with a public hearing to receive comments from citizens on a proposal made to the Board to lease at least 20 parking spaces, on an annual basis. The vacant lot owned by the Board is located between East Court Street and East Strother Street; just east of North Church Street, in the Town of Marion. There were no citizens present to speak and the public hearing was immediately closed.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, at 5:11 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 (7) for pending litigation and legal briefing .

Vote:	6	yea
	0	nay
	1	absent (Perry)

At 5:22 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)

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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 (Perry)

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 Slemph, 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.

Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the Board authorized the staff to instruct Mosley Architects to proceed with the concept 3, previously voted on in the meeting.

Vote: 6 yea
 1 absent (Perry)

-
7. Request the Board nominate a Workforce Investment Board Replacement for Joseph Ellis (7-12-2005).
 8. Rye Valley self-help project – Flat Ridge Road Water Extension (**10-11-2005**).
 9. 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**).
 10. Geographical Information Systems (GIS) on the Smyth County website (**11-9-2005**).
 11. Request for tax exempt status for the Lincoln Theatre (**12-13-2005**).
 12. Reappointment (**1-10-2006**):

Highlands Juvenile Detention Center

Rev. Jim Bangle 12-31-2005

13. Colecrest Drive refunds because of over estimate of project cost (**1-10-2006**).

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14. Re-codifying of the Smyth County Code (1-10-2006).

The Board briefly discussed some items on old business and removed item number's 2, 4, and 8 from old business.

Mr. Dishner motioned that the Board hold a public hearing to place the old school Board building in 501 (C) (3). Mr. Tate explained that the building could be donated or sold and then the tax exempt proposal must come from a tax exempt organization.

Mr. Tate briefly discussed the Nebo Community School and requested that he Surplus Property Committee meet to discuss that transfer of property.

Upon motion of Mr. Roberts, seconded by Mrs. Neitch and unanimously carried, the Board would allow any official at the Courthouse attend the Project 21 Conference in Williamsburg on May 10 and 11, 2006. He moved to allow the budget committee look at the price and set the amount allowed to attend.

Vote: 6 yea
 1 absent (Perry)

At approximately 5:25 p.m., the Chairman continued the meeting until Thursday, March 23 at 7:00 p.m. for a joint public hearing with the Planning Commission, and any other issues that may arise.

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, March 23, 2006, at 7:00 P.M.

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

Staff Members Present:	Mr. Edwin B. J. Whitmore, III Miss Amber Tilson Mr. Michael Carter Mr. Charlie Atkins	Mr. Clegg Williams Ms. Shirley Spencer Mrs. Sally Morgan
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Planning Commission Members Present:	Mr. Dennis Blevins, Chairman Mr. Earl McClure Mr. Graham Davidson Mr. Archie Atwell	Ms. Amy Tuell Mr. Wayne Venable Mr. Karl Kalber
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At 7:00 p.m. the Chairman of the Board and Chairman of the Planning Commission called the joint public hearing to order. There were 3 citizens present and no citizens signed up to speak. Mr. Michael Carter read the advertisement as placed in the Smyth County News and Messenger. Mr. Perry motioned to forgo the reading of the rules and procedures for public due to the small number of citizens present.

Mr. Williams summarized the following application for a Special Use Permit from Earnest Teaters on February 23. Mr. Teaters is requesting a special use permit to establish an Automotive Sales and Service business. The business is proposed to be located behind 124 Dry Branch Road, and is zoned Agricultural/Rural.

Mr. Teaters proposes to locate the new business in an existing structure he uses for his construction company. After reviewing §6-2.3, the standards that must be met before a Special Use Permit is approved, Mr. Teaters submitted an approved septic system permit and VDOT commercial entrance permit to confirm standards e) and g) are met.

Mr. Williams advertised notice of this public hearing in the Smyth County News on March 11 & 18. He also sent letters to all of the adjoining property owners. He received one letter concerning this case and read it into public record. The letter was from Robert and Joyce Keen, adjoining property owners, in opposition to the special use permit. They also sent picture which were passed around. They stated that Mr. Teaters should be required to install a privacy fence if this request were approved.

Mr. Williams pointed out the following sections of the ordinance: Section 3-2.2 e)

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which allows Automotive Service businesses in the A/R district by issuance of a SUP, Article 6 which contains the provisions for Special Use Permits, and 10-8 which defines Automotive Sales and Service establishments.

Mr. Ernest Teaters spoke on behalf of his application. He said he wanted to work on vehicles during the winter when his construction business was not active, and he did not want to offer vehicles for sale.

Mr. Williams then summarized the second application he received for a Special Use Permit from Mr. Michael Mason. Mr. Williams said he had received a complaint that Mr. Mason was repairing vehicles without building and zoning permits. Mr. Mason agreed to apply for a special use permit, and to demolish the garage which was constructed without a permit and was too close to other structures and lot lines. Therefore, Mr. Mason is now requesting the special use permit to establish an Automotive Sales and Service business near his residence. The business is proposed to be located at 668 Needmore Road and the property is zoned A/R.

Mr. Williams advertised notice of this public hearing in the Smyth County News and Messenger. He also sent letters to all of the adjoining property owners. He received no comments on this case other than general questions.

Mr. Williams pointed out the following sections of the ordinance: Section 3-2.2 e) which allows Automotive Service businesses in the A/R district by issuance of a SUP, Article 6 which contains the provisions for Special Use Permits, and 10-8 which defines Automotive Sales and Service establishments.

Mr. Mason spoke on behalf of his application. He said he works on vehicles to prepare them for sale by a dealer. He stated he would build a privacy fence. Mr. Blevins pointed out that he had talked to two of Mr. Mason's neighbors who have not concern but asked that the property be kept neat and clean.

The Chairmen closed the hearing at 7:20 P.M.

The Planning Commission remained in the room until the Board completed one more item on their agenda.

Upon motion of Mr. Perry, seconded by Mr. Roberts, and unanimously carried, the Board appropriated \$50,000 from the IDA budget (#001-081030-8888-1) to the

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Smyth-Washington Regional Industrial Facilities Authority for match to the Regional Workforce Grant. The IDA appropriated these funds at their last meeting held Wednesday, March 15, 2006.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board adjourned at approximately 7:25pm.

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 11, 2006 at 12:00 noon.

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

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

The Chairman called the meeting to order at approximately 12:00 noon
Rev. Wesley Eller gave the invocation and Heather Gillespie led the pledge of
allegiance.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously
carried, the agenda was adopted along with the additional agenda. Carol Hale listed
under citizen's time and Jim May at 2:45 was removed from the agenda.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried,
the minutes of Tuesday, March 14, 2006 were approved with grammatical error
changes. Mr. Roberts clarified his statements concerning the courthouse renovation.
He explained he was trying to make the point that he did not believe that an immediate
decision had to be made at that Board meeting. He also explained that the Board
should talk to Mr. Smith through Mr. Tate to come up with a settlement. Mr. Perry
clarified that he did not vote in opposition of the renovation but voted nay because of
lack of information, such as cost and funding.

Minutes of Thursday, March 23, 2006 meeting were also approved.

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

General County	\$1,300,000
Allison Gap Sewer Project	\$35,265.20
Cedars/Hall Addition Sewer Project	\$53,165
Department of Social Services (April 12-30, 2006)	\$300,000
(May 1-9, 2006)	\$55,000
Schools Operating Fund	\$3,400,000

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously
carried, the accounts payable listing in the amount of \$791,204.44 was approved.

Mr. Whitmore distributed the revenue and expenditure list through March 2006.

Mr. Perry asked that he explain the spreadsheet.

CITIZEN'S TIME

Phyllis Caudill had requested to be placed on citizen's time to speak on flooding on Flat Ridge Road, but did not show up. During Department of Transportation time Mr. Perry asked if the flooding concerned VDOT. Mrs. Neitch informed the Board that she had contacted VDOT and it was not their responsibility.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved a recommendation from the Building and Grounds Committee to renew the agreement with Trane of Roanoke for HVAC services for all county buildings (Smyth County Office Building, Courthouse, Jail, and Health Department) in the amount of \$23,558.95/year. Effective April 1, 2006, for a one year period with two one year renewal options, as specified in the Request for Proposals dated March 9, 2006.

Mr. Blevins explained the following recommendation from the Personnel Committee. He expressed his concerns with the current salaries of some of the County employees.

Mr. Roberts mentioned the need of a salary study. Mr. Perry questioned how the up coming cost of living raise would affect those included in the recommendation.

Upon recommendation of the Personnel Committee, the following salary adjustments for full time Smyth County employees was approved by a unanimous vote of the Board:

Those earning:

- Less than \$21,000/year: Committee proposes \$2,000 increase
- \$21,001 - \$26,000/year: Committee proposes \$1,600 increase
- \$26,001 - \$31,000/year: Committee proposes \$1,200 increase
- \$31,001 - \$36,000/year: Committee proposes \$800 increase
- \$36,001 - \$41,000/year: Committee proposes \$400 increase

The increase is effective April 1, 2006. The amount needed for the increase is \$14,100 for the remainder of fiscal year 2005-2006. Funds needed for these increases are available from account #11010-8788-21 which has \$57,107.26 remaining.

Upon motion of Mr. Slemp, seconded by Mr. Roberts, and unanimously carried, the Board amended the above motion to hire consultants to conduct a salary scale study as soon as possible.

The Board discussed the following recommendation from the Ordinance

Committee:

Upon motion of Mr. Perry, seconded by Mr. Roberts and carried by the committee, they will request the Board to approve a recommendation from the Planning Commission to merge the manufactured home ordinance into the zoning ordinance as proposed in the zoning amendments presented to the Board in January 2005.

The merging of the two ordinances would remove the appeal process from the Board and any appellant would go before the Board of Zoning Appeals.

Mr. Clegg Williams summarized the merging of the two ordinances. Mr. Roberts motioned to continue this issue and that Mr. Williams supply a written report answering questions such as lot size, the advantages and disadvantages of merging the ordinance, and why those in the Planning Commission opposed the merge. Mrs. Neitch seconded the motion and it passed unanimously.

With the recommendation from the budget committee, the Board unanimously agreed to authorize the maintenance department purchase a new mower and give the old mower to the water department (amount of mower is \$4,040 to come out of account #56000-5827).

Mr. Roberts asked how the Board members should turn in their budget requests. It was decided that it would be best to submit to Mr. Atkins who would forward the request to the Budget Committee.

Note: Michael Roberts stated he was a Town of Marion employee and could vote impartially.

With the recommendation of the Water and Sewer Committee, the Board unanimously approved a request from the Town of Marion, to extend water service to 8 new properties on Williams Road.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board approved a transfer of up to \$7,000 from the Sheriff's Police Activity fund (#744-010000-1003) to the Sheriff's Motorized Equipment fund (#001-021070-9003), to complete the funds needed for the purchase of automobiles. Mr. Whitmore or Mr. Carter is authorized to sign the checks when payment is due.

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board accepted the bids for Pleasant Heights Subdivision Water system Improvements. Crosspointe Contracting, Inc. submitted the lowest bid of \$479,550. Draper Aden Associates recommends the contract be awarded to Crosspointe. The Board agreed and the Chairman is authorized to sign the contract upon approval of

the water and sewer attorney.

As requested, Mr. Simpson distributed a spreadsheet with the total amount of contingency money left for the Town of Saltville from the Allison Gap project. Total for the Town is approximately \$37,681.60 and the County has approximately \$500,000 remaining. Mr. Roberts requested that the County consider funding the request for Kent Street in Saltville, with the remaining funds of this project.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board referred the disbursement of the remaining County funds from the Allison Gap Sewer Project to the Water and Sewer Committee.

Shannon Williams, 911 Coordinator summarized the Radio Communications Project. In April of 2000 Smyth County retained the firm of Frederick G. Griffin to investigate and make recommendations for the upgrade of the radio communications systems. The study researched how to achieve a county wide communication system for public safety agencies and local government organizations.

One of the principal operational problems the study showed is the number of channels that the dispatchers are required to monitor and dispatch on. A total of 11 separate channels are now used by dispatchers to mobilize the various agencies throughout the county. This needs to be reduced to a manageable level. By establishing a county-wide radio system that servers all agencies, the following could be accomplished;

- All agencies within the county will be able to directly communicate with each other without dispatcher intervention.
- A mobile communication would be enhanced through out the county.
- All antiquated radio systems will be replaced. Some equipment in use is 30 years old.
- Operation at the dispatch center will be improved by reducing the channels to be monitored.
- Citizen safety will be increased by more efficient operation, better equipment, and improved coverage.
- The old system was a mixture of high and low band radios that have caused problems in the past. Upgrading agencies that now operate on VHF low band to an all-county system will provide for in inner-agency communications.

To implement such a system, four tower sites have been secured. The county agencies will pool their existing VHF Hi band radio frequencies. The configuration would be for a simulcast system where all four sites would transmit simultaneously to achieve the mobile coverage.

The estimated cost for such a system in 2000 was \$1.5 million dollars. Today the estimated cost is \$3 million.

Explanation of Increases to Budget Estimates

Category	Reason For Increase
Infrastructure	By adding one site, the following additional supplies were required: antennas, microwave dishes, power supplies, cabling, and mounting hardware
Installation and Spares	Installation costs increase due to the additional site and equipment
Sites	Some of the original sites were relocated due to cost in construction
Training and vendor engineering	Increased due to general increasing of project size
FCC Licensing	Because of expanded coverage, some of the frequencies that we are using interfered with surrounding areas, which has caused the need for new frequencies
Project management & Technical Consultancy	Increase in project size and additional project management services
Contingency Fee 15%	Fee up proportionality to size of project

The County’s dispatchers answer all 911 calls and administrative calls to the Sheriff’s Department. During busy times, with all the radio channels being monitored, dispatchers become overloaded and in effect possibly endangering life and property.

When the new radio system is installed, dispatchers will be monitoring fewer frequencies which will reduce radio congestion and will allow them to operate more efficiently

When performing their duties, dispatchers use a gooseneck microphone and a standard telephone to receive and respond to calls. This should be replaced by a headset that can access both the telephone system and the radio system. Currently we are operating two separate phone systems. 911 calls and administrative line calls must be handled separately and there is no integration of the system. A new phone system needs to be installed which will allow 911 incoming calls to be answered through one system, which is not a part of the cost estimate.

Current Status:

Four sites have been acquired [Walker Mountain, Whitetop, Flattop & the AEP site in the Sugar Grove area]. A fifth site, to be in the Nebo area, was not acquired because of several right away issues. Below you will see the impact of removing Nebo from the system:

Portable coverage Outdoor without Nebo is 86.6% while with Nebo it was 90.4%
Portable Coverage Indoor without Nebo is 82.5% while with Nebo it is 86.8%
Mobile Coverage Outdoor without Nebo is 96.9% while with Nebo it is 98.4%

Currently our coverage is 65% for mobile radios and is less for portables.

Because of expanded coverage, some of our frequencies infringe upon neighboring public safety agencies. Once these issues are resolved it is possible that construction could be completed in fiscal year 2006-2007.

The Board discussed how the project would be funded. Mr. Whitmore mentioned the pool for loans with Virginia Association of Counties. It was also discussed that the funding be divided between fiscal years 2006/2007 and 2007/2008. Mr. Charlie Harrington and Sheriff Bradley also answered questions. The current amount of dropped calls between the emergency agencies was also mentioned. More information on how the project would be funded was requested.

Upon motion of Mr. Dishner, seconded by Mr. Slemph, and unanimously carried, the Board adopted the following resolution recognizing Ms. Sarah Tilson as a 2006 Girl Scouts of the USA Gold Award recipient:

WHEREAS, the Girl Scouts of the Appalachian Council, Inc. have announced the names of the Girl Scouts that have achieved the 2006 Girl Scouts of the USA Gold Award, and

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

WHEREAS, Sarah Tilson is a resident of Smyth County and has accomplished this major award by fulfilling the five following requirements:

*Earn four (4) Interest Project Patches
Earn the Senior Girl Scout Leadership Award
Earn the Senior Girl Scout Challenge Pin
Earn the Girl Scout Career Exploration Pin
Design and implement a Girl Scout Gold Award project*

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 Mr. Blevins, seconded by Mr. Slemph, 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. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board declared two (2) large signs, advertising the 33rd Annual Hungry Mother Festival, "official signs" to comply with the Virginia Department of Transportation (VDOT) regulations. The festival will be held July 21-23, 2006.

Steve Buston of the Virginia Department of Transportation informed the Board of public hearings to be held in Bristol and Wytheville in the next couple days on the I-81 environmental document draft. This studies the entire I-81 corridor. The study looks at tolling, the historical value throughout the corridor, and a 3rd lane for portions and the entire length. This document is the first step before the design takes place.

He also returned a maintenance concern to Mrs. Neitch and Mr. Slemp inquired about bridge work on I-81 during race weekend.

He updated the Board on the following:

- Scratch Gravel Road has been posted at 35 mph.
- Additional signs at exit 50 in Atkins have been installed to notify truckers of the industrial park entrance. "No turning ahead" signs have also been installed.
- The bridge in Sugar Grove the school buses have to detour around will be renovated by August when school starts.
- Advertisements for bids on Buckeye Street in Saltville and Route 610 in Rich Valley have been placed. One family has agreed to be relocated on Buckeye Street due to the reconstruction. The widening of Route 610 will extend to Route 630.

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved a recommendation from the Planning Commission to grant a special use permit for automobile sales and service for Ernest Teaters. The Board also took the recommendation of the Planning Commission and applied the provision that a six-foot high privacy fence be constructed within three months of the date of the Board's approval. The fence is to be located from the right front edge of the building west to the tree line, with vehicles to be stored behind the fence and building.

Vote: 6 yea
 1 abstention (Neitch)

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved a recommendation from the Planning Commission to grant a special use permit for automobile sales and service for Michael Mason. The Board also took the recommendations of the Planning Commission and applied the provisions that a maximum of eight vehicles for repair to be located on the lot (not counting personal use vehicles), a six foot high privacy fence to be constructed on the southeast corner of the proposed garage, south to the existing barn, within twelve months of the date of the Board's approval. Vehicles for repair are to be parked behind the privacy fence, and the zoning administrator is to inspect and approve the site upon completion.

Vote: 6 yea
 1 abstention (Neitch)

Tom Burkett, Treasurer, informed the Board of possible in-state tuition for Smyth County students attending East Tennessee State University. Currently other bordering counties such as Washington and Lee participate.

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board instructed Mr. Burkett to pursue this status for Smyth County, if and when other Counties are considered.

Mr. Burkett also informed the Board on current legislation to take effect July 1 which will not require giving the citizen something (such as a decal) in return when they pay a fee. Other locations are looking at a permanent decal or adding a fee onto personal property taxes.

There were approximately 25 members of the Historical Society present. Mrs. Brenda Gwyn, President of the Smyth County Historical Society, discussed the future and importance of the museum housed in the old school building on Strother Street of Marion. She expressed the need for the historical building. Martha Copenhaver, also spoke on behalf of the society. Blake Frazier presented a slide show of the artifacts housed in the museum. The Smyth County Historical and Museum Society Inc. requested permanent possession of the building which would remain as the museum.

Anita Ross of Sugar Grove distributed a list of officers for the Sugar Grove Rescue Squad. She wanted to make the Board aware of their situation of being unable

to cooperate. Several members have resigned in the past few months due to disagreement with the operation procedures being practiced. Mrs. Neitch suggested that Mr. Charlie Harrington act as a mediator to get the squad back on track. Mrs. Neitch may also contact each member by mail. The Board stated they would do what they could to help out.

Mrs. Neitch distributed an email from Thad Moore concerning the loss of funding for the local Med Flight. Mrs. Neitch suggested adopting a resolution against the cut in funding that would affect the loss. Mr. Perry mentioned that there has yet to be a budget adopted, there is uncertainty as to what is going to be cut and there are other important things that could be cut.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board instructed Mr. Whitmore look into how much funding could be cut concerning Med Flight and he will write a letter to the appropriate parties voicing the Boards concerns.

Mr. Whitmore informed the Board of Youth Government Day to be held on Wednesday, May 10, 2006 10:30 a.m. - 1:30 p.m. He also informed the Board of an invitation from the Wellness Center for opening and closing ceremonies of the Steppin Out program. The program promotes wellness by walking 70,000 steps in 7 days.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, at 4:13 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (5) report on business prospect, and (7) for pending litigation and legal briefing .

Vote: 7 yea
 0 nay

At 4:45 P.M. the Chairman ended the closed session.

Upon motion of Mr. Roberts, 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: 7 yea
 0 nay

The proposal from the Historical Society was briefly discussed.

Old Business

1. Collection of delinquent taxes (Mr. Whitmore has contacted the attorneys **8-10-04**).
2. Marevine Slemp, request for water service on Fox Valley Road (**5-11-04**).
3. Request for tax exempt status for the Smyth County Community Foundation.
4. Courthouse Renovation.
5. Request the Board nominate a Workforce Investment Board Replacement for Joseph Ellis (7-12-2005).
6. 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**).
7. Geographical Information Systems (GIS) on the Smyth County website (**11-9-2005**).

Mrs. Sally Morgan briefly discussed the GIS on the County's website. She and some of the staff have conducted research on other localities and what they have on their website. The Chairman appointed Mr. Slemp, Mr. Blevins, and Mr. Dishner, to a Technology Committee. Mrs. Morgan and the committee will research the cost of reinstating the GIS online; they will also research other localities to see how many have this service on their website.

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8. Request for tax exempt status for the Lincoln Theatre (**12-13-2005**).
 9. Reappointment (**1-10-2006**):

Highlands Juvenile Detention Center
Rev. Jim Bangle 12-31-2005

Mr. Roberts brought it to the Board's attention that the next meeting for the Highlands Juvenile Detention Center is scheduled for April 21, 2006; he is currently the only voting member for Smyth County. Mr. Carter was asked to attend if Mr. Roberts is unable to do so. The appointment committee will be scheduled soon to discuss this issue.

10. Colecrest Drive refunds because of over estimate of project cost **(1-10-2006)**.

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved to decrease adjustments in the amount of \$1,090.50 be made to those on Colecrest Drive. The Board approves refunds to property owners who have paid in full and approves credits to the 36 lots not paid in full. Details of exact refunds will be calculated by the County Chief Financial Officer and County Attorney.

11. Re-codifying of the Smyth County Code **(1-10-2006)**.

At approximately 4:50 p.m., upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board continued the meeting until Thursday, April 27 at 7:00 p.m. for a joint public hearing with the Planning Commission, and any other issues that may arise.

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 9, 2006 at 12:00 noon.

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

Board Members Absent: Mr. Michael Roberts

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

The Chairman called the meeting to order at approximately 12:00 noon
Mr. Walter Robinson gave the invocation and Scott Simpson led the pledge of
allegiance.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried,
the agenda was adopted along with the additional agenda, which added the Radio
Communications project to old business. Section 2.2-3711 (A) (7) legal briefing was
also added to closed session.

Vote: 6 yea
1 absent (Roberts)

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried,
the minutes of Tuesday, April 11, 2006 were approved. Mr. Tate notified the Board of a
change he made in the minutes concerning Colecrest on old business. He replaced the
Treasurer with Chief Financial Officer and County Attorney who will calculate exact
refunds.

Minutes of Thursday, April 27, 2006 meeting were also approved.

Vote: 6 yea
1 absent (Roberts)

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

General County	\$1,250,000
Department of Social Services (May 10-31, 2006)	\$340,000
(June 1-13, 2006)	\$55,000
Schools Operating Fund	\$3,410,500
Debt & Capital Outlay	\$133,121

Vote: 6 yea
1 absent (Roberts)

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Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the accounts payable listing in the amount of \$765,509.89 was approved.

Vote: 6 yea
 1 absent (Roberts)

CITIZEN'S TIME

Brandon Udomratanavasi, Henry Evans, Tanner Glenn, Katie Dishner, Nick Groseclose, Mary Briggs Graham, and Addison Ratliff of the Destination Imagination team from Marion Middle School explained the team's activities. The team requested funds to help with their trip to the national competition in Knoxville, TN.

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

Vote: 5 yea
 1 abstention (Dishner)
 1 absent (Roberts)

Kimberly Tilson of Greenbrier Subdivision explained a drainage easement problem in her subdivision. Mr. Tate explained that the Virginia Department of Transportation had taken over the road, which includes the drainage structures. He advised the citizens to obtain an attorney to determine who is responsible for the easement. Mrs. Tilson explained that she had contacted VDOT who referred her to the County. Mr. Tate referred to section 15.2-2268 and 15.2-2265 which states that the county is not responsible for opening the easement.

Mr. Greg Morrell, executive Director of the Appalachian Independent Center, appeared to express the need for county wide transportation. The Appalachian Independent Center serves the counties in the Mount Rogers Planning District Commission and Smyth County is the only county that does not offer this service. Mr. Morrell contacted District Three who have submitted a proposal to the Board to conduct a pilot project and run county wide transportation, at no cost to the county, for four months. Mr. Morrell encouraged the Board to support the project to better serve those who are unable to drive to conduct their daily tasks.

Judy Barrett, Steve Halley, and Warren Elliot all spoke in favor of the county wide transportation. It would help those with disabilities to do every day tasks such as

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grocery shopping and going to doctor appointments.

Later in the meeting the Board briefly discussed the county wide transportation. Upon motion of Mr. Perry, seconded by Mr. Slemp, the Board unanimously supports the trial project to be conducted by District Three. The trial period is to begin in August; the Board welcomes the program and hopes it will begin as soon as possible.

Vote: 6 yea
 1 absent (Roberts)

Mr. Walter Robinson informed the Board of a public hearing to be held on Thursday, May 17, 2006 to take public comment on closing the local Farm Service Agency (FSA) office. Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried the Board adopted the following resolution in opposition of closing this office:

WHEREAS, it has come to the attention of the Smyth County Board of Supervisors that it is the intention of the Farm Service Agency to hold a public hearing on the possible closing of their office in Marion.

WHEREAS, the Smyth County Board of Supervisors is opposed to any such action that would close the local office, as this would disadvantage its farmers.

FURTHERMORE, it is the opinion of this Board that this action be a mistake and, put a further burden on the farmers of Smyth County at a time when fuel prices have skyrocketed and they are being asked to drive even further to conduct their business.

Vote: 6 yea
 1 absent (Roberts)

Mrs. Chris Stone, President of the Sugar Grove Life Saving Crew updated the Board on the organizations status. She explained that the Crew has not discussed closing. They will operate with Dr. William Powers as the Operational Medical Director (OMD) once the paper work is complete. Conflicts that existed have been resolved and they are operating successfully .

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board accepted the following bids and authorized execution of contracts for the Dix Well drilling and site work:

Site work	S & R Construction	\$2,320
Well Drilling	Rorrer Well Drilling	\$21,900

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Contracts are on file in the Engineering Department of the County Administrator's office.

Vote: 6 yea
 1 absent (Roberts)

Mr. Simpson also informed the Board that Mr. Webster Day wishes to serve as bond counsel to Smyth County in connection with the proposed issuance of a general obligation bond not to exceed \$338,000 to be sold to Rural Development. The proceeds will be used to finance the construction of water service lines to the East Hungry Mother area of Smyth County. Mr. Tate explained that Mr. Day has done an excellent job in the past for Smyth County. The Board agreed to allow him to serve as bond counsel.

Mrs. Morgan distributed a proposed comprehensive Economic Development Strategy Project List. After discussion, the Board agreed to place the Regional Workforce Development Initiative as number one under Education and Training and move the Chilhowie Community/ Education center to number two. The remaining list is as follows and will be sent to Mount Rogers Planning District Commission:

Infrastructure:

1. Eastern Smyth County Sewer and Water Project (Groseclose)
2. North Fork Holston River Water Intake and Treatment Plant
3. Interstate Interchange Water and Sewer Development
4. Mountain Empire Airport Improvements

Economic Development:

1. Highlands Business Park
2. Lincoln Theatre
3. H.L. Bonham Tourism and Regional Development Center
4. Broadband Internet Access – Industry/Business
5. Broadband Internet Access – Last Mile

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried the Board adopted the following resolution in support of Business Appreciation Week:

WHEREAS, the citizens of Smyth County benefit from a positive economic environment that encourages business growth and employment opportunities through basic free market principles; and

WHEREAS, because of these principles, Smyth County remains a leader in job creation and prosperity, maintains low levels of unemployment, and continues to experience economic expansion; and

WHEREAS, we remain dedicated to creating long-term economic revitalization of the County; embracing diversity in our business community; fully integrating technology in the way we do business; and preserving the economic well-being and safety of our citizens; and

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WHEREAS, Smyth County businesses provide valuable work opportunities and often make beneficial contributions to our community, raising the overall quality of life for the County's citizens; and

WHEREAS, over 15,000 Smyth Countians benefit from employment with these businesses and other organizations, and additional job opportunities will continue to materialize in the coming years; and

WHEREAS, Business Appreciation Week increases public awareness of the valuable contributions that our existing business community makes to Smyth County's economy;

NOW, THEREFORE BE IT RESOLVED, that the Smyth County Board of Supervisors recognizes May 14-20, 2006 as BUSINESS APPRECIATION WEEK in Smyth County, and calls this observance to the attention of all its citizens.

Vote: 6 yea
 1 absent (Roberts)

Upon motion of Mr. Dishner, with the recommendation from the Budget Committee, the Board unanimously appropriated \$1,000 to donate to the Town of Marion to assist in the upcoming Independence Day Celebration.

Vote: 6 yea
 1 absent (Roberts)

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board increased the current Comprehensive Services Act (CSA) budget in the amount of \$120,029 of which \$28,050 is local funding.

Vote: 6 yea
 1 absent (Roberts)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board agreed to waive tipping fees for Project Crossroads during the period of July 1, 2006 through June 30, 2007.

Vote: 6 yea
 1 absent (Roberts)

The Board discussed a request from the Smyth County Electoral Board to schedule a public hearing to amend the ordinance specifying that the central absentee precinct be used only for the November general elections.

After discussion, upon motion of Mr. Perry, seconded by Mr. Slemp and unanimously carried, the Board authorized the staff to schedule and advertise a public hearing for this request once Mrs. Sandy Elswick has clarified if the Department of Justice must approve the change.

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Vote: 6 yea
 1 absent (Roberts)

The Damage Stamp Committee recommended that \$4,102.28 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:

Charles Thweatt	\$68.75
Blaine Thompson	\$91.67
Dewayne Kimberlin	\$458.35
Phillip Blevins	\$2,750.10
Charlie Clark	\$733.41
TOTAL:	\$4,102.28

Vote: 6 yea
 1 absent (Roberts)

Robert Hurt of the Virginia Department of Transportation returned maintenance concerns. He also informed the Board that bids had been received for the Route 610 improvements. Completion date is set for December 1, 2007.

Tom Burkett, Treasurer, began by thanking Mr. Blevins for bringing salaries to the Board's attention and bringing them up closer to where they should be. He asked that his compensation board employees receive the same consideration. Mr. Burkett presented all three of his employees and explained their years of service and salary. He referred to the salary increase the Board approved in April as special legislation. The Board agreed to wait for the salary study before making any further salary adjustments.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant the rezoning request from Colefarm Estates, LLC to rezone 50 acres of land from Agricultural/Rural to Residential. The property is located on High Meadows Lane in Chilhowie and identified by tax map # 64B-1-22A.

Vote: 6 yea
 1 absent (Roberts)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board authorized the County Attorney to begin legal proceedings against the appropriate parties associated with 6199 Konnarock Road and 274 Konnarock Road, to ensure compliance with the ordinance. Mr. Williams has received numerous complaints

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about an automobile graveyard/junkyard on these properties. Mr. Williams has been unable to resolve the matter due to no response from his written notification to the property owners.

Vote: 6 yea
 1 absent (Roberts)

(NOTE: Mr. Tate stepped out of the room)

The Board briefly discussed item # 12 on old business, Ordinance Committee recommendation to merge the manufactured home ordinance into the zoning ordinance as proposed in the zoning amendments presented to the Board in January 2005. The Board agreed to continue the issue until the full Board is present and Mr. Tate is present to give legal advice.

Joan Baldwin of the Smyth County Humane Society made the Board aware of non-compliance in regard to sterilization of shelter animals. She explained that by transferring custody of cats and dogs to the Smyth County Humane Society for the purpose of sterilization would bring the process into compliance . This issue was referred to the Animal Control Committee which consists of Blevins, Roberts, and Perry.

Mr. David Haynes, President of the Smyth County Fire and Rescue Association requested the board release the \$50,000 budgeted for the association. He explained the list of items to be purchased, which they use as "mini-grants" for the following departments:

1. Atkins Fire Department - \$14,000 toward the purchase of a replacement pumper
2. Saltville Fire Department - \$2,500 toward the purchase of a pumper
3. Sugar Grove Fire Department - \$10,000 toward the purchase of a replacement pumper
4. Marion Life Saving Crew - \$5,000 toward purchase of an emergency generator
5. Chilhowie Fire & EMS Department - \$10,000 to purchase airshores for trench rescue
6. Adwolfe Fire Department - \$1,000 to purchase a gas meter
7. Nebo Fire Department - \$7,500 for the purchase of a thermal imaging camera

The Board discussed the distribution procedure for the funds. Mr. Haynes was informed that these funds were originally intended for the use of big ticket items as needed and unspent funds would roll over each year to accumulate until used.

The Board decided to continue this request until Mr. Tate was present. Mr. Perry mentioned placing it on the continued meeting agenda.

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, at 4:07 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (5) report on business prospect, and (7) for pending litigation and legal briefing .

Vote: 4 yea
 3 absent (Roberts) Mrs. Neitch and Mr. Blevins were
 out of the room at the time of this vote

At 4:31 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
 1 absent (Roberts)

At approximately 4:35 p.m., Mr. Tate returned.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, at 4:37 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) for pending litigation and legal briefing .

Vote: 6 yea
 1 absent (Roberts)

At 4:57 p.m. the Chairman ended the closed session.

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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
 1 absent (Roberts)

Old Business

1. Collection of delinquent taxes (Mr. Whitmore has contacted the attorneys **8-10-04**).
2. Marevine Slemp, request for water service on Fox Valley Road (**5-11-04**).
3. Request for tax exempt status for the Smyth County Community Foundation.
4. Courthouse Renovation.
5. Request the Board nominate a Workforce Investment Board Replacement for Joseph Ellis (7-12-2005).
6. 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**).
7. Geographical Information Systems (GIS) on the Smyth County website (**11-9-2005**).
8. Request for tax exempt status for the Lincoln Theatre (**12-13-2005**).
9. Appointment (**1-10-2006**):

Highlands Juvenile Detention Center Commission
Rev. Jim Bangle 12-31-2005

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The Board unanimously approved the following Appointment Committee recommendation:

After discussions, Mr. Slemp motioned to appoint Mr. Michael Carter to the Highlands Juvenile Detention Center Commission to fill the vacancy which was created by Mr. Bangle, whose term expired December 31, 2005. Mr. Blevins seconded the motion and it passed unanimously. This appointment will be forwarded to the Board once approved by Judge Charles Lincoln, Juvenile Judge. Mr. Slemp also requested that Mr. Whitmore contact Rev. Jim Bangle, in writing, and thank him for his years of service.

Mr. Tate informed the Board that the judge had approved the appointment and Mr. Carter proved to have no criminal record.

Vote: 6 yea
 1 absent (Roberts)

10. Colecrest Drive refunds because of over estimate of project cost (1-10-2006).

Mr. Tate explained that he and Mr. Atkins had completed the figures for the returns and credits for those on Colecrest drive. The following was then unanimously adopted: (**NOTE:** A copy of the resolution adopted is included in the official minutes)

11. Re-codifying of the Smyth County Code (1-10-2006).

12. Ordinance Committee recommendation to merge the manufactured home ordinance into the zoning ordinance as proposed in the zoning amendments present to the Board in January 2005 (4-11-2006).

13. Radio Communications Project (4-11-2006).

Shannon Williams was present and briefly discussed the Radio Communications project that was presented at the regular April Board meeting. He also played a recording of a recent call between the Town of Marion and State Police which demonstrated the lack of radio communications. The Board agreed to continue this issue until the next continued meeting.

Mr. Whitmore reminded the Board members of Youth Government Day, Wednesday, May 10, 2006, 10:00 a.m. – 1:00 p.m.

At approximately 5:00 p.m., upon motion of Mr. Perry and unanimously carried, the Board continued their meeting until Thursday, May 25, 2006 at 6:00 p.m. for a joint public hearing with the Planning Commission and any other issues that may arise.

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 25, 2006, at 7:00 P.M.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Harold Slemph Mrs. Darlene 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 Miss Amber Tilson Mrs. Sally Morgan Mr. Charlie Atkins Mr. Scott Simpson	Mr. Clegg Williams Ms. Betty Blizzard Mr. Mike Carter Mr. John Tate Mr. Shannon Williams
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Planning Commission Members Present:	Mr. Dennis Blevins, Chairman Mr. Earl McClure Mr. Karl Kalber	Ms. Amy Tuell Mr. Graham Davidson Mr. Archie Atwell
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Planning Commission Members Absent: Mr. Wayne Venable

At 7:00 p.m. the Chairman of the Board and Chairman of the Planning Commission called the joint public hearing to order. There were 2 citizens present. Mr. Whitmore read the advertisement as placed in the Smyth County News and Messenger. Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board voted to forgo the reading of the rules and procedures for the public due to the small number of citizens present.

Mr. Clegg Williams, Zoning Administrator, summarized the following application he received from Mrs. Heather Luttrell on behalf of the Myrtle Duncan Rouse Trust on May 8, 2006. Ms. Luttrell is requesting that a tract of land currently zoned Commercial be rezoned to Industrial. The property is located off Lee Highway just outside of Chilhowie at 154 Lee Hwy. The lot is part of tax map #54-A-28. Ms. Luttrell is requesting the property be rezoned to industrial to accommodate a wood products manufacturing facility she is negotiating with to lease the space. Wood products manufacturing facilities are not allowed either by right or by special use in the Commercial district, Ms Luttrell is requesting that 154 Lee Hwy and the lot that surrounds it be rezoned to Industrial. Mr. Williams advertised notice of this public hearing in the Smyth County News on May 13 and 20. He also sent letters to all of the adjoining property owners. He received no comments on this case other than general questions.

While considering this case Mr. Williams pointed out the following sections of the ordinance: Section 3-4 which are the district regulations for the Commercial District (the

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district regulations that currently apply), Section 3-5 which covers the district regulation for the Industrial district (the district regulations that would apply if the property is rezoned), and Article IX which covers Amendments to the Ordinance.

Mrs. Luttrell was unable to attend; Ms. Heather Williams read a letter on her behalf. Her letter explained that she is prepared to relocate the Xtreme Dance Company, which is currently located in the building at 154 Lee Highway, into the Chilhowie Town limits once the rezoning is approved. She thanked the Board for their continued support.

The Board, Planning Commission, and attorney asked general questions

The Chairmen closed the hearing at approximately 7:18 p.m. The Board recessed while the Planning Commission voted on the hearing just heard.

The Board reconvened at approximately 7:29 p.m.

Mr. Shannon Williams, 911 Coordinator explained the proposed Radio Communication Project, in more detail. The main goal is to improve citizen safety with a more efficient operation, better equipment and coverage. He requested that the Board appropriate up to \$5,000 for bore tests on Flat Top to determine what type and how big of a base will be needed. He also requested and an appropriation not to exceed \$3,000, pending the approval of the Federal Communication Commission, for American Electric Power to do the inter modulation study so that those frequencies do not interfere with anything AEP has. Once the bore tests and the AEP studies are complete, bids can be solicited. He asked that the Board approve \$2 million in the fiscal year 2006-2007 budget. The remaining \$1 million needed to complete the project will be placed in the 2007-2008 fiscal year budget.

Mr. Sam Musick of the School Board System discussed the need for county wide coverage so that all schools and school buses can be reached.

Sheriff David Bradley also spoke in favor of the project.

Deputy Mike Lomans described different locations through out the county where deputies do not have communications with dispatch or any other officers.

Lieutenant Carol Henderson, Supervisor in dispatch, has been with the Sheriff's Department for 30 years, explained the need for the new system. She discussed

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different instances when she has had communication problems with officers while they are out on a call.

Mr. Williams introduced Edmond Vea, Consultant from Closed Networks Inc., in Philadelphia, PA, who answered questioned from the Board.

Mr. Perry questioned how the project would be funded and if 911 surcharge funds could be used. Mr. Atkins explained that it is currently being placed in the general fund budget as a use of prior years reserves. Mr. Roberts also asked questions.

After much discussion, upon motion of Mr. Blevins, seconded, by Mr. Slemp, and unanimously carried, the Board approved Mr. Williams requests and appropriated up to \$5,000 for bore tests on Flat Top to determine what type and how big of a base will be needed. They also appropriated up to \$3,000, pending the approval of the Federal Communication Commission, for American Electric Power to do the inter modulation study so that those frequencies do not interfere with anything that American Electric Power has.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board authorized the execution of the contract document to Francis Brothers of Marion for an immediate notice to proceed on the Low to Moderate Income connections on the Cedars/Hall Addition Project. Francis Brothers submitted the lowest bid in the amount of \$29,980.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board scheduled a public hearing for the next regular meeting on June 13 at 4:00 p.m., to adopt amendments to the 2005 Personnel Property Tax Relief Act.

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board, approved the certificate of satisfaction which releases the lien of Mr. Robert and Kathryn Porterfield of Colecrest (Clarkcrest) Subdivision.

Mr. Whitmore informed the Board of Hungry Mother State Park being placed in the National Register of Historic Places for inclusion in the Virginia Landmarks Register. Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board gave Mr. Dishner the power to comment to Richmond on the inclusion of the Park.

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

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the Board agreed to go with one column print in the re-codifying of the county code.

The Chairman adjourned the meeting at 9:09 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 13, 2006 at 12:00 noon.

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

NOTE: Mr. Dishner left at approximately 3:45 p.m. and Mr. Blevins left at approximately 4:00 p.m.

Board Members Absent: Mr. Harold Slemp

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

The Chairman called the meeting to order at approximately 12:00 noon
Rev. Kevin Elswick gave the invocation and Shirley Spencer led the pledge of
allegiance.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried,
the agenda was adopted along with the additional agenda. Tom Burkett, Treasurer, was
also added to the agenda.

Vote: 6 yea
1 absent (Slemp)

Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried,
the minutes of Tuesday, May 9, 2006 and Thursday, May 25, 2006 were approved. Mr.
Tate notified the Board of a change he made in the minutes of May 25, concerning the
Radio Communications Project.

Vote: 6 yea
1 absent (Slemp)

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

General County	\$1,150,000
Animal Control (office supplies)	\$140
Allison Gap Sewer Project	\$34,053.91
Department of Social Services (June 14-30, 2006)	\$320,000

Vote: 6 yea
1 absent (Slemp)

Department of Social Services appropriation for July 1-11, \$50,000 was
continued until a budget has been passed by the state. The Board will address this
appropriation at a continued meeting later in the month of June.

CITIZEN'S TIME

Robert Vinyard, President of the Smyth County Bar Association, presented the Board with new American and Virginia flags for the Courthouse lawn.

Tom Burkett, Treasurer, distributed a list of CD's held by the County as of May 31. He explained the interest rate and his pass through account. This information was requested by Mr. Slemp.

Mr. H. H. Copenhaver of the Atkins community asked that the Board investigate a sign at the railroad crossing on Route 625 in Atkins notifying that the crossing will be closed in 60 days. Mr. Copenhaver expressed his concerns with the closing. Mrs. Sally Morgan informed the Board that she had called the number on the sign and was waiting to speak with someone on the closing.

Mr. Earl McClure spoke of his churches archery program and invited any youth groups who wished to attend.

Mrs. Lou Earhart spoke on behalf of the Sheridan Ridge Project. She thanked the Board for the support, help, and warm welcome.

Rev. Jim Bangle, expressed his thoughts on the Juvenile Detention Center and his being replaced on the Commission.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved the payment of bills twice in the month of June. The second approval will be at one of the continued meetings later in the month.

Vote: 6 yea
 1 absent (Slemp)

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board continued the 2004 personal property tax refund to John Timothy Peachey in the amount of \$1,011.19.

Vote: 6 yea
 1 absent (Slemp)

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board approved the following resolution. In approving the resolution the Board requested that Mount Rogers Planning District Commission allow the County to actively participate in the planning process so that the efforts are coordinated between the local

and regional levels.

WHEREAS, the Virginia General Assembly has mandated the development of water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process; and

WHEREAS, based upon these regulations, the County of Smyth is required to complete a water supply plan that fulfills the regulations by November 2, 2011, and

WHEREAS, the Virginia Department of Environmental Quality has announced the availability of grant funds to assist localities offset some of the costs related to the development of these plans and are encouraging localities to submit applications for grant funds using regional water supply plans; and

WHEREAS, regional water supply planning is a sensible approach to developing a water supply plan since watershed boundaries do not follow political boundaries and since there will likely be cost savings to all jurisdictions participating; and

WHEREAS, the Mount Rogers Planning District Commission has previously managed the development of successful regional plans and is a logical entity to organize and manage a regional water supply planning process; and

WHEREAS, the Mount Rogers Planning District Commission desires to participate in a regional water supply plan and desires to secure DEQ grant funds to help offset the cost of the plan development.

NOW, THEREFORE BE IT RESOLVED, that the County of Smyth authorizes the Mount Rogers Planning District Commission to develop an application for water supply planning grant funds and to develop a regional water supply plan which will meet mandated regulations; and

IT IS RESOLVED, that the County Administrator is authorized to sign the DEQ grant contract and other appropriate documents related to the source water planning grant and the regional source water supply plan; and

IT IS FURTHER RESOLVED, that the Mount Rogers Planning District intends to provide \$2,500 of in-kind matching funds and \$2,500 in cash for the project.

Mrs. Morgan updated the Board on the Allison Gap School/Housing Planning Grant. This project of turning the building into elderly housing began in 2004 and has been lagging with the state. Mrs. Morgan was recently asked to advertise for request for proposals again seeking architectural firms.

Mr. Roberts asked Sally to inquire with the Town of Saltville as to whether they were planning a housing rehab project that would include the Buckeye Community and if there could possibility be a regional project.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved the recommendation from the Water and Sewer Committee to write off uncollectible water & sewer bills in the amount of \$7,387.49, due to no forwarding addresses or information.

Vote: 6 yea
 1 absent (Slemp)

Mr. Simpson updated the Board on the equipment list to be used with the remaining funds from the Allison Gap Sewer Project. He is currently waiting for

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approval from Rural Development. Mr. Roberts inquired on the use of these funds for Kent Street.

Upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried, the Board approved the equipment list, contingent upon approval by Rural Development.

Vote: 6 yea
1 absent (Slomp)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board appropriated a total sum of \$156,000 and approved the contract to be signed with Central Builders for the pipeline on Route 107.

Vote: 6 yea
1 absent (Slomp)

Mr. Simpson also updated the Board on the East Hungry Mother Water project; authorization to bid has been received. He will advertise for those and bids will be received by July 6. Mr. Simpson should have a recommendation at the next regular Board meeting and likely set a public hearing for the issuance of bonds.

Mr. Perry said that he hoped the newspaper would mention that the Hungry Mother Water project is under way.

Mr. Dishner asked Mr. Simpson about the size of projects and if they could be or ever were down sized so they would be feasible for smaller construction companies.

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board appropriated up to \$2,500 for payment to Virginia Department of Health for water sampling kits on the well drawdown for the new Dix well.

Vote: 6 yea
1 absent (Slomp)

The Animal Control Committee recommended that \$1,200 be appropriated out of the Animal Damage for claims. The Board unanimously agreed to approve the committee's recommendation to pay the following:

Charlie Atkins (2 claims)	\$230
J.S. Staley	\$200
Kim Gollehon	\$770
Total	\$1200

Vote: 5 yea
2 absent (Slomp, Perry) Mr. Perry stepped out of the room

6-13-2006

Ms. Shirley Spencer of the Building Inspection Department explained the proposed changes to the Subdivision Ordinance. The Planning Commission's Ordinance Committee has met periodically since January to review the Smyth County Subdivision Ordinance, section by section and the coordinating state code. She and Bud Owens have kept a list since 1996 (adoption of the last ordinance) of any issues that have caused problems, which was also review by the committee. A questionnaire was also sent to local surveyors, with about 8 responses. The committee sent their final draft to the Planning Commission in April. The Chairman of the Planning Commission asked that the Planning Commission be prepared to offer comments at the May meeting, at that meeting the Planning Commission forwarded the final draft to Board for consideration.

After discussion, the Board referred the proposed changes to the Ordinance Committee of the Board. The committee will meet as soon as possible to get the process moving.

The following reappointments were referred to the appoint committee:

CDI-Community Correction Resource Board (2 year term)

Michael Roberts	6-30-2006
Sheriff, R. David Bradley	6-30-2006

Community Policy Management Team (1 year term)

Sabrina Rose-2185 Red Stone Road, Marion, 24354 (783-8812)	
(Parent Representative)	6-30-2006
Penny Dixon-PO Box 305, Marion, 24354 (783-8920)	
(Private Provider Representative)	6-30-2006

Marion Downtown Revitalization Committee (1 Year Term)

Harold Slemp	6-30-2006
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Southwest Virginia Community Corrections (2 year term)

Sheriff, R. David Bradley	6-30-2006
Michael Roberts	6-30-2006

Mr. Clark requested that the following be continued until the next regular meeting, July 11:

Industrial Development Authority (4 year term, district specific)

Jimmie Stamper-591 Cleghorn Valley Road, Marion (646-8670)	
	6-30-2006

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board reappointed Mr. Marvin Perry to the Community Policy Management Team, as the Board member representative. Term will expire June 30, 2007.

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Vote: 5 yea (Roberts, Dishner, Clark, Neitch, Blevins)
 1 absent (Slemp)
 1 abstention (Perry)

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board appointed Mr. Merrelle Ward to the Smyth County Department of Social Services Board. His term will expire June 30, 2010.

Vote: 6 yea
 1 absent (Slemp)

Mr. Blevins requested that a letter be sent to Mrs. Vicki Ward thanking her for her time and dedication to the Social Services Board.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board reappointed Mr. Larry Wyatt to the Smyth County Industrial Development Authority. His term will expire June 30, 2010.

Vote: 6 yea
 1 absent (Slemp)

Steve Buston of the Virginia Department of Transportation distributed the following actual figures for the current Six-Year Plan:

Smyth County Secondary Construction Allocation

Projected allocations in December 2005

<u>Fiscal year</u>	<u>Regular Construction</u>	<u>Unpaved construction</u>	<u>Total</u>
2006-07	\$1,091,350	\$278,712	\$1,370,062
2007-08	\$1,083,849	\$273,509	\$1,357,358
2008-09	\$1,101,263	\$274,973	\$1,376,236
2009-10	\$1,035,861	\$247,762	\$1,283,623
2010-11	\$1,069,665	\$250,014	\$1,319,679

Allocations as of 6/13/06

<u>Fiscal Year</u>	<u>Formula Secondary Mixed</u>	<u>Tele-Fee</u>	<u>Formula STP Match</u>	<u>Formula STP</u>	<u>Secondary Unpaved Roads Funds</u>	<u>TOTAL</u>	<u>Percentage Difference</u>
2006-7	\$285,282	\$82,421	\$82,202	\$328,806	\$285,282	\$1,063,993	-22%
2007-8	\$271,800	\$80,773	\$81,534	\$326,136	\$271,800	\$1,032,043	-24%
2008-9	\$290,334	\$79,965	\$82,370	\$329,478	\$290,334	\$1,072,481	-22%
2009-10	\$150,102	\$79,166	\$84,056	\$336,223	\$150,102	\$799,649	
2010-11	\$171,897	\$78,374	\$85,777	\$343,107	\$171,897	\$851,052	
2011-12	\$145,529	\$77,590	\$87,533	\$350,131	\$145,529	\$806,312	

Figures in Red can only be used on Federal Eligible Secondary Roads

In the next coming months he plans to have a work session with the Board to explain how the distribution of funds has been changed. He also mentioned changes in Revenue Sharing funding. He will discuss that more at the work session also.

Mr. Roberts inquired about a possible abandonment of a portion of Surber Cove Road (Route 667). Mr. Robert Hurt of VDOT has been in contact with the property

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owners. Mr. Charles Boardwine (whose son owns the property) was present to see what steps need to be taken to move forward with the abandonment. Mr. Hurt informed the Board that the first step would be to schedule a public hearing. If the Board approves the abandonment, they would adopt a resolution which would be forwarded to VDOT for approval.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board authorized staff to proceed with the steps to abandon the requested portion of Surber Cove Road.

Vote: 6 yea
 1 absent (Slemp)

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

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated April 3, 2006 depicting the additions and abandonment's required in the secondary system of state highways as a result of Project 0600-086-176, C504, B651, which sketch is hereby incorporated herein by reference,

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board request the Virginia Department of Transportation to add the secondary system of state highways those portions of road identified by the sketch to be added, pursuant to Sec. 33.1-229, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to Sec. 33.1-155, Code of Virginia:

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Vote: 6 yea
 1 absent (Slemp)

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Mr. Hurt also mentioned the closing of the railroad crossing that was discussed during citizen's time. Mrs. Morgan informed the Board that she was able to speak with the authorities during the break and the sign placed at the crossing was a mistake and the crossing will remain open.

Upon motion of Mr. Dishner, seconded by Mrs. Neitch, and unanimously carried, the Board agreed that the railroad crossing on Route 625 in the Atkins Community should remain open.

Vote: 6 yea
 1 absent (Slemp)

Upon motion of Mr. Blevins, seconded by Mr. Perry, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant the Rouse application for a map amendment to rezone property located at 154 Lee Highway in Chilhowie from Commercial to Industrial.

Vote: 6 yea
 1 absent (Slemp)

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board approved a single festival permit for the Davis Valley Winery event to be held on June 17, 2006.

Vote: 6 yea
 1 absent (Slemp)

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board scheduled a public hearing to take comments on proposed budget amendments to the 2005-2006 School Board budget. The hearing is scheduled for Wednesday, June 28, 2006 at 5:00 p.m., the staff is authorized to advertised the hearing.

Vote: 6 yea
 1 absent (Slemp)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board agreed to close all Smyth County public offices on Monday, July 3, 2006. In addition to July 4, 2006 which falls on a Tuesday.

Vote: 6 yea
 1 absent (Slemp)

Mr. Joe Ellis appeared to request donation of the old school building on East Strother Street of Marion. He hopes to acquire the building for an Appalachian music

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and art school, to restore the building to its original form and function. Mr. Ellis has developed a Board of Directors for the school and has set up a 501 (C) (3), non profit status, the name is School of Appalachian Music and Art.

Upon motion of Mr. Dishner, seconded by Mr. Blevins, and unanimously carried, the Board agreed to proceed with a public hearing to take public comments on disposal of the property with the old school building. The hearing is scheduled for the next regular meeting on Tuesday, July 11, 2006 at 4:00 p.m., staff is directed to advertise.

Vote: 6 yea
 1 absent (Slemp)

Note: Mr. Dishner and Mr. Blevins left at this time.

Note: Mr. Roberts and Mr. Clark stated they had family members that work for the School Board and could vote impartially.

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board, appropriated \$8,000,000 to the School Board Operation fund.

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

Ms. Betsy White, Director of the William King Regional Arts Center, updated the Board on their school programs and what they are doing for the schools in Smyth County. Their focus is on elementary school audiences both at the facility in Abingdon and in the classroom. Smyth County is very involved in the Van Gough Outreach Program for second graders, also, the Art Express for third graders. A new program being developed for fourth graders is called Heritage Express. She invited the Board to a special exhibition showcasing the State of Virginia's art collection. The State Capital is currently going through a renovation and southwest Virginia is showcasing the collection until the renovation is complete. Ms. Mary Ruth Musick, Director of Education was also on hand to answer any questions from the Board.

Mrs. Carol Doss spoke on behalf of the Litter Control Summit held in April. She updated the Board on the successful meeting and encouraged the Board to continue thinking about hiring a litter coordinator and/or officer. She also invited the Board to the next meeting to be held on Thursday, June 22 at Whites Mill in Abingdon.

Greg Cross, Litter Prevention and Recycling Coordinator for Wise County briefly spoke on his position and how this program has progressed in Wise County. He also

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answered questions from the Board.

Bobby Justice, Assign A Highway Program Coordinator, explained that program which utilizes probationers.

At approximately 4:00 p.m. the Board proceeded with a public hearing to clean up the language of the Personal Property Tax Relief Act (PPTRA) adopted December 13, 2005. There were no citizens present to speak, so the chairman closed the hearing.

Upon motion of Mrs. Neitch, seconded by Mr. Roberts, and unanimously carried, the Board approved the amendments to the Personal Property Tax Relief Act. The amendments will clarify the allocation of these fixed amounts of relief on each year under PPTRA, as it was modified, to qualifying vehicles with assessed values up to \$20,000, after eliminating all tax on qualifying vehicles assess at \$1,000 or less. In the original adoption, the language may have been confusing to provide equal allocations of this tax relief, and the proposed amendments are to insure such relief is allocated equally to all qualifying vehicles with a value between \$1,000 and \$20,000.

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

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board approved the accounts payable listing in the amount of \$591,240.71.

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

Upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried, at 4:36 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) for (3) disposition and acquisition of property, (5) report on business prospect, and (7) for pending litigation and legal briefing .

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

At 4:51 p.m. the Chairman ended the closed session.

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 in a closed meeting on this date pursuant to an affirmative recorded vote and in

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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: 4 yea
 3 absent (Slemp, Blevins, Dishner)

Old Business

1. Collection of delinquent taxes (Mr. Whitmore has contacted the attorneys **8-10-04**).
2. Marevine Slemp, request for water service on Fox Valley Road (**5-11-04**).
3. Request for tax exempt status for the Smyth County Community Foundation.
4. Courthouse Renovation.
5. Request the Board nominate a Workforce Investment Board Replacement for Joseph Ellis (7-12-2005).
6. 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**).
7. Geographical Information Systems (GIS) on the Smyth County website (**11-9-2005**).
8. Request for tax exempt status for the Lincoln Theatre (**12-13-2005**).
9. Colecrest Drive refunds because of over estimate of project cost (**1-10-2006**).

The Board agreed to remove item #9 from old business.

10. Re-codifying of the Smyth County Code (**1-10-2006**).
11. Ordinance Committee recommendation to merge the manufactured home ordinance into the zoning ordinance as proposed in the zoning amendments present to the Board in January 2005 (**4-11-2006**).

The Board briefly discussed removing item #11 from old business, however decided to leave as is.

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12. Radio Communications Project (5-9-2006).

13. Smyth County Fire & Rescue Association request for release of \$50,000 (5-9-2006).

The Board requested that the Fire and Rescue Funds Committee meet as soon as possible to discuss this request.

The Board also briefly discussed a request for funds from the Rich Valley Fair Association. They are requesting assistance until they receive funds from their funding source.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board continued the meeting until Thursday, June 22, 2006 at 7:00 p.m. for a joint public hearing with the Planning Commission and any other issues that may arise.

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

C.C. Clark, Jr., Chairman

11. Re-codifying of the Smyth County Code (**1-10-2006**).
12. Ordinance Committee recommendation to merge the manufactured home ordinance into the zoning ordinance as proposed in the zoning amendments present to the Board in January 2005 (**4-11-2006**).
13. Radio Communications Project (**4-11-2006**).

At approximately 5:00 p.m., upon motion of Mr. Perry and unanimously carried, the Board continued their meeting until Thursday, May 25, 2006 at 6:00 p.m. for a joint public hearing with the Planning Commission and any other issues that may arise.

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, June 22, 2006, at 7:00 P.M.

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

Staff Members Present: Mr. Edwin B. J. Whitmore, III
Miss Amber Tilson
Mr. John Tate
Mr. Clegg Williams
Mrs. Sally Morgan
Ms. Shirley Spencer

Planning Commission Members Present: Mr. Dennis Blevins, Chairman
Mr. Earl McClure
Mr. Karl Kalber
Mr. Wayne Venable
Ms. Amy Tuell
Mr. Graham Davidson
Mr. Archie Atwell

At 7:00 p.m. the Chairman of the Board and Chairman of the Planning Commission called the joint public hearing to order. There were approximately 36 citizens present. Mr. Whitmore read the advertisement as placed in the Smyth County News and Messenger. He also read the rules and procedure for public hearings.

Mr. Clegg Williams, Zoning Administrator, summarized the following application he received from Mr. Worley who recently placed 1396 Buckeye Hollow Road on the market for sale. Mr. Worley has a prospective buyer that is interested in remodeling the structure and opening a *group home* for neglected and abused boys. As the property owner and on behalf of the prospective buyer, Mr. Worley applied for a special use permit to establish a group home. The property is zoned Agricultural/Rural (A/R).

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Mr. Williams explained that he advertised notice of this public hearing in the Smyth County News on June 10 & 17. He also sent a letter to the only adjoining property owner. Mr. Williams read three letters into record, from Robert and Rebecca Harris, Mr. and Mrs. Clyde Ferguson, and the Smith's on Harleyville Lane, concerning this case. All letters were in opposition to the proposed group home.

Mr. Williams pointed out the following sections of the ordinance: Section 3-2.2 m) which allows a group home in the A/R district by issuance of a Special Use Permit, Article 6 which contains the provisions for Special Use Permits, and 10-33 which defines a *group home*.

Mr. Keith Lowery, the prospective buyer that is interested in remodeling the structure and opening a *group home* for neglected and abused boys, spoke on behalf of Mr. Worley's application for a special use permit. Mr. John Graham, attorney for Mr. Lowery, reviewed the General Standards for a Special Use Permit in Section 6-2.3 of

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the Zoning Ordinance and said that the application met the standards. The Board and Commission members addressed questions to Mr. Lowery.

Comments were made by the following citizens who spoke in opposition to the group home:

Delmar Thompson Jr.	Andria Jamison
Janice Angelini	Bob Maloyed
Blaine Ward	Pat Ward
Margaret Robinson	Ernest Greer
Irene Wilson	Chris Clapp
James Wilson	Jeanette Rust
Suzy Short	Jacki Branson
Cindy Martin	Gail Hunt
Kathleen Rhea	Scott Farthing
Tommy Harris	Jennifer Johnson
George Havens	James Jones

Their concerns were safety, traffic hazards, lack of public water and sewer, crime rate, property values, and remoteness from law, medical, and rescue services.

Matt Davis spoke in favor of the application and asked everyone to avoid the "Not in my backyard" syndrome.

The Chairmen closed the hearing at approximately 8:20 p.m.

The Board reconvened at approximately 8:25 p.m., in the 4th floor Board room with all Board members present and Ed Whitmore, John Tate, Amber Tilson, Charlie Atkins, and Scott Simpson present.

The Board first discussed a recommendation from the Fire and Rescue Funds committee that the \$50,000 in the current 2005-2006 budget be rolled over into the 2006-2007 budget to make a total of \$100,000. The committee would revisit these requests after the first of the fiscal year to set up criteria for the donation of the funds. Mr. Carter also stated in his motion that the County Administrator issue a letter to the association explaining what will happen to the current funds.

With the committee's recommendation the Board duly approved the recommendation. This issue was referred to the Budget Committee.

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

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board scheduled a public hearing for the school's fiscal year 2006-2007 budget for the next regular Board meeting on Tuesday, July 11, 2006 at 5:00 p.m. The staff is

authorized to advertise the public hearing.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, at 9:01 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) for pending litigation and legal briefing .

Vote: 7 yea
 0 nay

At approximately 9:20 p.m. the Chairman ended the closed session.

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 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. Perry, seconded by Mr. Slemp, and duly carried, the Board gave the Courthouse Committee the authority to work on and sign the architect contract for the courthouse. This contract covers the following items:

<u>Total Basic Design</u> \$1,180,651	<u>Interior Design Services</u> \$74,987
1. schematic design	1. schematic design
2. design development	2. design development
3. construction documents	3. construction documents
4. bidding	4. bidding
5. construction administration	5. construction administration

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Vote: 6 yea
1 nay (Roberts)

Note: Michael Roberts stated he was a Town of Marion employee and could vote impartially.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board authorized Mr. Jeff Campbell to respond to the Town of Marion on the memorandum concerning the sewer meter.

At approximately 9:30 p.m., upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board continued the meeting until Wednesday, June 28, 2006 at 5:00 p.m. for a public hearing on amendments to the 2005-2006 school board budget and any other items that may arise.

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 28, 2006, at 5:00 P.M.

Board Members Present: Mr. Charlie Clark, Chairman Mr. Todd Dishner
Mr. Harold Slemp Mrs. Darlene Neitch
Mr. Michael Roberts
Mr. Wade Blevins (arrived at approximately 5:10pm)

Board Members Absent: Mr. Marvin Perry

Staff Members Present: Mr. Edwin B. J. Whitmore, III Mr. Charlie Atkins
Miss Amber Tilson Mr. John Tate

The Board began with a public hearing to amend to 2005-2006 school Board budget. Mr. Whitmore read the advertisement as published in the Smyth County News. Since there were no citizen's present to speak the reading of the rules was forgone. The hearing was then closed. Mr. Atkins explained that the amendments were to bring the budget up to date for unexpected revenue.

Note: Mr. Roberts and Mr. Clark stated they had family members that work for the School Board and could vote impartially.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board approved the School Board 2005-2006 budget amendments in the amount of \$472,915, Operations Budget and \$779, Debt & Capitol Outlay Fund.

Vote: 5 yea
2 absent (Blevins, Perry)

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved the legal services agreement for fiscal year 2006-2007 as presented. Both Mr. Dishner and Mr. Slemp thanked Mr. Tate for his time and dedication to Smyth County.

Gwyn & Tate \$1,200/month retainer and \$105/hour there after

Campbell & Doyle \$85/hour

Vote: 5 yea
2 absent (Blevins, Perry)

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved the accounts payable listing in the amount of \$331,077.96.

Vote: 5 yea
2 absent (Perry, Blevins)

Upon motion of Mr. Slemp, seconded by Mr. Roberts, and unanimously carried, the Board approved the General County appropriation in the amount of \$150,000.

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Vote: 5 yea
 2 absent (Perry, Blevins)

Note: Mr. Blevins arrived at this time.

The Board scheduled a Courthouse Committee meeting for Wednesday, July 5, 2006 at 4:00 p.m.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board scheduled a work session to review the proposed 2006-2007 general county budget, Thursday, July 6, 2006 at 4:00 p.m.

Vote: 6 yea
 1 absent (Perry)

Mr. Tate briefly discussed the advertisement to be run in the paper for the public hearing on the old school. Mr. Whitmore was asked to notify both known interested parties and ask that they present their 501 (C) (3) status at the hearing which will be held on Tuesday, July 11, 2006 at 4:00 p.m.

At approximately 5:30 p.m., upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board continued the meeting until Thursday, July 6, 2006 at 4:00 p.m. for the budget work session and any other issues that may arise.

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, July 6, 2006, at 4:00 P.M.

Board Members Present: Mr. Charlie Clark, Chairman Mr. Wade Blevins
Mrs. Darlene Neitch Mr. Marvin Perry
Mr. Harold Slemp
NOTE: Mr. Perry let at 5:45 p.m. and Mr. Slemp left at 6:00 p.m.

Board Members Absent: Mr. Todd Dishner Mr. Michael Roberts

Staff Members Present: Mr. Edwin B. J. Whitmore, III Mr. Charlie Atkins
Miss Amber Tilson Mr. John Tate
Mr. Mike Carter

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and duly carried, the Board appropriated \$50,000 for Social Services (July 1-11, 2006).

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

Mr. Whitmore clarified a couple questions the Courthouse Committee had on the contract with Mosley Architects for the courthouse renovation/expansion. Security will be included in the renovation and will be added to paragraph 2.1. Also, interior design includes everything. With those questions answered, the committee agreed on the agreement. With the committee's recommendation, the Board unanimously approved the signing of the contract.

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

The Board also unanimously approved the recommendation from the courthouse committee that the boundary survey and the soil borings proceed in order for the courthouse renovation/expansion to begin.

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

Finally, the Board began the work session to review the proposed 2006-2007 general county budget. The following changes were made:

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, \$3,000 was added to the drug testing line item under the Sheriff.

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

The Smyth County Basic 911, Specific Use line was reduced from \$2,000,000 to \$1,500,000.

7-6-2006

Animal Control-Dog Warden, Waste Treatment/Disposal line was increased from \$5,000 to \$15,000.

Note: Mr. Perry left at this time.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board agreed to remove \$10,424 from Community College, Virginia Highlands Community College line. Staff is instructed to inform VHCC that the County will not be paying the \$10,424 that they insist the County owes.

Vote: 4 yea (Neitch, Clark, Slemp, Blevins)
 3 absent (Dishner, Roberts, Perry)

Note: Mr. Slemp left at this time.

Other line items were briefly discussed such as the Chamber of Commerce, Library, Industrial Site Acquisition & development, CSA, and Water/Sewer Expense. No actions were taken since a quorum was no longer present.

Mr. Clark thanked Mr. Atkins and Mr. Carter for their work on the budget.

The meeting was adjourned at approximately 6:30 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, July 11, 2006 at 12:00 noon.

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

Board Members Absent: Mr. Todd Dishner

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

The Chairman called the meeting to order at approximately 12:00 noon

Rev. Neville Mazingo gave the invocation and Edwin Whitmore led the pledge of allegiance.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the agenda was adopted along with the additional agenda.

Vote: 6 yea
1 absent (Dishner)

The Board unanimously approved the minutes of Tuesday, June 13, 2006, Thursday, June 22, 2006, Wednesday, June 28, 2006, and Thursday, July 6, 2006. A couple of typographical corrections were made.

Vote: 6 yea
1 absent (Dishner)

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

General County	\$1,500,000
Department of Social Services (July 12-31, 2006)	\$310,000
(August 1-8, 2006)	\$45,000
Schools Operating Fund	\$2,100,000
Textbook Fund	\$35,000
Debt & Capital Outlay Fund	\$900,000

Vote: 6 yea
1 absent (Dishner)

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the accounts payable listing in the amount of \$697,530.08 was approved.

Vote: 6 yea
1 absent (Dishner)

CITIZEN'S TIME

Andrea Jamison of Buckeye Hollow Road spoke on behalf of the community and

7-11-2006

reminded the Board of the opposition present for the public hearing on the special use permit requested by Ed Worley for a group home.

With the Water Committee's recommendation the Board unanimously approved the following agreement between the Board and the Rye Valley Water Authority for a Virginia Community Development Block Grant (CDBG) not to exceed \$80,000. The Board will act as the fiscal agent for the self help project.

Vote: 6 yea
 7 absent (Dishner)

7-11-2006

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board approved the following contract documents which relate to the above CDBG grant between the Board and the Rye Valley Water Authority:

1. Fair Housing Certification
2. Minority & Female Business Notice
3. Local Business & Employment Plan
4. Local Business & Employment Notice
5. Residential Anti-Displacement & Relocation Assistance Plan Certification

Vote: 6 yea
 1 absent (Dishner)

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried the Board adopted the following resolution. This resolution is approved contingent upon removing the floodway portion of the land owned by the Smyth County Industrial Authority located in the Deer Valley Industrial Park from the proposed Enterprise Zone 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 Chilhowie Town Council is proposing a boundary amendment to the zone in order to add portions within the Town that were not originally included in the zone; and

WHEREAS, the Board of Supervisors of Smyth County recognize the need to make periodic revisions to the current Enterprise Zone and that it may in the future submit zone amendments, but currently the County has no proposed amendment to its portion of the zone; and

WHEREAS, no public hearing is required to be held by the Board of Supervisors of Smyth County because there will be no direct impact from this amendment to the County.

THEREFORE BE IT RESOLVED that the Board of Supervisors of Smyth County hereby acknowledges the Enterprise Zone amendment application from the Town of Chilhowie and agrees to its submittal (with one requested map revision as specified in the Board minutes).

Vote: 6 yea
 1 absent (Dishner)

(Note: Mr. Clark handed the gavel over to the Vice Chairman because of conflict of interest; Mr. Tate also stated his interest on the Bank of Marion Board)

Upon motion of Mr. Perry, seconded by Mr. Roberts, and duly carried, the Board authorized the Vice-Chairman to execute a new letter of credit with the Bank of Marion for the Highlands Shell Building Appalachian Regional Commission (ARC) Loan. This letter of credit is in the amount of \$250,000 with the term ending August 7, 2006.

7-11-2006

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

With the recommendation of the Solid Waste Committee, **BE IT RESOLVED** that the Board unanimously approves the following rate change for tire disposal, effective this day, Tuesday, July 11, 2006.

<u>size</u>	<u>current fee</u>	<u>NEW fee</u>
16" or smaller	\$1 each	\$2
17" – 24.5"	\$2 each	\$4
25" and up	\$5 each	\$10

Vote: 6 yea
1 absent (Dishner)

With the Solid Waste Committee's recommendation, the Board unanimously approved the solid waste transportation rate increase from the current rate of \$174.62/load to \$196.05/load, effective July 11, 2006.

Vote: 6 yea
1 absent (Dishner)

Upon motion of Mr. Blevins, seconded by Mr. Slempp, and unanimously carried, the Board approved the low bid of \$319,313.15 from Boring Contractors (of Abingdon, VA) for the East Hungry Mother Water Project.

Vote: 6 yea
1 absent (Dishner)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board scheduled a public hearing for August 8, 2006 at 4:00 p.m. on the issuance of bonds for the East Hungry Mother Water Project.

Vote: 6 yea
1 absent (Dishner)

Upon motion of Mr. Perry, seconded by Mr. Slempp, and unanimously carried, the Board authorized Mr. Simpson to write a letter to Rural Development requesting the outstanding funds from Allison Gap and Cedars/Hall Addition be utilized for the portion of the Cedars/Hall Addition Sewer that was not feasible during the first project. Mr. Roberts inquired about using some of the funds for sewer on Kent Street.

Vote: 6 yea
1 absent (Dishner)

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

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the Board approved the Victim Witness Grant Program for July 1, 2006 – June 30, 2007 (continuation grant #06-19569VW05). Department of Criminal Justice Services (DCJS) funds, 80% federal \$39,479, 20% state \$9,869 for a total of \$49,348.

Vote: 6 yea
 1 absent (Dishner)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried the Board approved the following fiscal year 2007 Fire Programs Fund Disbursement Agreement:

Vote: 6 yea
 1 absent (Dishner)

7-11-2006

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved a single festival permit for the Davis Valley Winery event to be held on July 15, 2006.

Vote: 6 yea
 1 absent (Dishner)

(Note: Mr. Blevins stated that his wife works for Rouse Oil and he could vote impartially.)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved the gas/diesel bid to Chilhowie Milling Co. (Rouse Oil Service) for fiscal year July 12, 2006 – July 11, 2007. The following bid was accepted:

Net tank delivered wagon price per gallon no-lead cost plus (+) \$.10

Net tank delivered wagon price per gallon diesel cost plus (+) \$.12

Vote: 6 yea
 1 absent (Dishner)

With Mr. Tate's recommendation, upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board appropriated \$200 to Virginia Association of Counties for participation in the bankruptcy proceedings against Adelpia Cable.

Vote: 5 yea
 1 absent (Dishner, Perry stepped out of the room)

For the Board's information, Mr. Tate distributed a copy of the following Courthouse renovation order:

Mr. Steve Buston and Mr. Robert Hurt of the Virginia Department of Transportation were present to accept maintenance concerns. They took general comments from the Board. Mr. Carter updated the Board and VDOT on the abandonment of a portion of Surber Cove Road which was discussed at the meeting on June 13. The road has been posted and the hearing is scheduled for August 8 at 2:00 p.m.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and duly carried, the Board accepted the recommendation from the Planning Commission not to approve the application for a special use permit for a group home from Mr. Edward Worley. Mr.

Worley recently placed 1396 Buckeye Hollow Road on the market for sale. On behalf of the prospective buyer he applied for a special use permit to establish a group home. The property is zoned Agricultural/Rural (A/R). The Planning Commission commended Mr. Lowery, the prospective buyer, for his desire to help children and stated that they would entertain any future efforts in another location.

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

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board accepted the recommendation from the Planning Commission to approve the Blach request for a variance to the Airport Zoning Ordinance height restrictions, contingent upon Federal Aviation Administration (FAA) approval.

Vote: 6 yea
 1 absent (Dishner)

After discussion, upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board authorized the County Attorney and the Zoning Administrator to act on a Zoning Ordinance complaint (automobile graveyard) at 325 Pugh Mountain Road, to bring the property into compliance with the ordinance.

Vote: 6 yea
 1 absent (Dishner)

At approximately 3:00 p.m. the Board proceeded with a public hearing on the local community development and housing needs in relationship to the Community Development Block grant. Mr. Carter read the advertisement as placed in the Smyth

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County News and Messenger and there were no citizen's present to speak. Mrs. Sally Morgan gave a brief background on the project and informed the Board that the next required public hearing for this project would be held on Thursday, July 20, 2006 at 5:30 p.m. in the Board room. She answered brief questions from the Board before the hearing was closed at approximately 3:07 p.m.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board forwarded the adoption of a burning ordinance to the Ordinance Committee.

Vote: 6 yea
 1 absent (Dishner)

Ms. Paige Boardwine of the Mount Rogers Health District was present to seek approval from the Board for the use of a 100% funded grant which will go toward the purchase of an emergency generator.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved the expenditure for an emergency generator for the district headquarters of the Mount Rogers Health District. They have been awarded 100% funding for the purchase and installation of the generator for the Emergency Operations Center at 201 Francis Marion Lane. The building is owned by the County.

Vote: 6 yea
 1 absent (Dishner)

Old Business

1. Collection of delinquent taxes (Mr. Whitmore has contacted the attorneys **8-10-04**).
2. Marevine Slempp, request for water service on Fox Valley Road (**5-11-04**).
3. Request for tax exempt status for the Smyth County Community Foundation.
4. Courthouse Renovation.
5. Request the Board nominate a Workforce Investment Board Replacement for Joseph Ellis (**7-12-2005**).

Upon motion of Mr. Perry, seconded by Mr. Slempp, and unanimously carried, the Board appointed Ms. Rhonda Taylor to the New River Workforce Investment Board as the Business representative to replace Joe Ellis.

Vote: 6 yea
 1 absent (Dishner)

Upon motion of Mr. Slempp, seconded by Mr. Blevins, and unanimously carried, the Board removed items 4 and 5 from old business. The order for the Courthouse

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Renovation has been signed and the above nomination for the Workforce Investment Board was made.

Vote: 6 yea
1 absent (Dishner)

- 6. 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).
- 7. Geographical Information Systems (GIS) on the Smyth County website (11-9-2005).
- 8. Request for tax exempt status for the Lincoln Theatre (12-13-2005).
- 9. Re-codifying of the Smyth County Code (1-10-2006).
- 10. Ordinance Committee recommendation to merge the manufactured home ordinance into the zoning ordinance as proposed in the zoning amendments present to the Board in January 2005 (4-11-2006).
- 11. Radio Communications Project (5-9-2006).

Upon motion of Mr. Slemp, seconded by Mr. Blevins and unanimously carried, item #11 was removed from old business. It has been placed in the budget and is under way.

Vote: 6 yea
1 absent (Dishner)

- 12. Smyth County Fire & Rescue Association request for release of \$50,000 (5-9-2006).
- 13. Request the Board approve a 2004 personal property tax refund to John Timothy Peachey in the amount of \$1,011.19 (6-13-2006).

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved a 2004 personal property tax refund request in the amount of \$865.90 to Mr. John timothy Peachy. This item will be removed from old business.

Vote: 6 yea
1 absent (Dishner)

- 14. Reappointment: (6-13-2006)

Industrial Development Authority (4 year term, district specific)
Jimmie Stamper–591 Cleghorn Valley Road, Marion (646-8670) 6-30-2006

Reappointments sent to Appointment Committee:

CDI-Community Correction Resource Board (2 year term)

Michael Roberts 6-30-2006
Sheriff, R. David Bradley 6-30-2006

Community Policy Management Team (1 year term)

Sabrina Rose-2185 Red Stone Road, Marion, 24354 (783-8812) 6-30-2006
(Parent Representative)
Penny Dixon–PO Box 305, Marion, 24354 (783-8920) 6-30-2006
(Private Provider Representative)

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Marion Downtown Revitalization Committee (1 Year Term)

Harold Slemp 6-30-2006

Southwest Virginia Community Corrections (2 year term)

Sheriff, R. David Bradley 6-30-2006

Michael Roberts 6-30-2006

15. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee **6-13-2006**).

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, at 3:20 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) for (5) report on business prospect, and (7) for pending litigation and legal briefing.

Vote: 6 yea
1 absent (Dishner)

At 3:33 p.m. the Chairman ended the closed session.

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 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
1 absent (Dishner)

At 4:00 p.m. the Board proceeded with a public hearing to take public comment on the possible disposal of the former school building at 105 East Strother Street,

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Marion. Mr. Whitmore read the advertisement as ran in the Smyth County News and Messenger and the rules and procedures for public hearings. There were approximately 30 citizens present.

The following citizens spoke in favor of the Smyth County Museum remaining in the building at 105 East Strother Street. They mentioned the progress of the museum, how the museum was an asset to the county, and the need for the museum to remain in the historic building. Brenda Gwyn, President of the Historical Society handed a copy of the organizations plan for the future to the Chairman. The plan outlined solicitation of grants for renovations, once the building was in their possession, goals, and their mission.

Clayborne Gwyn
Marshall Guy
Sue Thompson

Brenda Gwyn
Evelyn Lawrence

These citizens spoke in favor of Mr. Joe Ellis' idea to house an Appalachian School of Art in the building:

Joe Ellis

David Fields

Mr. Ellis explained that he wanted to bring prosperity back to the building by putting it back to its original use.

Mr. Earl McClure spoke on the protection of the County and hoped that both interested parties had thoroughly inspected the building.

The hearing was closed at 4:25 p.m.

The Board asked Mrs. Gwyn general questions and briefly discussed the building. The Board agreed to continue voting on the issue until all Board members were present.

At 5:00 p.m. the Board proceeded with a second public hearing on the proposed School Board Budget for fiscal year 2006-2007. Mr. Carter read the advertisement as placed in the Smyth County News and Messenger. There was one citizen present and School Board members and staff. With the lack of Citizens present, the Board agreed not to read the rules and procedures.

Mrs. Betty Webb spoke on behalf of the Smyth County Education Association. She spoke in favor of the proposed budget.

Mr. Jim Sullivan, Superintendent, briefly answered questions form the Board.

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The hearing was closed at approximately 5:07 p.m. The Board must wait seven days before adopting the budget.

After briefly discussing the months meetings, at approximately 5:19 p.m., upon motion of Mr. Perry and seconded by Mr. Slemp, Board continued their meeting until Wednesday, July 19, 2006 at 6:00 p.m. for a public hearing on the general county budget and any other issues that may arise.

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Wednesday, July 19, 2006, at 6:00 P.M.

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

Staff Members Present:
 Mr. Edwin B. J. Whitmore, III
 Miss Amber Tilson
 Mr. Charlie Atkins
 Mr. John Tate

The meeting began with a public hearing on the fiscal year 2006-2007 General County budget. Mr. Whitmore read the advertisement as published in the Smyth County News. Since there were no citizen's present and none signed up to speak the reading of the rules was forgone. The Board recessed the hearing and moved to other business, to allow time if any one appeared to speak. The hearing was closed at approximately 6:09 p.m.

Note: Mr. Roberts and Mr. Clark stated they had family members that work for the School Board and could vote impartially.

Upon motion of Mr. Blevins, seconded by Mr. Perry, and unanimously carried, the Board approved the following fiscal year 2006-2007 School Board budget:

**Smyth County School Board Budget
 Proposed County School Debt and Capital Outlay Fund
 For the Year Ending June 30, 2007**

	2003-2004	2004-2005	2005-2006	2006-2007	Difference
School Debt and Capital Outlay Fund Revenues					
County Funds	\$ 1,009,822	\$ 902,205	\$ 855,139	\$ 855,139	\$ -
State School Construction	\$ 180,578	\$ 179,231	\$ 178,642	\$ 180,338	\$ 1,696
Lottery	\$ 416,338	\$ 405,432	\$ 459,340	\$ 453,276	\$ (6,064)
Trigon	\$ -	\$ -	\$ -	\$ -	\$ -
Literary Fund	\$ 150,000	\$ -	\$ -	\$ -	\$ -
Total School Debt and Capital Outlay Fund Revenues:	\$ 1,756,738	\$ 1,486,868	\$ 1,493,121	\$ 1,488,753	\$ (4,368)
School Debt and Capital Outlay Fund Expenditures					
Capital Facilities	\$ 287,000	\$ 198,000	\$ 150,000	\$ 185,355	\$ 35,355
Debt Service	\$ 1,469,738	\$ 1,288,868	\$ 1,343,121	\$ 1,303,398	\$ (39,723)
Total School Debt and Capital Outlay Fund Expenditures:	\$ 1,756,738	\$ 1,486,868	\$ 1,493,121	\$ 1,488,753	\$ (4,368)

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Smyth County, Virginia					
Proposed School Board Budget					
For the Year Ending June 30, 2007					
Summary of All Operations Budget Revenues					
	2003-2004	2004-2005	2005-2006	2006-2007	Diff. 2006-07 and 2005-06
School Operating Fund					
State Funds	\$ 20,062,239	\$ 23,422,023	\$ 24,258,067	\$ 28,517,588	\$ 4,259,521
Federal Funds	\$ 4,059,272	\$ 4,250,817	\$ 5,897,142	\$ 6,161,196	\$ 264,054
County Funds	\$ 7,876,062	\$ 8,763,154	\$ 8,810,220	\$ 8,844,744	\$ 34,524
Sales Tax	\$ 3,541,579	\$ 3,694,056	\$ 4,741,237	\$ 4,515,002	\$ (226,235)
Other Funds	\$ 373,948	\$ 470,948	\$ 706,259	\$ 470,165	\$ (236,094)
Total School Operating	\$ 35,913,100	\$ 40,600,998	\$ 44,412,925	\$ 48,508,695	\$ 4,095,770

Summary of All Operations Budget Expenditures					
	2003-2004	2004-2005	2005-2006	2006-2007	Difference 2006-2007, 2005-2006
School Operating Fund					
61000: Instruction	\$ 28,068,435	\$ 31,608,986	\$ 34,187,019	\$ 36,424,436	\$ 2,237,417
62000: Administration, and Attendance and Health	\$ 1,223,751	\$ 1,347,171	\$ 1,486,716	\$ 1,900,453	\$ 413,737
63000:Pupil Transportation Services	\$ 1,554,590	\$ 2,053,050	\$ 1,902,843	\$ 2,200,962	\$ 298,119
64000: Operating and Maintenance Services	\$ 3,058,459	\$ 3,408,777	\$ 3,660,774	\$ 4,324,651	\$ 663,877
65000: School Food Services	\$ 975,000	\$ 1,120,208	\$ 1,910,210	\$ 2,227,690	\$ 317,480
68000: Technology	\$ 1,032,865	\$ 1,062,806	\$ 1,265,363	\$ 1,430,503	\$ 165,140
Total School Operating Fund	\$ 35,913,100	\$ 40,600,998	\$ 44,412,925	\$ 48,508,695	\$ 4,095,770

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**School Textbook Fund
Smyth County, Virginia
Revenue Estimates
For the Year Ending June 30, 2007**

	2005-2006	2006-2007	Difference
Balance at Beginning of Year	\$ 252,431	\$ 329,685	\$ 77,254
Lost Books, etc.	\$ 1,000	\$ 1,000	\$ -
Transfer from School Board	\$ 220,109	\$ 396,409	\$ 176,300
Sale of Investments	\$ -	\$ -	\$ -
Interest on Investments	\$ -	\$ -	\$ -
Total School Textbook Fund:	\$ 473,540	\$ 727,094	\$ 253,554

**School Textbook Fund
Smyth County, Virginia
Expenditure Estimates
For the Year Ending June 30, 2007**

	2005-2006	2006-2007	Difference
Textbooks	\$ 160,720	\$ 241,000	\$ 80,280
Total School Textbook Fund:	\$ 160,720	\$ 241,000	\$ 80,280
Projected Balance at Beginning of 2007-2008 School Year: \$ 486,094			

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board approved a single festival permit for the Davis Valley Winery, event to be held on Saturday, August 5, 2006.

Mr. Tate informed the Board that the request for a special use permit heard at the last joint public hearing with the Planning Commission on Thursday, June 22 is not required because of state code section 15.2-2291. The Board approved the recommendation from the Planning Commission not to grant the request from Mr. Edward Worley on behalf of Keith Lowery to operate a group home. Mr. Tate has requested that this issue be brought back up before the Planning Commission at there next meeting on Thursday, July 27, 2006.

Mr. Roberts brought up the following questions concerning the proposed 2006-2007 general county budget:

- If the \$25,000 for Celebration in the budget could not be scaled down to \$1,000 and when the project gets going appropriate more funds as requested.
- He requested that the Budget Committee look at a lodging tax.
- Why was the Library budget \$100,000 more? Mr. Atkins will obtain more information before funds are appropriated to the Library.

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- Questioned \$40,000 for equipment in the 911 budget.
- He also suggested that approximately \$1,500 be taken from contingency and be shown for the Jamestown Project as a line item. The Board agreed with the expenditure.

The following changes were made to the proposed budget:

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, \$1,000 will be used of contingency for Virginia State Retirement System Study for the deputies.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board approved an additional line item in the budget for the \$80,000 Flat Ridge Self Help Project; this is a flow-through project.

At approximately 6:51 p.m., upon motion of Mrs. Neitch, seconded by Mr. Blevins, the Board continued the meeting until Wednesday, July 26, 2006 at 6:00 p.m., for adoption of the 2006-2007 county budget, tax levies, and any other issues that may arise.

Joint public hearing with the Planning Commission Thursday, July 27 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 Wednesday, July 26, 2006, at 6:00 P.M.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Harold Slemp Mr. Michael Roberts Mr. Wade Blevins	Mr. Todd Dishner Mrs. Darlene Neitch Mr. Marvin Perry
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Staff Members Present:	Mr. Edwin B. J. Whitmore, III Miss Amber Tilson Mr. Mike Carter	Mr. Charlie Atkins Mr. John Tate
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Charlie Atkins, Chief Financial Officer, updated the Board on the following requested changes made to the budget since the last meeting on July 19:

- Moved \$1,000 from contingency and created a line item for LEORS (retirement system study for the deputies).
- A line item of \$80,000 was also created in revenue and expenditures for the Rye Valley Self Help Water Project.

With the above changes the budget total is \$77,760,975.

He also addressed the following questions from the last meeting:

- The \$40,000 in the E-911 is for normal repair and maintenance.
- He presented information on the Library's budget and what was restricted and what wasn't restricted. He also explained cash and bank balances.

The board discussed the Library's budgeting process, Mr. Atkins and 3 representatives for the library answered questions. Mr. Perry suggested that the CFO and County Administrator get the County's auditor involved.

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board authorized Mr. Atkins to incorporate a Terrorism Grant into the 2006-2007 proposed budget in the amount of \$75,440, which would be a flow through project and appear under the Sheriff Department budget.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the recommendation from the Budget Committee to raise the current mileage rate from .325/mile to .385/mile.

Mr. Perry inquired about the salary study. Mr. Atkins is currently trying to contact the person for the study.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board adopted the 2006-2007 fiscal year budget in the amount of \$77,836,415, with the changes incorporated earlier in the meeting.

Mr. Roberts and Mr. Perry thanked the Budget Committee and staff for their work on this years budget.

7-26-2006

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

Note: Mr. Slemp left at 6:45.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board scheduled a public hearing on Tuesday, September 12, 2006 at 4:00 p.m. to take comment on the request from the School Board for additional funds which would amend the 2006-2007 budget.

Vote: 6 yea
 1 absent (Slemp)

The Board reviewed information on the VACo Conference which will be held November 12-14, 2006 at the Homestead. Those wishing to attend should let Amber know by Friday, July 28.

At approximately 6:51 p.m., the meeting was continued until Thursday, July 27, 2006 at 7:00 p.m. for a joint public hearing with the Planning Commission and any other issues that may arise.

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, July 27, 2006, at 7:00 P.M.

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

Staff Members Present:	Mr. Edwin B. J. Whitmore, III Miss Amber Tilson Ms. Shirley Spencer Mr. Charlie Atkins	Mr. Clegg Williams Mr. John Tate Mr. Mike Carter
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Planning Commission Members Present:	Mr. Dennis Blevins, Chairman Mr. Earl McClure Mr. Karl Kalber	Mr. Wayne Venable Mr. Graham Davidson Mr. Archie Atwell
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Planning commission Members Absent: Ms. Amy Tuell

At 7:00 p.m. the Chairman of the Board and Chairman of the Planning Commission called the joint public hearing to order. There were approximately 5 citizens present. Ms. Shirley Spencer read the advertisement as placed in the Smyth County News and Messenger.

Mr. Clegg Williams, Zoning Administrator, summarized the first application he received from Mr. W. A. Weaver who applied for a zoning permit to install a manufactured home on a lot he owns in Konnarock. The property is just over 2 acres in size with the majority of the tract zoned Commercial. The tract currently contains a convenience store, an abandoned car wash, and possibly one manufactured home. Because considering the proposed location was zoned commercial, Mr. Williams was unable to issue a zoning permit. As a result, Mr. Weaver applied to have a small portion of the tract rezoned from commercial to agricultural/rural. Mr. Williams stated that adjoining property owners were notified by mail and received comments on the application. He also pointed out the following sections of the ordinance: Section 3-4 which are the district regulations for the Commercial District (the district regulations that currently apply), Section 3-2 which covers the district regulations for the Agricultural/Rural district (the district regulations that would apply if the property is rezoned), and Article IX which covers Amendments to the Ordinance.

Mr. Weaver answered general questions from the Board and Planning Commission concerning the mobile home he plans to move on to the lot, lot size, and

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surrounding areas. Mr. Williams also helped clarify some questions.

Mr. Williams summarized the second application received from Mr. Greg Deel. who six years ago purchased 14.8 acres in Davis Valley. In a short time he established three manufactured home lots on the property. He now wishes to deed one of the home sites to his brother. Since the property is accessed by a private right-of-way, Mr. Deel made a variance request to the Planning Commission which was heard at their 6:00 p.m. meeting and approved. He is now left with 13.3 acres and two home sites and would like to establish a third home site on the property. Section 10-45 defines a manufactured home park as *a site equipped to accommodate three or more manufactured homes*. As a result, Mr. Deel has applied for a special use permit. Mr. Williams stated that adjoining property owners were notified by mail and he had not received any comments on this application.

Mr. Williams pointed out the following sections of the ordinance: Section 3-2.2 q) which allows a manufactured home park in the A/R district by special use, Section 10-45 which defines manufactured home parks and Article VI which contains the standards that must be met before a special use permit may be approved.

Mr. Deel answered questions from the Board, Attorney, and Planning Commission. He explained that he hoped to move a new doublewide home onto the lot for his mother in law and father in law to live close by. He and Mr. Williams clarified other questions such as if the current homes were grandfathered into the zoning ordinance.

The public hearing was closed at approximately 7:25 p.m. and the Planning Commission recessed while the Board completed the following items.

The appropriations below were approved at the last regular meeting on July 11, 2006 which at that time there was not an adopted budget. With the fiscal year 2006-2007 budget adopted on July 26, the County Attorney advised to do so again. After discussion, the Board appropriated the following:

Appropriations

General County	\$1,500,000
Department of Social Services (July 12-31, 2006)	\$310,000
(August 1-8, 2006)	\$45,000

7-27-2006

Schools	Operating Fund	\$2,100,000
	Textbook Fund	\$35,000
	Debt & Capital Outlay Fund	\$900,000

Accounts payable listing \$697,530.08

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board, approved the following appropriation:

General County	\$130,000
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Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board approved the accounts payable listing in the amount of \$258,359.45.

The Chairman reminded the Board that those wishing to attend the VACo conference in November should notify Amber as soon as possible.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the meeting was adjourned at approximately 7:35 p.m.

C.C. Clark, Jr., Chairman

8-8-2006

CITIZEN'S TIME

Mr. Earl McClure updated the Board on archery activities at Camp Freedom. He requested \$837.06 to assist in the purchase of supplies and equipment for the winter activities.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, this request was forwarded to the Budget Committee.

Vote: 5 yea
 2 absent (Blevins, Roberts)

Mr. McClure also requested that all information coming from the County Attorney's office, directed toward the Planning Commission, be sent to each individual member of the Planning Commission. He then commended the Board on the way they handled the group home issue. He stated that they followed the law and made the right decision.

Mrs. Brenda Gwyn, of the Smyth County Historical and Museum Society presented before and after pictures of the old school building that the society wishes to achieve. She also made herself available for unanswered questions of the Board. Board members asked questions concerning funding, financial status, remodeling of the building, and the support from society members.

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 17, 2006.

Vote: 5 yea
 2 absent (Blevins, Roberts)

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved a festival permit application for the Adwolfe Volunteer Fire Department. Festival will be held on September 8, 9, and 10, 2006.

Vote: 5 yea
 2 absent (Blevins, Roberts)

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried the Board approved the fiscal year 2007 Four-for-Life Fund Disbursement as follows:

Sugar Grove Life Saving Crew	\$5,832.67
Marion Life Saving Crew	\$5,832.67
Chilhowie Fire Dept./EMS	\$5,832.68
Saltville Life Saving Crew	\$5,832.68

8-8-2006

Vote: 5 yea
2 absent (Blevins, Roberts)

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved the Town of Chilhowie's recommendation and appointed Heather Luttrell as their representative on the Mount Rogers Planning District Commission.

Vote: 5 yea
2 absent (Blevins, Roberts)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved the Town of Saltville's recommendation and reappointed Mayor Jeff Campbell as their representative on the Mount Rogers Planning District Commission.

Vote: 5 yea
2 absent (Blevins, Roberts)

With the recommendation of the Water Committee, the Board unanimously agreed that a balance of \$2,479.63 be written off the books, because the Sheriff's Department was unable to locate 14 customers to serve warrant in debt claims.

Vote: 5 yea
2 absent (Blevins, Roberts)

With the Water Committee's recommendation, the Board unanimously approved the following:

A 100% funded Virginia Water Supply Assistance Grant for Axum Lane, not to exceed \$33,000.

<u>ACTIVITY</u>	<u>ESTIMATED COST</u>
<i>Install approximately 550 LF of 6" water line</i>	<i>\$29,500</i>
<i>Construction inspection</i>	<i>\$2,000</i>
<i>Construction contingency</i>	<i>\$1,500</i>
<i>TOTAL</i>	<i>\$33,000</i>

Vote: 5 yea
2 absent (Blevins, Roberts)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the recommendation from the water committee was approved with the acceptance of the North Holston package and tentative acceptance of the Pioneer Road package through the Virginia Department of Health 2007 drinking water construction assistance.

	<u>Total funding package</u>	<u>Interest</u>	<u>Term</u>
North Holston Line Replacement	\$473,000	0%	20yrs
Pioneer Road			

8-8-2006

Line Extension \$622,000 3% 20yrs

Vote: 5 yea
 2 absent (Blevins, Roberts)

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board approved the Courthouse and Jail topographic and boundary survey proposal from Anderson & Associates, Inc. for a total price of \$12,500 and reimbursable expense of \$900.00 unless requested to perform additional work. (The proposal will be included in the official minutes)

Vote: 5 yea
 2 absent (Blevins, Roberts)

Mrs. Morgan updated the Board on the Allison Gap School Elderly Housing Project. The newly formed development corporation is awaiting a \$25,000 planning grant fund from the state. Mrs. Morgan gave Mr. Tate a revised letter of agreement to be approved by the Board since they will be the recipients of the funds. It cannot be approved until the funds have been approved. Request for Proposals (RFP) were solicited and Spectrum Designs was chosen as the firm to perform the services and study the possibility of converting the school into elderly housing.

Mrs. Morgan requested that another Board member be appointed as alternate to serve on this projects committee. She currently serves and Mr. Roberts also attends. This request was referred to the Appointment committee.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board set the relief for qualifying vehicles at 65% under the Personal Property Tax Relief Act (PPTRA) for fiscal year 2006-2007.

Vote: 5 yea
 2 absent (Blevins, Roberts)

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved a Byrne Justice Assistance Grant for the Sheriff Department. The local match will come from the drug asset forfeiture fund.

Federal funds	\$1,976
<u>Local funds</u>	<u>\$220</u>
Total	\$2,196

Vote: 5 yea
 2 absent (Blevins, Roberts)

Note: Mr. Roberts arrived at this time.

8-8-2006

At approximately 2:00 p.m. the Board proceeded with a public hearing on a proposed abandonment of a portion of State Route 667, Surber Cove Road. The proposed section to be abandoned is from 0.12 miles north of route 613 to the end of the State maintenance, for the length of 0.18 mile. If adopted, this section of State Route 667 will revert to only private use. Mr. Carter read the advertisement as placed in the Smyth County News and Messenger and the rules and procedures for public hearings. There were approximately 10 citizens present.

The first citizen to speak was Mr. Larry Boardwine, owner of the property and requester of the abandonment. He stated that abandoning the road would eliminate illegal dumping and make the property more secure.

Mrs. Karen Combs of Surber Cove Road spoke in opposition to the abandonment. She presented a petition with approximately 380 names also in opposition. Mrs. Combs explained that the main concerns were sentimental value, and hunters would be forced to park further down the road (in her driveway and driveways of other residence on the road). She also stated that the Sheriff's Department had been helpful in patrolling the area. She presented a letter from Donna and Derick McGhee, Dee Potokar, Telisha Miller, Archie Smith, David Smith, and Dewayne Smith, which explained their opposition. Their main concern explained in the letter was having access to their family cemetery which is on the property; the road would be private if abandoned.

Mr. Charles Boardwine, father of the new property owner, also spoke in favor of the abandonment.

Mr. John Baker of the Department of Game and Inland Fisheries requested that the Board delay their decision while the Department researches the access to their Clinch Mountain Wildlife Management Area. They are also looking into the possibility of developing an easement to maintain hunter access to this historical area. Mr. Baker answered several questions from the Board concerning the Departments access and maintenance of the area.

After the Board discussed and reviewed aerial maps of the area proposed for abandonment, the hearing was closed at approximately 2:20 p.m.

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Mr. Roberts suggested leaving the road as is. Steve Buston of VDOT also answered questions on how they would maintain the road if abandoned.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried; the Board continued this issue until the regular October 10, 2006 Board meeting to allow the Department of Game and Inland Fisheries to complete their studies.

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

Mr. Robert Hurt of the Virginia Department Transportation returned maintenance concerns and distributed a copy of the paving and surface treatment schedules. These schedules should be completed by October 1. Mr. Hurt updated the Board on Mr. James Brown in the Hall Addition, VDOT will be repaving and ditching at the cul-de-sac. He also answered general questions from the Board such as the reconstruction of the bridge in Sugar Grove causing the school bus detour. It will not be ready for the opening of this school year.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby authorizes the Department of Transportation to close State Route 624, .8 mile west of intersection Route 16, for the length of time necessary to complete construction of a new bridge.

Vote: 6	yea
1	absent (Blevins)

Mr. Hurt stated that the fixed date in that contract is July 1, 2007.

Mr. Roberts commented on the Board's lack of following the district representative in which issues occur.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board accepted the recommendation from the Planning Commission to recommend rezoning from Commercial to Agricultural/Rural as requested by Mr. W. A. Weaver.

Vote: 6	yea
1	absent (Blevins)

Upon motion of Mr. Dishner, seconded by Mr. Perry, and unanimously carried, the Board accepted the recommendation from the Planning Commission to recommend approval of a special use permit for Mr. Greg Deel as requested.

8-8-2006

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board appropriated \$24,200 from the police activity fund (#744-010000-9003) for the purchase of a new Sheriff's Office vehicle to replace a totaled vehicle.

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board appropriated \$5,000 from the police activity fund (#744-010000-9003) for the purchase of a self-contained RV, mobile home to serve as a mobile command unit.

This unit would replace the 2 older units currently in operation.

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Slemp and unanimously carried, the Board approved payment of the following bills received after the deadline for the Board packet:

- | | | |
|----|----------------------------------|---------------------|
| 1. | Atlantic Election Services, Inc. | \$6,000 |
| 2. | Gwyn & Tate | June \$3,640 |
| | | <u>July \$3,168</u> |
| | | Total \$6,808 |

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board appropriated up to \$2,000 from the contingency fund (# 001-056000-5827) for the Employee Wellness day to be held on Thursday, September 21, 2006. Cost for each full time employee routine service is \$35.

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board appropriated \$4,472.90 from the Emergency Medical Service line item (#001-032030-8888-9) for the State and Local Hospitalization Program required by section 32.1-343 of the Code of Virginia.

Vote: 6 yea
 1 absent (Blevins)

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

8-8-2006

Board appropriated \$725 from the Animal Control Office Supplies fund (#003-091060-5401) for the purchase of a copier.

Vote: 6 yea
 1 absent (Blevins)

Mr. Whitmore distributed a copy of the unofficial year end statement.

At 4:00 p.m. the Board proceeded with a public hearing as advertised on the proposed issuance of general obligation bonds for the East Hungry Mother Water Project. The estimated maximum amount of the bonds to be issued would be \$338,000. Mr. Whitmore read the ad as ran in the Smyth County News and Messenger. There were no citizens present to speak; therefore the rules for public hearings were not read. After the Mr. Tate's review and approval, the Board adopted the resolution with the action below.

Upon motion of Mr. Dishner, seconded by Mr. Slemph, and unanimously carried, the Board adopted the following resolution: (The resolution will be included in the official minutes).

Vote: 6 yea
 1 absent (Blevins)

Mr. Clark distributed an informational report on the Chamber of Commerce/Tourism partnership proposal. He currently serves on the committee with the Mayors of the three towns. The proposal explains where the partnership currently is and where they would like to go. The Board discussed the feasibility of donations to the Chamber and to the new tourism organization. Mr. Tate updated the Board on his investigation into the new organization and their status as a 501 (c) (3) organization; they are currently working on by-laws. The Board will read the report and discuss it at a later time.

Mr. Tate updated the Board on two issues referred to him and Mr. Clegg Williams, Zoning Administrator, concerning junkyards. The Calderon case was notified by letter and given 14 days to rectify the situation. They did not respond within that time. The second case was two Blevins'; both were served with warrants one of which was convicted of housing a junkyard. The second was given until September 15, 2006, court date.

8-8-2006

Old Business

1. Collection of delinquent taxes (Mr. Whitmore has contacted the attorneys **8-10-04**).
2. Marevine Slemp, request for water service on Fox Valley Road (**5-11-04**).
3. Request for tax exempt status for the Smyth County Community Foundation.
4. 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**).
5. Geographical Information Systems (GIS) on the Smyth County website (**11-9-2005**).
6. Request for tax exempt status for the Lincoln Theatre (**12-13-2005**).
7. Re-codifying of the Smyth County Code (**1-10-2006**).
8. Ordinance Committee recommendation to merge the manufactured home ordinance into the zoning ordinance as proposed in the zoning amendments present to the Board in January 2005 (**4-11-2006**).
9. Smyth County Fire & Rescue Association request for release of \$50,000 (**5-9-2006**).
10. Reappointment: (**6-13-2006**)

Industrial Development Authority (4 year term, district specific)
 Jimmie Stamper–591 Cleghorn Valley Road, Marion (646-8670) 6-30-2006

Reappointments sent to Appointment Committee:

With the recommendation of the Appointment Committee, the Board unanimously approved the following reappointments:

Community Policy Management Team (1 year term)
 Sabrina Rose-2185 Red Stone Road, Marion, 24354 (783-8812)
 (Parent Representative) 6-30-2007
 Penny Dixon–PO Box 305, Marion, 24354 (783-8920)
 (Private Provider Representative) 6-30-2007

Vote: 6 yea
 1 absent (Blevins)

With Mr. Perry's motion, and the recommendation of the Appointment Committee, the Board unanimously reappointed the following:

Marion Downtown Revitalization Committee (1 Year Term)
 Harold Slemp 6-30-2007

Vote: 6 yea
 1 absent (Blevins)

With Mr. Perry's motion, and the recommendation of the Appointment Committee, the Board unanimously reappointed the following:

Southwest Virginia Community Corrections Community Criminal Justice Board (CCJB) (2 year term)

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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 (Blevins)

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board, renewed both current leases with Mr. Eddie Stokes on an emergency basis as a soul source, at the landfill for a monitoring well of groundwater.

Vote: 6 yea
 1 absent (Blevins)

Mr. Roberts gave his thanks to Mr. Williams, Zoning Administrator, for his assistance in the ordinance for burned homes. One home in Allison Gap has been removed and it has improved the looks of the area.

At approximately 5:13 p.m., upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the meeting was continued until Thursday, August 24, 2006 at 7:00 p.m. for a joint public hearing with the Planning Commission and any other issues that may arise.

Vote: 6 yea
 1 absent (Blevins)

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, August 24, 2006, at 7:00 P.M.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Marvin Perry Mrs. Darlene Neitch Mr. Harold Slemp	Mr. Wade Blevins Mr. Todd Dishner Mr. Michael Roberts
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Staff Members Present:	Mr. Edwin B. J. Whitmore, III Mrs. Amber Johnson Ms. Shirley Spencer Mrs. Sally Morgan	Mr. Clegg Williams Mr. John Tate Mr. Mike Carter
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Planning Commission Members Present:	Mr. Dennis Blevins, Chairman Mr. Earl McClure Mr. Karl Kalber	Mr. Wayne Venable Mr. Graham Davidson Mr. Archie Atwell
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Planning commission Members Absent: Ms. Amy Tuell

At 7:00 p.m. the Chairman of the Board and Chairman of the Planning Commission called the joint public hearing to order. There was one citizen present. Mr. Whitmore read the advertisement as placed in the Smyth County News and Messenger on August 12. Because of the lack of citizens present, the rules for hearing were not read.

Mr. Clegg Williams, Zoning Administrator, summarized the only application he received. In February, Mr. Mike Taylor applied to have a subdivision he was developing rezoned to Residential. Rezoning was required by §3-2.3 b) of the Zoning Ordinance. His request was approved and the property is now zoned Residential.

Mr. Taylor would now like to market the lots for single-wide manufactured homes and has requested the property be rezoned to Agricultural/Rural. The ordinance has not changed and still requires any "subdivision" in the A/R district be zoned Residential. Mr. Taylor submitted the required application and paid the required fee. First class mailing was sent to all of Mr. Taylor's adjoining property owners. Mr. Williams received no comments on this application.

Mr. Mike Taylor spoke on behalf of his application and answered questions from the Board. He stated that there appeared to be some controversy at the February meeting as to whether his land division should have been considered a subdivision so he thought he would bring the matter back to the Commission and Board for review. He said he hoped that in the mean time a decision would have been reached on whether four lots constituted a subdivision and if it did not, then he wanted the zoning on his lots

8-24-2006

changed back to Agricultural/Rural.

The Board discussed this application with the attorney, Mr. Williams, and the Planning Commission. The hearing was then closed at 7:35 p.m.

Upon motion of Mr. Perry, seconded by, Mr. Blevins, and unanimously carried, the Board of Supervisors set September 12, 2006, at 4:30 P.M. as the date and time to hear an appeal from Earl McClure to the variance granted by the Planning Commission for the proposed Sheridan Ridge Subdivision.

At this time the Board recessed to the forth floor Board room to complete their agenda.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the transfer of an old Sheriff's car, not in use, from Smyth County to the School Board to be used by the Career & Technology Center in the new Criminal Justice Program.

Upon motion of Mr. Slemp, seconded by Mr. Blevins and duly carried, the Board re-appropriated the following from the 2004 and 2005 Homeland Security funds (account # 001-035050-8888).

- \$24,241 to purchase mobile radios for the county public works department.

Vote: 6 yea
 1 nay (Perry)

Mr. Clark reminded the Board of the current Tourism Association being established. He explained that he would soon need direction from the Board as to how they feel about the association. He currently represents the Board on the association. He requested that Mr. Joe Ellis who is heading the association, to appear at the meeting to answer questions and give the Board more information on where the Tourism Association would like to go.

Mr. Ellis distributed handouts for the presentation he has given to each of the Towns. He compared Smyth County with Tazewell, Carroll, Washington, Ashe, Madison, and Watauga County in population and tourism dollars. He explained how tourism would help the local economy, and listed the many tourism sites in Smyth County the association wishes to market.

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Mr. Perry voiced his concerns with current members of the association and localities not adhering to the by-laws of the organization which requires elected officials serve on the association. Mr. Ellis answered other questions from the Board. The Board also discussed the possibility of funding the organization through the Chamber. The association is currently in the process of gaining 501 (c) (3) status. This issue will be continued until the next regular meeting on Tuesday, September 12, 2006.

The Chairman reminded the Board of the Town and County BBQ on Thursday, August 31 at 6:30. The Board members wishing to attend should RSVP to Mrs. Johnson as soon as possible.

At 8:30 p.m., the meeting was adjourned.

Note from the Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.

Virginia: At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, September 12, 2006 at 12:00 noon.

Board Members Present: Mr. Charlie Clark, Chairman Mrs. Darlene R. Neitch
Mr. Harold Slemph Mr. Wade Blevins
Mr. Michael Roberts (arrived at 12:06 p.m.)
Mr. Todd Dishner (left at approximately 2:38 p.m.)
Mr. Marvin Perry (left at approximately 3:45 p.m., during closed session)

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

The Chairman called the meeting to order at approximately 12:00 noon.

Mr. Denton Staley gave the invocation and Mrs. Sandy Elswick led the pledge of allegiance.

Upon motion of Mrs. Neitch, seconded by Mr. Slemph, and unanimously carried, the agenda was adopted along with the additional agenda.

Vote: 6 yea
 1 absent (Roberts)

Upon motion of Mr. Slemph, seconded by Mr. Dishner, and unanimously carried, the minutes of Tuesday, August 8, 2006, and Thursday, August 24, 2006 were adopted.

Vote: 6 yea
 1 absent (Roberts)

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

General County		\$1,150,000
Animal Control (office supplies)		\$61
Allison Gap Sewer Project		\$21,462.20
Cedars/Hall Addition Sewer Project		\$140,512
Department of Social Services (September 13-30, 2006)		\$330,000
(October 1-10, 2006)		\$40,000
Schools	Operating Fund	\$4,000,000
	Textbook Fund	\$50,000

Vote: 6 yea
 1 absent (Roberts)

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the accounts payable listing in the amount of \$690,264.69 was approved.

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Vote: 6 yea
 1 absent (Roberts)

CITIZEN'S TIME

Mrs. Mary Anna Turner, a retired employee of the Smyth County Department of Social Services spoke on behalf of the majority of current employees of Department of Social Services. She expressed those employees's opposition to the dismissal of Mr. Virgil Miller as the Department Director. They requested that the Board review the decision made by the local Department of Social Services Board and reinstate Mr. Miller. She also explained their request that the current Social Services Board be dissolved and reinstated with new members so that the department can move in the right direction.

Mrs. Sondra Hall of Middle Fork Road explained the problem with speeding on the road since it has been repaved. She requested that the proper authority patrol the area or children at play signs be installed. Her request was referred to VDOT.

Ms. Doris Smith of the Smyth County Extension Homemakers invited the Board to their annual luncheon to be held on Tuesday, October 10 at 10:30 a.m. at the Farm Bureau building.

Mrs. Brenda Gwyn of the Smyth County Museum and Historical Society again expressed the Society's wishes to obtain the old school building on East Strother Street in Marion.

Mr. Gregory Orvick of Marion expressed his concern for more business in the Marion area and the need for more jobs. Mr. Whitmore and Mr. Slemp responded to the progress that has been made.

Mr. Perry responded to the request from the employees of the Department of Social services. He explained that the Board of Supervisors cannot override the Social Services Board's actions. Going through the court system would be the next step. Mr. Tate also agreed. Mrs. Neitch also responded to the request, who serves on the Social Services Board. She explained that the Social Services Board members are not at liberty to speak on the dismissal of Mr. Miller and apologizes for any hardships.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board approved a DMV grant for the Sheriff's Department in the amount of \$19,264

9-12-2006

with \$3,853 in kind, the in kind being fuel, for completion of this grant.

Vote: 7 yea
 0 nay

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board tentatively approved an agreement with Spectrum Design for the Allison Gap School, Elderly Housing Study. Once the grant is awarded the Chairman is authorized to sign the agreement.

Vote: 7 yea
 0 nay

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board approved a Virginia Department of Housing and Community Development grant contract for the Flat Ridge Road (Rye Valley) Water Self-Help Project. The contract is on file at the Office of the County Administrator.

Vote: 7 yea
 0 nay

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved a letter of support for an Appalachian Regional Commission (ARC) grant application for fiscal year 2007-2008. The application is being filed by the Smyth Washington Regional Workforce Consortium. This letter commits \$25,000 in matching funds, this does not appropriate funds.

Vote: 7 yea
 0 nay

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board reappointed Mr. Bill Huber as the alternate to the Board of Appeals Virginia Statewide Uniform Building Code. His 4 year term will expire September 30, 2010.

Vote: 7 yea
 0 nay

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board approved the Mount Rogers Community Mental Health and Mental Retardation Services Board's Annual Performance Contract with the Department of Mental Health Retardation and Substance Abuse Services. The following is a summary of the fiscal year 2007 performance contract (will be included in the official minutes).

Vote: 7 yea
 0 nay

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Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved the pick up truck bid in the amount of \$17,195 from Empire Ford of Abingdon for the Animal Control department.

Vote: 7 yea
 0 nay

With the recommendation of the Fire and Rescue Funds Committee, the Board unanimously approved that Request for Proposals be solicited for the portable cascade system.

Vote: 7 yea
 0 nay

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board appropriated \$5,000 from the Celebration fund (#001-56000-6022). This fund is currently budgeted at \$25,000. The Celebration Committee request \$5,000 for advertising expenses.

Vote: 7 yea
 0 absent

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

WHEREAS, the potential developer of land near Exit 47 is currently undertaking a traffic impact analysis of the interchange area; and

WHEREAS, the developer through its consultant is in the discussion stages with the Virginia Department of Transportation (VDOT) and the Federal Highway Administration (FHWA) regarding the traffic impact analysis; and

WHEREAS, the developer has asked for the initial support from the local governing body for the project before proceeding into more detailed engineering that will be required.

THEREFORE, Be It Resolved that the Smyth County Board of Supervisors supports the proposed development and is interested in the project progressing forward; and

BE IT FURTHER RESOLVED, that the Smyth County Board of Supervisors urges both VDOT and the FHWA to expedite its initial review process on the project.

Vote: 7 yea
 0 absent

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the East Hungry Mother Water Project construction contracts contingent upon the Attorney's review. The Chairman is then authorized to sign the contracts.

Vote: 6 yea
 1 absent (Neitch, stepped out of the room)

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

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the Board approved a single festival permit for the Davis Valley Winery, contingent upon written approval of the Sherriff's Department and the Virginia Department of Health.

The event will be held on Saturday, September 16, 2006.

Vote: 6 yea
 1 absent (Dishner)

Steve Buston of the Department of Transportation updated the Board on the Fiscal Year 2008-2013 Six Year Improvement Program public hearing to be held on Wednesday, October 18, 2006 at 6:00 p.m., in the Grand Hall at the Southwest Virginia Higher Education Center. This hearing will cover the Primary, Urban and Interstate Systems.

Mr. Buston briefly discussed the Six Year Secondary System Improvement Program. A new system called Federal Routes funding has been put into place. He hopes to discuss this further in detail with the Board in the near future. He also mentioned the possible public hearing scheduled for this year's Six-Year Improvement Program.

Mr. Clark referred the request made during citizen's time concerning Middle Fork Road.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board continued the following recommendation from the Planning Commission (on the joint public hearing held on Thursday August 24, 2006) at the request of Mr. Mike Taylor.

After discussion including the option of vacating the plat, the Chairman called for a motion. Mr. McClure moved to recommend to the Board of Supervisors that they or Bud Owens, the subdivision agent, grant Mike Taylor the authority to vacate his plat and to then proceed with changing the zoning from Residential to Agricultural/Rural. Mr. Venable seconded the motion and it passed unanimously.

Vote: 7 yea
 0 nay

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board appropriated \$359.76 from the Board's advertising fund (#11010-3007) for the advertisement of the dog and cat vaccination clinics.

Saltville Progress	\$45 per week	\$90
Smyth County News	\$134.88 per week	\$269.76

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Vote: 5 yea
 2 absent (Dishner, Mr. Roberts was out of the room)

At approximately 4:03 p.m. the Board proceeded with a public hearing as advertised on the following proposed amendments to the 2006-2007 School Board budget. Mr. Whitmore read the advertisement as placed in the Smyth County News. There were approximately 10 citizens present and there were no citizens signed up to speak.

<u>REVENUE</u>		<u>Proposed</u>	<u>Proposed</u>
<u>School Operating Fund</u>	<u>Current</u>	<u>change</u>	<u>budget</u>
State Funds	\$28,517,588	-0-	\$28,517,588
Federal Funds	6,161,196	-0-	6,161,196
County Funds	8,844,744	\$1,692,576	10,537,320
Sales Tax	4,515,002	-0-	-0-
Other funds	470,165	-0-	-0-
<u>Total School Operating Fund</u>	<u>\$48,508,695</u>	<u>\$1,692,576</u>	<u>\$50,201,271</u>

<u>EXPENDITURES</u>			
<u>School Operating Fund</u>			
61000: Instruction	\$36,424,436	-0-	\$36,424,436
62000: Administration, Attendance & Health	1,900,000	-0-	1,900,453
63000: Pupil Transportation	2,200,962	-0-	2,200,962
64000: Operating & Maintenance Services	4,324,651	1,365,076	5,689,727
65000: School Food Service	2,227,690	120,000	2,347,690
<u>68000: Technology</u>	<u>1,430,503</u>	<u>207,500</u>	<u>1,638,003</u>
<u>Total School Operating fund</u>	<u>\$48,508,695</u>	<u>\$1,692,576</u>	<u>\$50,201,271</u>

Upon motion of Mr. Slemp, seconded by Mr. Blevins and unanimously carried, the reading of the rules for public hearings was forgone.

Vote: 5 yea
 2 absent (Dishner, Perry)

Mr. Jim Sullivan, School Superintendent, thanked the Board for their consideration in allowing the School Board to utilize the left over funds from the 2005-2006 budget. These funds would be used to catch up on facility improvements. The hearing was closed at approximately 4:09 p.m.

Mr. Whitmore suggested that both Budget Committees of the Board and School Board meet to discuss the request and project list in depth. The Budget Committee will then return to the Board with a recommendation.

Mr. Roberts stated his concerns on the General Assembly adjustment. He also suggested that the committee consider an escrow fund and keep in mind the effects of spending the deficit.

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At 4:30 p.m. the Board proceeded with a hearing on an appeal filed by Earl McClure on the variance to the Subdivision Ordinance granted by the Planning Commission on July 27, 2006 for the proposed Sheridan Ridge Subdivision.

Mr. McClure explained his appeal with a handout that outlined the following points:

1. The Subdivision Agent could not qualify the request as a valid one to satisfy the provisions set out in section 5.3 of the Subdivision Ordinance.
2. Granting the variance did not comply with the mandatory standards prerequisite to granting a variance set out in section 5.3 of the subdivision ordinance.
3. The Planning Commission did not acknowledge a previous request for a variance to the identical (Big Horn Estates) section of the Subdivision Ordinance which was overturned by the Board of Supervisors.

Mr. Tate clarified Mr. McClure's appeal that he appeals the decision to grant a variance to permitting these lots to be used for permanent residence. He also responded to the Big Horn Estates case.

Mr. Dennis Blevins, Chairman of the Planning Commission, responded to the above reasons for the appeal:

1. The subdivision agent stated that the terrain was too steep to meet VDOT street standards. If a VDOT street were installed, the homes could have been occupied on a permanent basis without a variance. Therefore, the subdivision agent felt that the request was valid under Section 5.3 because the "physical development of land" represented a "difficulty" or "hardship".
2. Planning Commissioners who voted in favor of the variance were satisfied that it met the standards required in Section 5.3.1-5.3.4. Conditions described in these four sections were addressed during discussion, much of which occurred before Mr. McClure arrived.
3. Mr. McClure stated that the Planning Commission did not acknowledge a previous Planning Commission decision on a variance request. However, as noted in the meeting minutes, Mr. McClure reminded the Commission of the previous decision. Those who approved the variance felt that the existing Big Horn Estates Recreational Development and the proposed Sheridan Ridge development were different enough not to consider the previous variance as setting a precedent that would apply to the present variance.

The Planning Commission recommended and forwarded to the Board in May a proposed amendment to the Subdivision Ordinance that would render this variance unnecessary. The Commission felt that the proposed amendment would be adopted by the Board and did not see a need to delay the Sheridan Ridge project until the Board acted on the proposed amendment. With this in mind coupled with the fact that the

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steep terrain made a VDOT street a hardship and difficulty in the physical development of the land as referred to in Section 5.3 on Variances, the Commission approved the variance request so that permanent homes could be built on the lots that will be accessed by a private road.

Mr. Graham Davidson also of the Planning Commission spoke in favor of the appeal.

The appeal hearing was closed at 5:09 p.m.

The Board briefly discussed the appeal and the kind of message they would be sending to the citizen's if the Planning Commission's decision was overturned or approved.

Upon motion of Mr. Slemp, seconded by Mr. Roberts, and duly carried, the Board upheld the Planning Commission's decision to grant the variance to the Subdivision Ordinance applied for by Ms. Lou Ann Earnhardt for the proposed Sheridan Ridge.

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

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, at approximately 3:30 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) for (5) report on business prospect, and (7) for pending litigation and legal briefing.

Vote: 6	yea
1	absent (Dishner)

At 3:56 p.m. the Chairman ended the closed session.

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 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

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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: 5 yea
 2 absent (Dishner, Perry)

Mr. Whitmore announced the tentative schedule of Governor Kaine's visit to the Town of Marion in the coming week.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to defend the recent lawsuit filed by Carol and Ernie Sullins.

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

Old Business

1. Collection of delinquent taxes (Mr. Whitmore has contacted the attorneys **8-10-04**).

Mr. Tate briefly discussed the procedure for placing the names of delinquent taxes in the newspaper. The Board discussed other avenues that could be taken to obtain the unpaid taxes.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board agreed to run the delinquent taxes in the newspaper.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
 1 nay (Roberts)

Upon motion of Mrs. Neitch, seconded by Mr. Roberts, and duly carried, the Board appropriated the funds to run a notice in the newspaper (when the list is prepared) that the list will run in 3 weeks. This will give a notice to those delinquent and will allow time for taxes to be paid.

Vote: 6 yea (Roberts, Dishner, Clark, Neitch, Blevins, Perry)
 1 nay (Slemp)

2. Marevine Slemp, request for water service on Fox Valley Road (**5-11-04**).

3. Request for tax exempt status for the Smyth County Community Foundation.

4. 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

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County or Regional Jail following conviction (11-9-2005).

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board adopted an ordinance which imposes a processing fee not to exceed \$25, for any person admitted to the Regional Jail, following conviction. The funds will be used to defray the cost of processing those persons. These fees collected will be paid the Smyth County Sheriff's Department (until further notice) and is effective as of October 1, 2006.

Vote: 6 yea
1 absent (Dishner)

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board removed item number 4 from old business.

Vote: 6 yea
1 absent (Dishner)

5. Geographical Information Systems (GIS) on the Smyth County website (11-9-2005).

The progress of this system was briefly discussed. Mrs. Morgan updated that Manuel Street is working on the project. The Committee is looking at the possibility of Anderson & Associates hosting the site.

6. Request for tax exempt status for the Lincoln Theatre (12-13-2005).

7. Re-codifying of the Smyth County Code (1-10-2006).

8. Ordinance Committee recommendation to merge the manufactured home ordinance into the zoning ordinance as proposed in the zoning amendments present to the Board in January 2005 (4-11-2006).

9. Smyth County Fire & Rescue Association request for release of \$50,000 (5-9-2006).

10. Reappointment: (6-13-2006)

Industrial Development Authority (4 year term, district specific)
Jimmie Stamper-591 Cleghorn Valley Road, Marion (646-8670) 6-30-2006

11. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee 6-13-2006).

12. Disposal of former school building at 105 East Strother Street (7-11-2006).

The Board discussed the disposal of the former school building. Mr. Dishner made the motion to proceed with donating the building to the Appalachian School of Music, pending obtaining that groups 501 (c) (3) status. He also added that with the appropriate amount of time, 3 years for instance, that if the building is not being used for the purposes reported at the time of donation, that it revert back to the County. The

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Board further discussed this motion and the building. Mr. Blevins suggested that the two interested parties, Smyth County Museum and Historical Society and the Appalachian School of Music and Art, get together to see if a compromise can be worked out that they both be able to use the building. Mr. Dishner withdrew his motion and the Board agreed to give to the two parties 30 days to see if a compromise could be made.

13. Tourism Association funding (8-24-2006).

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board appropriated \$22,701 from the Chamber of Commerce/Tourism fund (#001-56000-6005) and \$22,701 from the Board's Contingency fund (#001-011010-8888). Total amount of \$45,402 to be paid to the Smyth County Chamber of Commerce.

Vote: 6 yea
 1 absent (Dishner)

At approximately 5:20 p.m., upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the meeting was continued until Thursday, September 28, 2006 at 7:00 p.m. for a joint public hearing with the Planning Commission and any other issues that may arise.

Vote: 5 yea
 2 absent (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 28, 2006, at 7:00 P.M.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Marvin Perry Mrs. Darlene Neitch Mr. Harold Slemp	Mr. Wade Blevins Mr. Todd Dishner Mr. Michael Roberts
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Staff Members Present:	Mr. Clegg Williams Mrs. Amber Johnson Ms. Shirley Spencer Mr. Charlie Atkins	Mr. Scott Simpson Mr. John Tate Mr. Mike Carter
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Planning Commission Members Present:	Mr. Dennis Blevins, Chairman Mr. Earl McClure Mr. Karl Kalber	Ms. Amy Tuell Mr. Graham Davidson
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Planning commission Members Absent:	Mr. Wayne Venable	Mr. Archie Atwell
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At 7:00 p.m. the Chairman of the Board and Chairman of the Planning Commission called the joint public hearing to order. There were approximately 5 citizens present. Mr. Carter read the advertisement as placed in the Smyth County News and Messenger on September 16 and 23.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board voted to forgo the reading of the rules and procedures for public hearings.

Mr. Clegg Williams, Zoning Administrator, summarized the only application he received. He explained that when the zoning ordinance was adopted, Mr. Walker Keen owned two tracts of land on Adwolfe Road. The front tract he utilized for his HVAC business. As a result, the lot was zoned Commercial. After retiring, Mr. Keen had the property divided for auction. As a result there were two lots with the front portion zoned commercial and the rear zoned agricultural/rural. Russell & Jill Brooks purchased one of those lots and have decided they would like the entire tract zoned Agricultural/Rural, which caused them to submit the required application. Notification was sent by first class mailing to all adjoining property owners.

Mrs. Jill Brooks spoke on behalf of her application. She explained that they initially planned to build a vehicle repair business in front and a home on the back. However, the cost of the septic tank permit was expensive because the Health Department will not evaluate for a private system on land that is zoned Commercial. Therefore, she offered the land for sale, and Mr. Gene Blackburn is interested in purchasing it if the rezoning is approved.

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Mr. Gene Blackburn spoke in favor of the rezoning and said he wanted to build a garage for personal use on the site if it is zoned Agricultural/Rural.

In response to a question from Mr. Marvin Perry, Mr. Williams explained that Mr. Blackburn would need a special use permit to build a personal use garage on a lot in the A/R District, but he could build it by right in the Commercial District. However, the cost of the septic tank permit would be much greater in the Commercial District.

Mr. Robert Wolfe who owns property at 847 Adwolfe Road expressed concern about possible uses that A/R zoning would allow.

Mrs. Glenda Richardson who operates a used vehicle business next to and across from the site also expressed concern about possible uses that A/R zoning would allow.

Following brief discussion the hearing was closed at 7:25 p.m. The Board recessed for approximately 10 minutes for the Planning Commission to complete their meeting.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board approved the renewal of the Engineering Term Contracts for the following 4 firms for the next year. The first year ended on August 9, with 2-1 year renewals. Mr. Simpson requested the renewal for the second of the 3 years for August 9, 2006 to August 9, 2007.

1. Lane Engineering, Inc.
2. Anderson & Associates, Inc.
3. Thompson & Litton
4. Draper Aden

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the recommendation from the Budget Committee to amend the budget in the amount of \$19,264 to accommodate a DMV Grant (for the Sheriff's Department) approved at the September 12 Board meeting. The amendment is as follows:

- Revenue account #03-001-023020-0017 increased in the amount of \$19,264.
- Expense account #04-001-021070-8888-25 increased in the amount of \$19,264.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved the recommendation from the Budget committee to grant a request

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from Jimmy Warren. The request will amend the budget to reflect an increase in revenue (account #03-001-018030-0029) of \$15,000 from the state from the Technology Trust Fund and increase expenditures (account #04-001-021060-8888-70) by \$15,000.

Pending legal and staff review, upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board approved the Virginia Department of Housing and Community Development Planning Grant Agreement for the Allison Gap School Elderly Housing Project.

Mr. Joe Ellis appeared to discuss the Tourism Bylaws which were presented.

The Board and Mr. Tate discussed the document and suggested the following changes:

- The Association should report to the 4 financial backers annually.
- The bylaws should state that the Association will consist of an elected official appointed by the Governing bodies of each of the three Towns and the County as opposed to the "highest elected official".
- Copies of meeting minutes will be forwarded to the Board.

Mr. Tate suggested that the bylaws be amended to match the State Charter which would accommodate the above change concerning the Association's members. He also asked that the Board review these bylaws further and return any additional concerns to him and which he will relay.

The Board briefly discussed the old school building on East Strother Street with Mr. Ellis. The Board received information from the Historical Society that they had met with Mr. Ellis on the possibility of working together on the building. Mr. Ellis informed the Board that he had met with the Society and they agreed that they would not be able to work together on the building. He is currently applying for 501 (c)(3) status of the School of Appalachian Music & Art.

Upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried the meeting was adjourned at 8:32 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 10, 2006 at 12:00 noon.

Board Members Present: Mr. Charlie Clark, Chairman Mrs. Darlene R. Neitch
Mr. Harold Slemp Mr. Wade Blevins
Mr. Todd Dishner Mr. Marvin Perry
Mr. Michael Roberts (arrived at 12:06 p.m.)

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

The Chairman called the meeting to order at approximately 12:00 noon.

Mr. Walter Robinson gave the invocation and Mr. Manuel Street led the pledge of allegiance.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the agenda was adopted along with the additional agenda.

Vote: 6 yea
 1 absent (Roberts)

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the minutes of Tuesday, September 12, 2006, and Thursday, September 28, 2006 were adopted.

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

General County		\$1,500,000
Animal Control (office supplies)		\$827.16
Allison Gap Sewer Project		\$170,135.76
Department of Social Services (October 11-31, 2006)		\$330,000
(November 1-14, 2006)		\$40,000
Schools	Operating Fund	\$4,050,000
	Debt & Capitol Outlay	\$90,000

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the accounts payable listing in the amount of \$946,955.42 was approved.

CITIZEN'S TIME

Larry Boardwine, owner of land on Surber Cove Road and requesting the abandonment of the road discussed the illegal dumping that causes problems on his property. He distributed pictures of trash they have had dumped on their property in the past. He explained that he was unsure as to how to stop the dumping.

Mrs. Karen Combs of Surber Cove Road mentioned that in the past, inmates had

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cleaned the area. She also inquired about the status of the requested abandonment of Surber Cove Road. She again stated that she was against the closing of the road.

P.G. Wingfield briefly spoke on household hazardous waste materials. He asked if there was any way the County could help citizens to get rid of these hazardous wastes. This issue was referred to the Solid Waste Committee.

Brenda Gwyn of the Smyth County Museum and Historical Society appeared to answer any questions. She made sure the Board had received their organizations 501(c)(3) status and the notes from the meeting with Mr. Ellis.

With the recommendation of the Budget Committee, the Board agreed to allocate \$100 (account #011010-8888) to help support the Trash/Tourism Committee of the Upper Tennessee River Roundtable Inc.

With the Budget Committee's recommendation the Board unanimously approved the request from Jimmy Warren to move \$6,360 from full time salary to part time salary.

With the Budget Committee's recommendation the Board unanimously approved a request from Jimmy Warren for an additional employee in the Clerk of the Circuit Courts office. This employee would be fully funded by the County at a maximum annual salary of \$23,000, plus benefits.

With the Budget Committee's recommendation the Board unanimously approved the following:

The 2006-2007 School budget be amended in the amount of \$950,000, with emphasis placed on the following projects in the maintenance category:

- Repair/upgrade of furnace at Northwood Middle and Rich Valley Elementary Schools
- Roof repairs at Marion Senior High and Northwood Middle Schools
- Roof Repair on Chilhowie High School
- Upgrading of furnace at Northwood High School
- Replacement of school parking lots at Chilhowie High School/Middle School, Marion Senior High School, Smyth Career and Technology
- Complete the purchase of security systems for all schools

The committee stressed the importance of the security systems.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board appropriated the Fiscal Year 2007 Department of Fire Programs Funds (account #032020-5604-7) as follows:

Town of Chilhowie	\$3,950.83
Town of Saltville	\$3,950.83

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Nebo Fire Department	\$11,950.84
Atkins Fire Department	\$11,950.84
Sugar Grove Fire Department	\$11,950.83
<u>Adwolfe Fire Department</u>	<u>\$11,950.83</u>
TOTAL	\$55,705.00

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and duly carried, the Board approved the bid of \$12,408 from Professional Communications for the purchase of mobile radios for the Public Works Department. This motion also approves the use of the remaining money (\$11,833) to acquire radios from the same company for the convenience stations, scale house, water department, 911 office and building inspection. In August of 2006 the Board appropriated \$24,241 for this use.

Vote: 6 yea
 1 nay (Perry)

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board approved a Department of Criminal Justice Services (DCJS) grant application for mobile pack software to be used by deputies and the towns police departments. The grant total is approximately \$67,700 with a local match of 25%, \$16,900. If each town participates the following approximate matches would occur:

County	\$5,000	Town of Chilhowie	\$3,800
Town of Marion	\$4,000	Town of Saltville	\$4,000

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved paying payroll early in the month of December due to the holidays. Pay day will occur on Friday, December 22, 2006.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board agreed to postpone the closing of the East Hungry Mother Water funding package with Rural Development until January 2007. Rural Development has informed the County that by postponing the closing, there is a great possibility that the interest rate will be approximately 2.65% as opposed to the current rate of 4.50%. This would be of a great savings to the County. This motion allows the project to proceed with the \$250,000 currently budgeted which will be reimbursed once the funding package is closed.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board approved a single festival permit for the Davis Valley Winery. The event will be

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held on Saturday, October 14, 2006. The Chairman requested that future applications be filed as the code requires, which is 30 days prior to the event.

Steve Buston of the Virginia Department of Transportation informed the Board of the Commonwealth Transportation Board's public hearing to be held Wednesday, October 18th at the Southwest Virginia Higher Education Center, 5:00 p.m. - 6:00 p.m. There will be a local briefing for updates on the Six-Year Plan and the urban, interstate, and primary systems. He also explained that he will be contacting Mr. Whitmore by mail to request a work session for the Board in December so that he and Mr. Hurt can review the Six-year Plan, projected funding and the new criteria for types of projects that will be eligible. The next step would be to hold public hearing. He stated that they may not be in the position to add very many projects.

Mr. Roberts Hurt returned maintenance concerns.

Mr. Hurt and Mr. Buston then answered questions and participated in the discussion on the proposed road abandonment on old business (#12).

The rezoning request heard at the joint public hearing with the Planning Commission on Thursday, September 28, was withdrawn.

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, this item was dropped from the agenda.

Clegg Williams, Zoning Administrator, discussed the following recommendation from the Planning Commission on the joint public hearing held on Thursday, August 24. At the request of Mr. Taylor, it was continued from the last regular Board meeting on September 12:

After discussion including the option of vacating the plat, the Chairman called for a motion. Mr. McClure moved to recommend to the Board of Supervisors that they or Bud Owens, the subdivision agent, grant Mike Taylor the authority to vacate his plat and to then proceed with changing the zoning from Residential to Agricultural/Rural. Mr. Venable seconded the motion and it passed unanimously.

After obtaining legal advice from Mr. Tate, the Board agreed that Mr. Taylor had not filed the proper documents to vacate the plat. He should return to his attorney for a second declaration to vacate, which should be approved by the Board before being filed at the Courthouse. Mr. Williams will relay this to Mr. Owens, Subdivision Agent so that he may go back to Mr. Taylor with this information.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board appropriated up to \$1,700 from the Emergency Services, Machinery & Equipment line (account # 035050-7001) to the Smyth County Unit of Black Diamond Search and Rescue Council, for the purchase of radios.

Mr. Richard Linnen of Brown, Edwards, & Company, the County auditors, summarized the fiscal year 2004-2005 audit with a financial recap sheet. A full copy of the audit was distributed in the Board packet prior to the meeting.

Dr. Jim Gates, of the Town of Marion Council, appeared to speak concerning the Hungry Mother and Atkins sewer meters. He referred to a letter he had previously mailed to the Board members. He distributed information on past sewer readings from the Atkins and Hungry Mother Sewer lines. The Town requests that the County assist in paying for two meters they funded and had installed on the Atkins line, \$20,673.10 and the Hungry Mother Line, \$26,119.50.

The Board briefly discussed this issue with Mr. Gates. He asked that they discuss it further with their legal counsel and come to a decision as to which direction they would like to go.

Old Business

1. Collection of delinquent taxes (**8-10-04**).
2. Marevine Slemp, request for water service on Fox Valley Road (**5-11-04**).
3. Request for tax exempt status for the Smyth County Community Foundation.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board removed item #3 from old business.

Vote: 6 yea
 1 did not vote (Roberts, stepped away from the table)

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4. Geographical Informational Systems (GIS) on the Smyth County website (**11-9-2005**).

Mrs. Sally Morgan and Manuel Street presented the Board with information on the Geographical Informational Systems on the Smyth County website. They demonstrated how www.webgis.net (operated by Anderson and Associates, Inc.) functioned and how it would serve as the host on the County's website. The site would be updated once a month and to conduct a search the tax map number would have to be entered. The site will not allow searches by name.

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With the GIS Committee's recommendation, contingent upon legal counsel approval, the Board unanimously approved the agreement with Anderson & Associates, Inc. who will host the GIS data on the website. Once this is approved the GIS information will be available on the County's website.

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5. Request for tax exempt status for the Lincoln Theatre (**12-13-2005**).
 6. Re-codifying of the Smyth County Code (**1-10-2006**).
 7. Ordinance Committee recommendation to merge the manufactured home ordinance into the zoning ordinance as proposed in the zoning amendments present to the Board in January 2005 (**4-11-2006**).
 8. Smyth County Fire & Rescue Association request for release of \$50,000 (**5-9-2006**).

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, item #8 was removed from old business.

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9. Reappointment: (**6-13-2006**)

Industrial Development Authority (4 year term, district specific)

Jimmie Stamper—591 Cleghorn Valley Road, Marion (646-8670) 6-30-2006

10. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee **6-13-2006**).
11. Disposal of former school building at 105 East Strother Street (**7-11-2006**).
12. Proposed abandonment of the end of Route 667 (Surber Cove Road). Public hearing held August 8, 2006 (**8-8-2006**).

John Baker, of the Department of Game and Inland Fisheries, reported that they have submitted a deed of easement to the Boardwine's for public/pedestrian and administrative use. In that deed Mr. Boardwine would like to maintain a gate at the end of the road, if abandonment is approved. They have met with Mr. Buston and Mr. Boardwine, on site. Surveyor has also been hired for completion of the easement.

Mr. Roberts suggested contacting the Sheriff's Department, VDOT, and Department of Game and Inland Fisheries to assist in the dumping problems. He also mentioned that the County is working on a litter prevention program and an Assign-A-Highway program. Mr. Baker stated that the area is currently monitored by state officials because of illegal all terrain vehicle (ATV) use, they can also enforce illegal dumping laws. Mr. Buston referred to a letter sent to the Board from Kenneth Smith of VDOT, which recommends that the road remain open.

10-10-2006

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board agreed against the proposed abandonment of the end of Route 667 (Surber Cove Road, leave the road open). They thought it should remain open and find other avenues to help the Boardwine's with illegal dumping and parking issues.

Note: Mr. Slemp and Mr. Blevins left during closed session.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, at approximately 4:25 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) for (1) discussion of employees of any public body, (3) acquisition of real property, (5) report on business prospect, and (7) for pending litigation and legal briefing.

Vote: 7 yea
 0 nay

At 5:13 p.m. the Chairman ended the closed session.

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 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: 5 yea
 2 absent (Slemp, Blevins)

At approximately 5:15 p.m., upon motion of Mrs. Neitch, seconded by Mr.

10-10-2006

Roberts, and unanimously carried, the meeting was continued until Tuesday, October 17, 2006 at 10:00 a.m.

Vote: 5 yea
 2 absent (Slemp, Blevins)

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, October 17, 2006, at 10:00 A.M.

Board Members

Present: Mr. Charlie Clark, Chairman Mr. Wade Blevins
Mrs. Darlene Neitch Mr. Michael Roberts
Mr. Harold Slemp

Board Members

Absent: Mr. Marvin Perry Mr. Todd Dishner

Staff Members

Present: Mr. Mike Carter Mrs. Amber Johnson

The Chairman opened the meeting by acknowledging the death of Mrs. Kitty Cox. He stated that she would be missed in the Town the Saltville and the County. Mr. Roberts agreed with his statement and mentioned that she had worked a lot in the Community as a teacher, business owner, developer, in her church, and with the Museum of the Middle Appalachians.

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to adopt a resolution in recognition of Mrs. Cox, to be presented to family at a later date.

Vote: 5 yea
2 absent (Dishner, Perry)

Mr. Clark updated the Board on the Courthouse Committee. They met just before the Board meeting and discussed issues with parking. They also discussed the old school building and requested the Building & Grounds Committee meet to discuss the disposition of that building. The committee also reviewed the latest invoice from Mosley Architects; the committee agreed that the payments for the courthouse renovation should be separate on the Board agenda each month.

Mr. Carter briefly reviewed the information he distributed at the last Board meeting on the Appalachian Juvenile Commission. Mr. Carter pointed out 2 things:

1. The Commission meeting minutes states that after a meeting on June 14, with City of Bristol, Washington County, and Smyth County, at the request of Smyth County (Mr. Tate and Mr. Whitmore attended), all questions were answered to their (Smyth) satisfaction.
2. They have made a change to the health insurance coverage.

The Chairman requested that if any Board members had concerns on the Tourism Association by laws to relay those to Mr. Tate.

Upon motion of Mr. Blevins, seconded by Mr. Slemp, the meeting was adjourned at 10:28 a.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 Wednesday, November 15, 2006 at 12:00 noon.

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

Staff Members Present: Mr. Edwin B.J. Whitmore, III Mr. Charlie Atkins
Mr. Michael Carter Mrs. Amber Johnson
Mr. John H. Tate, Jr. (present off and on throughout the day)

The Chairman called the meeting to order at approximately 12:00 noon.

Rev. Hank Belfield gave the invocation and Mr. Kenny Lewis led the pledge of allegiance.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the agenda was adopted along with the additional agenda. Number 2 on the additional agenda was removed (appropriation from the Song of the Mountains Fund) and an appropriation for the National Association of Counties was added to the agenda.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the minutes of Tuesday, October 10, 2006, and Tuesday, October 17, 2006 were adopted with one typographical change.

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

General County	\$2,000,000
Animal Control (office supplies)	\$1,302.55
Social Security Fund (Sheriff's Dept.)	\$279
Allison Gap Sewer Project	\$2,700
Department of Social Services (November 15-30, 2006)	\$330,000
(December 1-12, 2006)	\$40,000
Schools Operating Fund	\$3,970,000

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the accounts payable listing in the amount of \$1,468,952.58 was approved (this amount includes \$66,716 to Mosley Architects for Courthouse Renovation Study).

CITIZEN'S TIME

Mrs. Judy Taminger a resident of the Hungry Mother Park area thanked the Board for the East Hungry Mother Water Project that has began construction. She also

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discussed the possibility of litter and trash pick up programs in the county. She mentioned the litter problem in Park Boulevard. Mr. Clark informed her that the Assign-A-Highway program was on the agenda. A project the judges are now interested in.

Mr. John Taminger also a resident of the Hungry Mother Park area expressed his concerns with the proposed subdivision, Sheridan Ridge and the drainage impact it would have on the Hungry Mother Lake. Mr. Perry agreed that the Board should look into what has been approved for this subdivision.

Mr. Sherman Harris, property owner of 370 Havens Ridge Road informed the Board of a discontinued right of way, once part of Route 621. Mr. Harris explained that the right of way (now a walking and horse trail) has a locked gate across it. A letter from John Bolling of VDOT explained that a discontinuance of a right of way means that it is no longer a state maintained road but still exists as a public right of way. The discontinuance was ordered by the Board, a resolution dated September 8, 1964. The Board decided to continue this issue until Mr. Tate was present. Once he arrived the Board discussed the right of way and Mr. Tate reviewed a map supplied by Mr. Harris. The Board again decided to continue the discussion when the Department of Highway representatives were present at 2pm.

Duane Crigger, Director of the Lincoln Theatre appeared before the Board to request tax relief for real estate improvements made on the building. They have received tax relief from the Town of Marion. He also requested a waiver until a decision is made because taxes are due December 5, 2006.

This issue was referred to the Budget Committee which will meet before the next continued meeting (December 5) so that they can recommend a decision to the Board at that time.

With the recommendation of the Water and Sewer Committee, the Board unanimously approved to write off uncollectible water & sewer bills in the amount of \$1,099.09, due to no forwarding addresses or information.

With the recommendation of the Water and Sewer Committee, the Board accepted the grant from Mount Rogers Planning District Commission (MRPDC)/ Department Housing & Community Development (DHCD) in the amount of \$140,967 for

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the Route 107 water main.

The Board also approved the recommendation from the committee authorizing the additional line work and additive alternate work for Central Builders contract. The base bid is currently under construction. This is covered in the grant above.

The Board agreed to continue the recommendation from the Building & Grounds Committee concerning the old school building and the Heilig-Myers building.

With the recommendation of the Personnel Committee and duly carried, the County will begin the process of providing payroll services for the Department of Social Services.

Vote: 5 yea (Clark, Roberts, Dishner, Slemp, Blevins)
1 nay (Perry)
1 absent (Neitch, stepped out of the room)

The Animal Control Committee recommended that \$1,742.50 be appropriated out of the Animal Control, Claims & Bounties Fund (#003-91060-5802) for damage claims. The Board unanimously agreed to approve the committee's recommendation to pay the following:

David McCleod (#1)	\$490
Sherry Hoffman (chickens)	\$65
(turkeys)	\$50
Anthony McFarland	\$1025
David McCleod (#2)	\$112.50
TOTAL	\$1,742.50

Vote: 6 yea (Roberts, Dishner, Slemp, Clark, Blevins, Perry)
1 absent (Neitch, stepped out of the room)

With the Solid Waste Committee's recommendation, the Board unanimously appropriated up to \$10,000, from the Board's Supplemental Appropriation Fund (# 001-011010-8888) for a household hazardous waste collection day to be held in the spring.

Vote: 6 yea (Roberts, Dishner, Slemp, Clark, Blevins, Perry)
1 absent (Neitch, stepped out of the room)

Upon motion of Mr. Blevins, seconded by Mr. Roberts, and unanimously carried, the Board approved the following holiday schedule as granted by the Governor for state employees:

Thanksgiving
Wednesday, November 22 close at noon
Thursday, November 23
Friday, November 24

Christmas
Friday, December 22 close at noon
Monday, December 25
Tuesday, December 26

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New Year's
Monday, January 1
Tuesday, January 2

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the truck bid from Empire Ford of Abingdon for the Building Inspection Department. This motion appropriates \$17,285 from the Building Inspection, Motorized Equipment Fund (# 001-34010-9003) for the purchase of the truck.

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board appropriated up to \$88,000 from the Sheriff's Motorized Equipment Fund (#001- 21070-9003) for the purchase of 4 police cars. This motion authorizes checks to be signed once the vehicles are purchased.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board appropriated up to \$33,350 from the Homeland Security Grant Funds (#035050-8888) for an investigation van. This motion authorizes the check to be signed once the van is purchased.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board appropriated \$15,450 from the Information Systems, Computer Hardware Fund (# 001-12200-9001) for forensic video software/hardware for the Sheriff's Department.

Mr. Perry explained that he has had some interest in high speed internet on Scratch Gravel Road. Therefore the following resolution was adopted and will be forwarded to the proper representatives:

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby requests that Embarq, a local phone and high speed internet provider investigate the possibility of providing high speed internet service to those on Route 658 (Scratch Gravel Road), of Marion.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved a budget transfer in the amount of \$6,500 from the Board's Supplemental Appropriation Fund (#11010-8888) to the General District Court Office Equipment and Furnishings Fund (#21020-9004). This transfer is for the purchase of a copier.

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Upon motion of Mr. Dishner, seconded by Mr. Blevins, and unanimously carried, the Board appointed Mr. Michael Carter as the alternate for Mr. Ed Whitmore and also appointed Mr. Marvin Perry as the alternate for Mr. Michael Roberts on the Southwest Virginia Regional Jail Authority.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board appropriated \$697 from the Board Supplemental Appropriation Fund (#001-011010-8888) to the National Association of Counties which will regain member status for Smyth County.

Mr. Clark updated the Board on a meeting with Judge Randall Lowe concerning the Assign-A-Highway program. At the meeting, Judge Lowe explained that the Circuit Court of Smyth County would agree to participate in the program. It is now up to the localities to move forward and get the program started.

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board referred this item to the Budget Committee who will begin the process with budgeting the program and a coordinator. Once a plan is established as to how the program will be administered, the Board will need to approve a resolution adopting the program.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board approved the Lease Amendment and Lease Extension with Eddie Stokes. The land covered in the following lease is a sole source for the required monitoring well by DEQ for the old landfill:

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Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board approved 3 certificates of satisfaction for Jack Hopkins, Debbie Olinger, and Lois Nye, from the Watson Gap Rehab Project.

Upon motion of Mr. Perry, seconded by Mr. Slemp and unanimously carried, the Board appropriated up to \$93 from the Watson Gap Housing Rehab Project Fund (#081020-8888-64) for recording fees. The above Certificates of Satisfaction will be recorded.

Mr. Clark updated the Board on the order recorded at the September Board meeting, the delinquent tax notice will run in the Saltville Progress, Thursday, November 16 and in the Smyth County News and Messenger, Saturday, November 18.

Mr. Clark also updated the Board on the Virginia Association of Counties (VACo) Conference held November 12-14. He reported that the conference went well and encouraged any other Board members to attend in the future.

Mr. Clark also distributed the Tourism Association by-laws.

Mr. Slemp explained that he had received word that Senator-elect James Webb is considering a field office in southwest Virginia, the following resolution was adopted:

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby welcomes Senator-Elect James Webb to Smyth County. The Board invites Senator-Elect Webb to consider Smyth County as the location for his Southwest Virginia field office.

Mr. Perry informed the Board that his Smyth-Bland Regional Library Board representative has moved out of the Royal Oak District, therefore the following resolution was adopted:

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby acknowledges the well representation of the Royal Oak District from Rev. Kevin Elswick while serving on the Smyth-Bland Regional Library Board for the past four (4) years. The Board thanks him for his service to the community and wishes him well in the future.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board appointed Mr. Tim Bradley to the Smyth-Bland Regional Library Board, representing the Royal Oak District. The former appointment has moved out of that district. Mr. Bradley's term will expire December 31, 2010.

The Chairman informed the Board that there would be several appointments expiring December 31, 2006. He asked that those be turned into the Appointment

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Committee before the next regular meeting (December 12, 2006) so that they can be reviewed. All those appointments will appear on the next regular meeting's agenda.

Robert Hurt of the Virginia Department of Transportation returned maintenance concerns.

Steve Buston of the Virginia Department of Transportation briefly discussed the Six Year Plan and requested a work session with the Board during the month of December to review the funding guidelines and answer questions. The meeting was scheduled for Tuesday, December 5 at 2:00 p.m.

Mr. Buston also discussed the proposed maintenance plan which would close Broadford and Sugar Grove VDOT stations. He requested the Board's comments and concerns by December 1. He also informed the Board of this area's public information meeting to be held Tuesday, November 28 at the Wytheville VDOT Residency. Board members are encouraged to attend.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the following resolution was adopted and will be presented at the above public information meeting:

WHEREAS, we understand that the Virginia Department of Transportation (VDOT) is examining cost-saving measures in terms of its operation of road maintenance facilities and has proposed the closing of both the Broadford and Sugar Grove maintenance/storage shops in Smyth County; and

WHEREAS, the Broadford and Sugar Grove VDOT maintenance facilities serve expansive geographic areas, specifically the Rich Valley area of Smyth County which constitutes the entire northern third of the county, and the Rye Valley area in southern Smyth County which comprises probably another one-third of the county land area; and

WHEREAS, the presence of the Broadford and Sugar Grove maintenance facilities are important to residents of those areas who depend on daily and prompt maintenance repairs needed along the many miles of secondary roads in those parts of the county; and

WHEREAS ALSO, we understand that due to the privatization of the Interstate system maintenance, the location of maintenance facilities adjacent to I-81 is no longer a critical issue; and

WHEREAS, if the Sugar Grove and Broadford facilities are closed, this leaves only the Marion and Chilhowie maintenance centers which are only 11 miles apart and which both occupy prime commercial development sites adjacent to I-81 (thereby preventing much needed local tax base expansion).

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors expresses its opposition to the proposed closure of the VDOT maintenance facilities in Broadford and in Sugar Grove, Virginia.

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BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors requests that VDOT study the possibility of relocating the Marion and Chillhowie facilities to the Broadford and Sugar Grove sites, or to other locations in the county that do not occupy prime commercial development sites.

Vote: 6 yea (Roberts, Dishner, Slemp, Clark, Blevins, Neitch)
 1 absent (Perry, stepped out of the room)

Mr. Sherman Harris' concern on old Route 621 was brought up again at this time.

Mr. Tate was not present however Mr. Hurt of VDOT explained the Department's laws of a discontinued right of way. He left those laws for Mr. Tate to review. The attorney should render a decision as to where the County stands on the right of way, since the Board issued the discontinuance. Mr. Harris left his contact information with Mrs. Johnson. Mrs. Morgan stated that she would have Manuel Street print maps of the area for better clarification.

The Board of Supervisors set Tuesday, December 5, 2006, at 3:00 P.M. as the date and time to hear an appeal from Ernest Widener. His appeal is to the decision the Planning Commission determined on Thursday, October 26, 2006 to deny his request for a variance to the Subdivision Ordinance.

Paul Conco, Vice President of Financial and Administrative Services at Virginia Highlands Community College, distributed the college's annual report. Twenty-two (22%) of student population is from the western part of Smyth County. He also explained how the college formulates funding which is based on enrollment, property values of the service region, and population, and that is split between the City of Bristol, Washington County, and Smyth County. Smyth County continues to help with Operating Funds and Capitol requests. In 2003 there was approximately \$400,000 in capital needs for parking, a horticultural center, and a maintenance facility. The VHCC Board decided that half of those needed funds would come from reserve and the other would be requested of the localities with the above applied formula, over 3 year period. Smyth County funded \$3,876 the first year and \$14,300 last 2 years. There is currently a balance of \$10,424, Mr. Conco wanted to bring back to the table and request the Board consider the funding which helps the community college reach their goals. He reported that the maintenance facility and the horticultural center are complete and the plan for the parking is complete.

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Elizabeth Ballard spoke on behalf of Jessica Smith for the Miss Mountain Empire Scholarship Organization. She described the organization which will hold a local Miss Mountain Empire Scholarship Pageant at the Lincoln Theatre on February 23 and 24, 2007. The intent of the pageant is to help local young women obtain scholarships by competing in the preliminary pageant. A request of \$2,000 would help the non-profit organization start and maintain the program each year.

Upon motion of Mr. Perry, seconded by Mr. Dishner, and duly carried, the Board appropriated \$2,000 from the Contingency Fund (#001-056000-5827) to the Miss Mountain Empire Scholarship Pageant.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1 nay (Roberts)

Old Business

1. Collection of delinquent taxes (8-10-04).
2. Marevine Slemp, request for water service on Fox Valley Road (5-11-04).
3. Request for tax exempt status for the Smyth County Community Foundation.
4. Geographical Informational Systems (GIS) on the Smyth County website (11-9-2005).

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, item number 4, GIS on the County website was removed from old business. The agreement with Anderson & Associates has been approved by the County attorney and the site is ready to run.

5. Request for tax exempt status for the Lincoln Theatre (12-13-2005).
6. Re-codifying of the Smyth County Code (1-10-2006).
7. Ordinance Committee recommendation to merge the manufactured home ordinance into the zoning ordinance as proposed in the zoning amendments present to the Board in January 2005 (4-11-2006).
8. Smyth County Fire & Rescue Association request for release of \$50,000 (5-9-2006).
9. Reappointment: (6-13-2006)

Industrial Development Authority (4 year term, district specific)
Jimmie Stamper–591 Cleghorn Valley Road, Marion (646-8670) 6-30-2006

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby thanks Mr. Jimmie Stamper for his 29 years of service on the Smyth County Industrial Development

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Authority, as the North Fork District representative. His interest in and dedication to economic development has had a positive impact on growth of the county.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board appointed Mr. Wayne Waddle to the Smyth County Industrial Development Authority as the North Fork District representative. Mr. Waddle's four (4) year term will expire June 30, 2010.

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10. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee **6-13-2006**).
 11. Disposal of former school building at 105 East Strother Street (**7-11-2006**).
 12. Proposed abandonment of the end of Route 667 (Surber Cove Road). Public hearing held August 8, 2006 (**8-8-2006**).

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, at approximately 3:38 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (5) report on business prospect.

Vote: 7 yea
 0 nay

At 3:49 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

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.

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Vote: 6 yea (Neitch, Dishner, Slempp, Clark, Blevins, Perry)
 1 absent (Roberts, stepped out of the room)

Upon motion of Mr. Perry, seconded by Mr. Slempp, and unanimously carried, the Board approved a budget transfer in the amount of \$100,000 from the IDA's Industrial Site & Acquisition Fund (#081030-7019) to the IDA's Incentive Fund (#081030-8888-1).

At approximately 4:20 p.m., upon motion of Mr. Perry, seconded by Mr. Slempp, and unanimously carried, the meeting was continued until Thursday, November 16 at 7:00 p.m. for a joint public hearing with the Planning Commission and any other issues that may arise.

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, November 16, 2006, at 7:00 P.M.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Marvin Perry Mrs. Darlene Neitch Mr. Harold Slemp	Mr. Wade Blevins Mr. Todd Dishner Mr. Michael Roberts
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Staff Members Present:	Mr. Clegg Williams Mrs. Amber Johnson Ms. Shirley Spencer Mrs. Sally Morgan	Mr. Ed Whitmore Mr. John Tate Mr. Mike Carter
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Planning Commission Members Present:	Mr. Dennis Blevins, Chairman Mr. Earl McClure Mr. Karl Kalber	Ms. Amy Tuell Mr. Graham Davidson Mr. Archie Atwell
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Planning commission Members Absent: Mr. Wayne Venable

At 7:00 p.m. the Chairman of the Board and Chairman of the Planning Commission called the joint public hearing to order. There were approximately 5 citizens present. Mr. Whitmore read the advertisement as placed in the Smyth County News and Messenger on November 4 and 11, 2006.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board voted to forgo the reading of the rules and procedures for public hearings.

Mr. Clegg Williams, Zoning Administrator, summarized the only application he received. From George W. and Nancy R. Palmer to amend the zoning map from Agricultural/Rural to Commercial for approximately 125 acres which includes Tax Map Nos. 55-5-2, 55-5-2A, 55-5-2C, 55-6-1, 55A-A-1, and 55A-A-1A. The land is located next to Highway 11, Interstate 81, and Chestnut Ridge Road. Mr. Williams stated that adjoining property owners were notified by first class mail, and he had not received an official comment on the application. Mr. Williams distributed a copy of a map and text from the county comprehensive plan which recommended that this area would be prime commercial property due to its proximity to the interstate. He also pointed out that some of the property is already zoned Commercial.

Mr. Palmer spoke on behalf of his application. He stated that a truck stop was not proposed for the site, but that he wanted the land zoned Commercial to facilitate future prospects for the use of the land.

The Board, Commission members and County Attorney expressed concerns about wetland regulations and historical designation of a house on the property.

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Chairmen Clark and Blevins closed the hearing at 7:33 P.M.

The Board recessed to the 4th floor Board room.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board approved the recommendation from the Water and Sewer Committee to appropriate funds (\$7,725, account # 501-08501-5423, Hutton Branch Treatment Plant Fund) for the purchase of a Turbidometer & Controller. As mandated by the Department of Health, this equipment must be installed on the Hutton Branch Treatment Plant. Two quotes for the equipment were submitted, the lesser being the following:

Boggs Municipal Services, Inc.	
HACH SC100 Controller	
HACH Filter Track Laser Turbidometer w/4-20 MA output	
Incidental Plumbing and Electrics	
Turn-key Labor	
TOTAL	\$7,725

The Board reviewed the Tourism Association and its proposed By-Laws. Mr. Tate discussed how the by-laws conflict with the charter. Suggestions such as a 7 member Board instead of 5 were mentioned. The by-laws state that a three fourths vote rules, the Board suggested that this be changed to a majority vote. The Board also discussed the Association's status since the Chamber of Commerce is no longer a part of the Association as of December. The county will no longer be able to donate funds to the Association until their 501 (c)(3) status is obtained. Mr. Tate asked that the Board members continue to review the by-laws distributed at the Wednesday meeting (November 15) and return their concerns to him.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, at approximately 8:10 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (5) report on business prospect, and (7) for pending litigation and legal briefing.

Vote: 7	yea
0	nay

At 9:35 p.m. the Chairman ended the closed session.

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 in a

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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 absent

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried the meeting was continued until Tuesday, December 5, 2006 at 2:00 p.m. for a work session with VDOT followed by an appeal hearing at 3:00 p.m., and any other issues that may arise.

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, December 5, 2006, at 2:00 P.M.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Marvin Perry Mrs. Darlene Neitch Mr. Harold Slemp	Mr. Wade Blevins Mr. Todd Dishner Mr. Michael Roberts
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Staff Members Present:	Mr. Ed Whitmore Mrs. Amber Johnson	Mr. John Tate Mr. Mike Carter
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The Board began the meeting with a work session with Virginia Department of Transportation. Steve Buston and Robert Hurt were present to review the projected allocations for the upcoming six year plan. The Board reviewed plans, maps, asked questions, and conducted general discussion. Mr. Buston explained that funds will not be available to add more roads to the list. He anticipates a public hearing for the plan in February 2007.

At 3:00 P.M. the Board proceeded to hear an appeal filed by Mr. Ernest Widener on November 6, 2006, to a vote made by the Planning Commission at their meeting on October 26, 2006, in response to his application for a variance to Section 4.3.23(5)(a) of the Subdivision Ordinance. Mr. Widener asked the Commission for a variance to occupy a manufactured home on a permanent basis on Lot 31 on Corbin Drive in Big Horne Estates, which was approved by the Planning Commission and Board of Supervisors in 1989 as a recreational development. The Planning Commission voted on a motion to grant the variance, but the motion failed due to a tie vote.

Mr. Widener stated that he appealed the decision because the Commission discriminated against him even though he had done no wrong. He also declared that the vote was improper because the Chairman of the Commission stated that he would abstain and then changed his mind and voted against the motion which caused the tie vote. Mr. Widener explained that he had not seen a plat of the land, that the restrictions were not in the deed, and that he was not aware that the lot was restricted against permanent occupancy. He added that he should have the same privileges as his next-door neighbors.

Mr. Tate showed Mr. Widener a copy of a deed for the lot made out to his parents which stated that: "This conveyance is made subject to all conditions, restrictions, easements, reservations of record if any affecting the foresaid property and constituting constructive notice." Mr. Widener said that he had not seen the deed to his

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parents, but that he had a copy of a deed transferring the property from his parents to his sister which did not include that verbiage. Mr. Widener explained that he is purchasing the lot from his sister under a verbal agreement.

Mr. Bud Owens, subdivision agent, stated that both Mr. Widener and his sister signed the application for a variance.

Mr. Dennis Blevins, Chairman of the Planning Commission, stated that he decided to vote against the motion to approve the variance because in a previous case the judge ruled that the Planning Commission and Board could not change a deed restriction.

Mr. Earl McClure, member of the Planning Commission, said that Mr. Widener's deed did not contain two restrictions required by the Subdivision Ordinance.

The Chairman closed the hearing at approximately 3:25 p.m. After discussion, the following motions were made:

Mr. Perry moved to deny the appeal filed by Mr. Ernest Widener. Mr. Slemp seconded the motion and it failed:

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

Mrs. Neitch made a motion to approve the appeal filed by Mr. Widener and to grant his application for a variance to the Subdivision Ordinance. Mr. Blevins seconded the motion and it passed.

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

Mr. Perry made a motion that the above vote be recorded by name. Mrs. Neitch seconded the motion and it passed unanimously.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board gave Mr. Tate the authority to meet with attorneys of the three towns to discuss by laws of the Tourism Association.

Mr. Charlie Atkins, CFO asked the Board for direction on the Compensation Board employees and their mid-year raises. This issue was continued until the regular meeting (December 12), so information on those employees and what percentage of their salary is fund by the County is obtained.

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Mr. Whitmore briefly discussed the Lincoln Theatre's requests for tax relief. The Theatre currently has two requests before the Board, 1) tax exempt status, and 2) tax relief on building improvements. Mr. Whitmore explained that neither of these requests can be granted until it is clear who owns the building. Earlier, the Budget Committee discussed this issue and agreed to continue until ownership was clear.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board agreed with the Committee's decision to continue the Lincoln Theatre's requests.

The Chairman informed the Board that the Appointment Committee would meet on Monday, December 11, 2006 at 2:00 p.m. Any appointments should be turn in that time.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, at approximately 4:02 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (1) discussion of appointment, promotion, performance, demotion, salaries, resignation, evaluation of departments where such will involve specific individuals and (5) report on business prospect.

Vote: 7 yea
 0 nay

At 4:50 p.m. the Chairman ended the closed session.

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 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

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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 absent

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board agreed to offer reasonable assistance to the development discussed in closed session.

The Chairman closed the meeting at approximately 4:52 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, December 12, 2006 at 12:00 noon.

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

Staff Members Present: Mr. Michael Carter Mr. Charlie Atkins
Mrs. Amber Johnson Mr. John H. Tate, Jr.

The Chairman called the meeting to order at approximately 12:00 noon.

Rev. Kevin Elswick gave the invocation and Mr. Shannon Williams led the pledge of allegiance.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the agenda was adopted along with the additional agenda.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the minutes of Wednesday, November 15, 2006, Thursday, November 16, 2006, and Tuesday, December 5, 2006 were approved.

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

General County	\$1,275,000
Animal Control (office supplies)	\$179.34
Cedars/Hall Addition Sewer Project	\$38,536.73
Department of Social Services (December 13-31, 2006)	\$300,000
(January 1-9, 2007)	\$40,000
Schools Operating Fund	\$4,195,000

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the accounts payable listing in the amount of \$694,138.84 was approved.

CITIZEN'S TIME

Mr. Earl McClure referred to the recent article in the newspaper on local gangs. He expressed his concern and hoped that the County and towns were working together to remedy the problem.

Mrs. Brenda Gwyn of the Smyth County Museum and Historical Society questioned if the Board had made a decision on the disposition of the old school on Strother Street in Marion? She also stated that if the Board had any questions that she was available.

NEW BUSINESS

Shannon Williams, 911 Coordinator, updated the Board on the current status of the radio system. Five of the eight required frequencies have been approved by the Federal Communication Commission (FCC). A second application for the remaining three frequencies has been approved by the frequency coordinators. Mr. Williams is awaiting the call sign to be issued by the FCC for that application. Mr. Williams stated that the project is progressing. He is investigating into the types of radios owned by local agencies to see if they will be compatible with the new system.

Draft bid documents are currently being reviewed by the committee and legal counsel. Mr. Williams hopes to advertise by mid-January so that more solid cost estimates can be obtained. He then answered general questions from the Board.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board appropriated \$7,911.84 from the IDA's Site Development Fund (account #81030-7019) to Washington County. These funds are to be used for the Smyth County's share required for the cost overrun on the Route 11 Drainage Improvements at the Highlands Business Park. This appropriation was tentative upon Mrs. Morgan confirming the amounts due with VDOT.

Later in the meeting, Mrs. Morgan reported that she had confirmed with VDOT's figures and the numbers were accurate.

Note: Mr. Roberts and Mr. Clark stated they had family members that work for the School Board and could vote impartially.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board approved a budget amendment for the Schools Operating Fund in the amount of \$38,671. This amendment is to accommodate a Tobacco Commission grant; the State Funds Category will be increased and the funds will be spent out of the Instruction category.

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board removed item 3(b) of new business from the agenda. The request from the Commissioner of Revenue to amend the budget to help fund a newly created position is no longer necessary.

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Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved the proposed Anthem Health Insurance rates at an 8% increase over the current rates with no significant change in services. Premium is effective January 1, 2007 through December 31, 2007.

The Water and Sewer Committee recommend the Resident Project Representative (RPR) proposal from Anderson and Associates for inspection services on the Axum Lane water project. The proposal cites a rate of \$60 per hour for the RPR services and they will not exceed 32 hours on site with out prior approval for a total of \$1,920.

The Committee also recommended a second proposal from Anderson and Associates to provide RPR services on an on-call basis under the current term contract with Smyth County which is through August 9, 2007. The standard hourly rates for additional assistance would be \$60 per hour.

The Board unanimously approved both of the Committee recommendations above and appropriated up to \$1,920 for the inspection services on Axum Lane.

With the Budget Committee's recommendation, the Board unanimously approved that a RFP be solicited from accounting firms to carry out the audit implementation for material weakness and reportable conditions reported in the 2005 audit report.

The Board unanimously approved the Budget Committee's recommendation to fund a request from District Three Governmental Cooperative in the amount of \$8,296 (from the Board's Supplemental Appropriations fund #011010-8888) for public transit services, January 1, 2007 through June 30, 2007.

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board approved the purchase of the Old Quarry convenience station property from Mr. Raymond Harris at \$15,000, to be appropriated from the Board's Supplemental Appropriations Fund (#011010-8888). This is subject to the title being approved, examined and a report being filed with the Board.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board approved the following personal property tax refunds:

1. Xerox Lease Equipment LLC
2006 Personal Property Tax refund in the amount of \$35.47

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2. John Patterson
2005 Personal Property Tax refund in the amount \$20.25

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board continued the following tax refund request:

Ford Motor Credit Co.
2006 Personal Property Tax refund in the amount of \$195.75 plus interest

With the recommendation of the Appointment Committee, the Board unanimously reappointed Mr. Cameron Wolfe, Jr. and Mr. Ronnie Hall to the Board of Appeals to the Virginia Uniform Statewide Building Code. Both of these four (4) year terms will expire December 31, 2010.

With the recommendation of the Appointment Committee, the Board unanimously reappointed Mrs. Darlene Neitch to the Mount Rogers Community Mental Health & Mental Retardation Services Board. Her three (3) year term will expire December 31, 2009.

With the recommendation of the Appointment Committee, the Board unanimously reappointed Mr. Marvin Perry to the District Three Governmental Cooperative Board and Mr. Todd Dishner as the alternate. Their one (1) year terms will expire December 31, 2007.

With the recommendation of the Appointment Committee, the Board unanimously reappointed Mr. Michael Roberts as the Emergency Services Director. His one (1) year term will expire December 31, 2007.

With the recommendation of the Appointment Committee, the Board unanimously reappointed Mr. Marvin Perry to Virginia's aCorridor, Mount Rogers Partnership. His one (1) year term will expire December 31, 2007.

With the recommendation of the Appointment Committee, the Board appointed Mr. Ron Thomason to the Mount Rogers Planning District Commission Transportation Citizen's Participation Committee and appointed Mr. James Parlier as the alternate to that committee. Their one year terms will expire December 31, 2007.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board nominated Mr. James Donald Martin to the Smyth County Board of Zoning Appeals as the Atkins District representative. If approved by the Judge of Circuit Court,

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Mr. Martin's five (5) year term will expire December 31, 2011.

Mr. Daniel Blevins' five year term on the Board of Zoning Appeals expired December 31, 2006 and did not wish to be reappointed.

Mrs. Neitch made a motion to reappoint Mr. Earl McClure to the Planning Commission as the Rye Valley District representative. The motion was seconded by Mr. Blevins and after discussion the following vote was taken and the motion failed.

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

Upon motion of Mr. Clark, seconded by Mr. Slemper, and unanimously carried, the Board appointed Mr. Norman Sparks to the Smyth County Planning Commission, as the North Fork District representative. Mr. Sparks' four (4) year term will expire December 31, 2010. Mr. Sparks will be replacing Mr. Archie Atwell on the Commission.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board reappointed Ms. Amy Tuell to the Smyth County Planning Commission, as the Royal Oak District representative. Ms. Tuell's four (4) year term will expire December 31, 2010.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board reappointed Mr. Graham Davidson, Sr. to the Smyth County Planning Commission, as the Chilhowie District representative. Mr. Davidson's four (4) year term will expire December 31, 2010.

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board reappointed Mr. Wayne Venable to the Smyth County Planning Commission, as the Saltville District representative. Mr. Venable's four (4) year term will expire December 31, 2010.

Upon motion of Mr. Blevins, seconded by Mr. Slemper, and unanimously carried, the Board appropriated \$6,000 from the Celebration Fund (#001-56000-6022), at that committee's request, for assistance with conducting a bluegrass concert.

Mr. Robert Hurt returned maintenance concerns and updated the Board on two bridges currently under weight limit for school buses. The first bridge in Sugar Grove will be repaired once the weather breaks. Steel and other materials needed have been obtained. The second bridge on Route 620 in Broadford is currently being studied by

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the bridge division for a solution to raise the weight limit to 15 tons. They hope to have the bridge ready for the busses to cross in the near future.

Mr. Roberts notified VDOT and submitted a petition for the record, from citizen's of the Allison Gap community concerning two rock curved walls on Route 634.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and duly carried, the Board approved George W. and Nancy R. Palmer's original request to amend the zoning map from Agricultural/Rural to Commercial for approximately 125 acres which includes tax map numbers 55-5-2, 55-5-2A, 55-5-2C, 55-6-1, 55A-A-1, and 55A-A-1A. The land is located next to Highway 11, Interstate 81, and Chestnut Ridge Road.

This motion overturns the decision of the Planning Commission (made November 16) to rezone only the land owned by George Palmer east of Chestnut Ridge Road to Commercial (Map Number 55-5-2C) and that the land west of Chestnut Ridge Road remain Agricultural/Rural.

Vote: 6 yea (Roberts, Dishner, Slemp, Clark, Neitch, Blevins)
1 nay (Perry)

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board referred the Planning Commission's recommendation on proposed amendments to the zoning ordinance concerning group homes to the Ordinance Committee.

Doug Covington of Spectrum Design presented the preliminary architectural report for the former Allison Gap School Elderly Housing project. The report proposes two alternative designs -- one maintaining the building's appearance in order to seek historical tax credits and the other one making more aesthetic changes to the exterior of the building. The advisory committee, including Allison Gap citizens, prefers the plan that does not involve historical tax credits. The recommended design includes 12 single bedroom units and two larger 2 bedroom apartments. The current community space (the old gymnasium) would remain as is with minimum renovations. Outside renovations would include masonry repair, window replacement, outside entrances and awnings, landscaping, and a walking track. Mr. Covington answered questions from the Board while Mrs. Sally Morgan and Charlie Harrington discussed the possible funding sources for the project. The County would need to serve as the fiscal agent for the

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Community Development Block Grant.

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board authorized the staff and legal counsel to further investigate the funding possibilities to get the project moving.

OLD BUSINESS

1. Collection of delinquent taxes (**8-10-04**).
2. Marevine Slemp, request for water service on Fox Valley Road (**5-11-04**).
3. a. Request for tax exempt status for the Lincoln Theatre (**12-13-2005**)
b. Request for tax relief status on building improvements (**12-5-2006**)

Duane Cregger of the Lincoln Theatre was present to inquire about the status of tax relief and tax exempt status for the theatre. Mr. Tate questioned who owned the theatre and Mr. Cregger explained that LT Development owns the theatre, which is a private company. Mr. Cregger mentioned that the Town of Marion has given the theatre relief through their Enterprise Zone program on building improvements. Mrs. Morgan briefly discussed the program which the County now has. Mr. Cregger was referred to Mrs. Morgan for further information.

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4. Re-codifying of the Smyth County Code (**1-10-2006**).
 5. Ordinance Committee recommendation to merge the manufactured home ordinance into the zoning ordinance as proposed in the zoning amendments present to the Board in January 2005 (**4-11-2006**).
 6. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee **6-13-2006**).
 7. a. Disposal of former school building at 105 East Strother Street (**7-11-2006**),
b. Building and Grounds Committee recommendation concerning the old school building and the Heilig-Myers building (continued 11-15-2006, Committee meeting 10-27-2006).
 8. Compensation Board employee mid-year pay increase (**12-5-2006**).

With clarification from Mr. Charlie Atkins and after discussion:

Upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried, the Board approved a 4% raise of total salary for compensation Board employees who also receives county compensation, effective December payroll.

CLOSED SESSION

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, at 3:45 p.m., the Board agreed to enter into closed session as allowed by the

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Code of Virginia, Section 2.2-3711 (A) (5) report on business prospect and (7) for pending litigation and legal briefing.

Vote: 7 yea
 0 nay

At 4:03 p.m. the Chairman ended the closed session.

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 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

MEETING ADJOURNED

At approximately 4:05 p.m., the Chairman adjourned the meeting after wishing everyone a Merry Christmas and thanking the staff for their hard work throughout the year.

C.C. Clark, Jr., Chairman

