

*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, January 9, 2007 at 12:00 noon.

**Board Members Present:** Mr. Harold Slemp Mrs. Darlene R. Neitch  
Mr. Todd Dishner  
Mr. Michael Roberts (arrived approximately 1:45 p.m.)  
Mr. Charlie Clark (arrived approximately 2:13 p.m.)  
Mr. Marvin Perry (arrived approximately 2:25 p.m.)

**Board Members Absent:** Mr. Wade Blevins

**Staff Members Present:** Mr. Michael Carter Mr. Charlie Atkins  
Mrs. Amber Johnson Mr. John H. Tate, Jr.  
Mr. Ed Whitmore

At 12:00 noon, with only Mr. Slemp, Mr. Dishner, and Mrs. Neitch present, the meeting was delayed because of a lack of a quorum, due to bad weather.

Once Mr. Roberts arrived at approximately 1:45 p.m., the meeting was called to order. Mr. Slemp served as Chairman.

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

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

Mr. Carter, Deputy Clerk opened up the floor for nominations of Chairman for calendar year 2007.

Mr. Perry nominated Mr. Clark and made remarks on the progress made while he has served as Chair. Mr. Slemp seconded Mr. Perry's nomination and also remarked on Mr. Clark's leadership as Chairman.

With no other nominations for Chairman, Mr. Carter closed the nominations.

By a unanimous vote, Mr. Charlie Clark was selected as Chairman for calendar year 2007.

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

Mr. Clark resumed as Chairman and took nominations for the Vice Chairman.

Mr. Dishner nominated Mr. Slemp as Vice Chairman and remarked on his leadership as Vice Chair the past year. Mr. Perry seconded the motion.

With no other nominations for Vice Chairman, Mr. Clark closed the nominations.

By a unanimous vote, Mr. Harold Slemp was selected as Vice Chairman for

**1-9-2007**

calendar year 2007.

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

---

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, Mr. Ed Whitmore was selected as Clerk and Mr. Michael Carter was selected as Deputy Clerk for calendar year 2007.

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

---

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Rules of Procedures was adopted for Board meetings. These rules were officially adopted by the Board September 9, 2003.

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

---

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the minutes of December 12, 2006 were approved with two corrections made by Mr. Tate concerning Mr. Daniel Blevins' BZA term and Mr. Dishner's appointment to the District Three Cooperative Board.

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

---

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

General County	\$1,675,000
Animal Control (office supplies)	\$21.87
Department of Social Services (January 10-31, 2007)	\$300,000
(February 1-13, 2007)	\$40,000
Schools      Operating Fund	\$3,850,000
Debt & capital Outlay	\$100,000

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

---

Upon motion of Mr. Dishner, seconded by Mrs. Neitch, and unanimously carried, the accounts payable listing in the amount of \$1,128,482.89 was approved.

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

---

**CITIZEN'S TIME**

Mr. Ernie Sullins was present to speak for citizen's time at 12:15; it was delayed due to a lack of a quorum. When the meeting resumed at 1:45 p.m. he was not present.

---

**NEW BUSINESS**

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, regular Board meetings for 2007, were scheduled for the second Tuesday, of each month at 12:00 noon.

In the month of November, the meeting will be held on Wednesday, November 14, 2007 due the Virginia Association of Counties Annual meeting which will be held Sunday, November 11-Tuesday, November 13, 2007.

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

---

**Note:** Mr. Roberts stated that he was an employee of the Town of Marion and could vote impartially.

Mrs. Diane Spence requested that the Board approve a grant awarded in the amount of \$67,736 from the Department of Criminal Justice Services Board. She explained that the grant award includes a 25% local cash match. If divided with the County and the three Towns agree to contribute, each location's match would be as follows:

County:	\$5,577	Marion:	\$3,965
Chilhowie	\$3,427	Saltville:	\$3,965

Grant funds would be used to purchase wireless communications for the Sheriff and Police Departments. Mrs. Spence explained that there are funds in her budget to cover the County's portion of the match.

Mr. Roberts motioned to accept the grant award; Mr. Tate questioned whether the issue should be referred to the budget Committee. Mr. Roberts then motioned that the request be sent to the Budget Committee. Mrs. Spence stated she would get more information for the Budget Committee. With that information the Budget Committee can make a formal recommendation to the Board. There was no second to the above motions and votes were not taken.

---

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved the following easement with the Department of Conservation for a water main in Hungry Mother State Park (easement will be included in official minutes):

1-9-2007

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

---

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, the Board unanimously supports the Groseclose Sewer grant application. This motion authorizes the submission of the grant application to the Economic Development Administration in the amount of \$2,000,000. Mount Rogers Planning District Commission will be assisting with the application.

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

---

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board approved the following personal property tax refund. With legal counsel's recommendation, the refund will be made to Ms. Jennifer Lynn Jones since research shows she paid the taxes, not Joseph Don Delp who filed the refund request.

Jennifer Lynn Jones  
Personal property tax refund request in the amount of \$85.77

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

---

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board approved the following personal property tax refund. Upon legal counsel's recommendation, interest is not being refunded as requested.

General Motors Acceptance Corporation  
Personal property tax refund request in the amount of \$153

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

---

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and duly carried, the Board approved the recommendation from the Appointment Committee and appointed Clegg Williams as the Subdivision Ordinance Agent.

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

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board agreed with the Appointment Committee's decision to reappoint Mr. Clarence Smith to the Smyth-Washington Regional Industrial Facilities Authority. This four year term will expire December 31, 2010.

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

1-9-2007

---

Mr. Roberts requested that the vacancy for the Saltville District on the Smyth-Bland Regional Library Board created by Mrs. Helen Barbrow's passing, be continued.

Upon motion of Mr. Clark, seconded by Mr. Slemp, and unanimously carried, the Board appointed Mrs. Kay Perkins to the Smyth-Bland Regional Library Board, as the North Fork District representative. This four year term will expire December 31, 2010 and replaces Rita Frye.

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

---

Mr. Slemp nominated Mavis Williams, his Atkins representative for the Chamber of Commerce, Area Beautification Committee. Mr. Perry nominated Gay Hart, his Royal Oak representative for the Area Beautification Committee. Mr. Dishner seconded both these nominations and they were unanimously reappointed for calendar year 2007.

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

Mr. Roberts nominated Norma Marsh, his Saltville Representative for the Area Beautification Committee. Mr. Perry seconded his motion and she was unanimously reappointed for calendar year 2007.

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

The following four remaining members not addresses will be continued:

Phyllis Griffith (Rye Valley District)	Sandy Davenport (Chilhowie District)
Alice Freeman (Park District)	Debbie Ogle (North Fork District)

---

Upon motion of Mr. Perry, seconded by Mr. Roberts, and unanimously carried, the Board would reappoint Mr. Robert Dix to the Smyth-Wythe Joint Airport Commission, contingent upon the decision of the Town of Marion. If appointed by both the Town of Marion and the County, this Joint Member's four year term will expire January 31, 2011.

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

---

The Evergreen Soil & Water Conservation District will hold their annual brunch at the New Pioneer Restaurant on Tuesday, March 13 at 10:30 a.m. The Conservation District requested the Board's presence and if this would be a suitable time to meet. The Board agreed to on the date and time.

---

**1-9-2007**

The request from Dr. Craig Smith of the Virginia Department of Health District for partnership with the County was continued with a motion by Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried.

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

---

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, pursuant to section 2.2-4303 (f), of the Code of Virginia, the Board here by declares an emergency to secure professional services for addressing comments in the 2005 County Audit. Due to time constraints and to assist the County Treasurer, the Board authorizes the employment of Hicok Fern Brown & Garcia, CPAS. Hicok Fern Brown & Garcia will implement the audit recommendations to address a material weakness and reportable conditions outlined in the management letter in the 2005 audit report, delivered October 2006. This contract will be awarded on or about Wednesday, January 17, 2007.

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

---

Steve Buston of the Virginia Department of Transportation first explained that the Broadford and Sugar Grove facilities would remain open. He thanked the Board for their interest in those facilities which aided in the department's decision to keep them open. On behalf of the Board, Mrs. Neitch asked that Mr. Buston thank the commissioner and others involved in keeping these local shops open.

Mr. Buston also briefly discussed Exit 47 and what the Board can expect in the future on that project. At some point there may be a public hearing on the change in the highway system, which will be held by VDOT for the developers. He also mentioned Exit 35 and the changes that may occur there due to development.

Mr. Buston explained that they are ready to hold the public hearing for the Six Year Plan, 2007/2008 through 2012/2013.

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, the Board will hold a joint public hearing with the Virginia Department of Transportation to take comments on the proposed Secondary Six-Year Plan for Fiscal Years 2007/2008 through 2012/2013. The hearing is scheduled for the next regular Board

**1-9-2007**

meeting on Tuesday, February 13, 2007 at 2:00 p.m.

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

Mr. Slemp inquired about parked, non-tagged cars on state roads. Mr.

Whitmore briefly inquired about Exit 47.

---

At 3:30 p.m. the Board proceeded with a public hearing on the Community Development Block Grant (CDBG) funding. Mr. Whitmore read the advertisement and there was one citizen present for the hearing. Mrs. Morgan explained the possible funding. There are approximately \$2,100,000 federal funds available for grants which must benefit at least 51% low to moderate income persons. Smyth County is eligible because all of the county's past projects have been closed out.

The only person to speak at the hearing was Mr. Phil Collins, who identified himself as the president of the Allison's Gap development association. He requested the Board's support of the plans to convert the former Allison Gap School to elderly housing (a report of which was heard at last month's Board meeting).

The hearing was closed at 3:35 p.m.

Mrs. Morgan answered questions and the Board discussed other areas of concern that may benefit from these funds.

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board authorized staff to proceed with the application process for CDBG funds for the Allison Gap project.

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

---

## **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)**
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**).

**1-9-2007**

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. Request from Commissioner of Revenue for the following tax refund request (**12-12-2006**):
  - Ford Motor Credit Co.  
2006 Personal Property Tax refund in the amount of \$195.75 plus interest

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved the following personal property tax refund. Upon legal counsel's recommendation, interest is not being refunded as requested.

Ford Motor Credit Co.  
2006 Personal Property Tax refund in the amount of \$195.75

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

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, item #8 was removed from old business.

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

- 
9. Planning Commission appointment for the Rye Valley District (**12-12-2006**).

---

### **CLOSED SESSION**

Note: Mr. Perry left during closed session.

Upon motion of Mr. Dishner, seconded by Mrs. Neitch, and unanimously carried, at 4:00 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: 6      yea (Roberts, Dishner, Slemp, Clark, Neitch, Perry)  
1      absent (Blevins)

At 5:30 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



**1-9-2007**

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 (Roberts, Dishner, Slemp, Clark, Neitch)
	2	absent (Blevins, Perry)

---

**MEETING CONTINUED**

At approximately 5:30 p.m., upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, the meeting was continued until Thursday, January 25, 2007 at 7:00 for a joint public hearing with the Planning Commission and any other issues that may arise.

Vote:	5	yea (Roberts, Dishner, Slemp, Clark, Neitch)
	2	absent (Blevins, 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, January 25, 2007, at 7:00 P.M.

<b>Board Members Present:</b>	Mr. Charlie Clark, Chairman Mr. Marvin Perry Mrs. Darlene Neitch	Mr. Wade Blevins Mr. Harold Slemple Mr. Michael Roberts
-------------------------------	--	---

**Board Members Absent:** Mr. Todd Dishner

<b>Staff Members Present:</b>	Mr. Clegg Williams Mrs. Amber Johnson Mr. Mike Carter Mrs. Sally Morgan	Mr. Ed Whitmore Mr. John Tate Mr. Charlie Atkins
-------------------------------	--	--

<b>Planning Commission Members Present:</b>	Mr. Dennis Blevins, Chairman Mr. Wayne Venable Mr. Karl Kalber	Mr. Norman Sparks Mr. Graham Davidson
---	--	--

**Planning Commission Members Absent:** Ms. Amy Tuell  
Rye Valley appointment vacant

---

At 7:00 p.m. the Chairman of the Board of Supervisors and Chairman of the Planning Commission called the joint public hearing to order. Mr. Whitmore read the advertisement as placed in the Smyth County News and Messenger on January 13 and 20, 2007. With only one citizen present, reading of the rules for public hearings was forgone.

Mr. Williams summarized the only application submitted by Susan Hamm for a special use permit. Ms. Hamm would like to establish a mini-warehouse business near her residence on Green Mountain Road in Rural Retreat. The structure she is proposing will be approximately 24' x 100' with approximately 30-40 units. The structure will be located on a tract of land she owns adjoining Green Mountain Road, which is identified by tax map #38-A-110 and zoned Agricultural/Rural. Mr. Williams sent notice to all adjoining property owners. He received no comments on this application. He also pointed out the following sections of the ordinance: Section 3-2.2 bb) which allows Mini-warehouses in the A/R district by issuance of a SUP, Article 6 which contains the provisions for Special Use Permits, and 10-46 which defines Mini-warehouse businesses.

Mr. Tate clarified where the proposed structure will go. Only Mr. Josh Hamm, Ms. Susan Hamm's son was present to answer any questions. With no further questions or comments, the hearing was closed at approximately 7:06 p.m. by both Mr. Clark, Chairman of the Board and Mr. Blevins, Chairman of the Commission.

1-25-2007

---

The Board then recessed to the 4th floor Boardroom and reconvened at approximately 7:11 p.m.

---

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board appointed Mr. Don Medley to the Smyth County Planning Commission, as the Rye Valley District representative. Mr. Medley's four (4) year term will expire December 31, 2010.

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

---

After discussion, upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board agreed to create the Smyth County Tourism Association under Virginia Code section 15.2-1303, in cooperation with the Town of Marion, Chilhowie, and Saltville.

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

---

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board budgeted up to \$3,500 to supplement a new position recently created in the Commissioner of Revenue's Office.

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

---

The Water and Sewer Committee recommended that the County assist the Town of Marion by funding fifty percent of each of the three meters in question (Atkins, Hungry Mother, and Staley Creek).

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

After discussion, upon motion of Mr. Slemp, seconded by Mr. Blevins and unanimously carried, the Board agreed with the Water and Sewer Committee's recommendation. The Board authorized the staff, and both Mr. Tate and Mr. Campbell, Water and Sewer Attorney, to proceed with the Town in the agreement between the Town and the County.

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

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, at approximately 7:40 p.m., the Board agreed to enter into closed session as

**1-25-2007**

allowed by the Code of Virginia, Section 2.2-3711 (A) (5) report on business prospect (s), and (7) for pending litigation and legal briefing.

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

At approximately 8:30 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: 6      yea (Roberts, Slemp, Clark, Neitch, Blevins, Perry)  
1      absent (Dishner)

---

At approximately 8:35 p.m., the Chairman continued the meeting until Friday, February 2, 2007 at 1:00 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 Friday, February 2, 2007, at 1:00 P.M.

<b>Board Members Present:</b>	Mr. Charlie Clark, Chairman Mr. Harold Slemp Mrs. Darlene Neitch	Mr. Wade Blevins Mr. Todd Dishner
-------------------------------	--	--------------------------------------

<b>Board Members Absent:</b>	Mr. Marvin Perry	Mr. Michael Roberts
------------------------------	------------------	---------------------

<b>Staff Members Present:</b>	Mr. Ed Whitmore Mrs. Amber Johnson Mr. Charlie Atkins	Mr. Mike Carter Mr. John Tate Mrs. Sally Morgan
-------------------------------	---	---

Mr. Clark called the meeting to order at 1:00 p.m.

---

Mr. Jeff Richardson, Commissioner of Revenue, expanded upon his request approved at the previous Board meeting Thursday, January 25. At that meeting the Board budgeted up to \$3,500 to supplement a new position recently filled in his office. Mr. Richardson clarified that only \$1,836 is needed for this request in the current year.

---

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board supports a resolution to amend section 2.2-4344 of the Code of Virginia, to include the Regional Facilities Authorities under the same exemption that currently exists for Industrial Development Authorities.

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

---

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board scheduled a public hearing for budget amendments to the School Board budget in the amount of \$571,356. The public hearing is scheduled for Tuesday, February 20, 2007 at 1:00 p.m.

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

---

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, at approximately 1:32 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 (s), and (7) for pending litigation and legal briefing.

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

At approximately 1:49 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:

**2-2-2007**

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 (Dishner, Slemp, Clark, Neitch, Blevins)
	2	absent (Perry, Roberts)

---

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved \$170,000 in funds from the IDA budget to match the same amount from Washington County to provide toward Smyth Washington Regional Industrial Facilities Authority (SWIFA) for completion of the shell building for an un-named prospect.

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

---

The Chairman adjourned the meeting at 1:51 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 13, 2007 at 12:00 noon.

<b>Board Members</b>	Mr. Harold Slemph	Mrs. Darlene R. Neitch
<b>Present:</b>	Mr. Todd Dishner	Mr. Wade Blevins
	Mr. Michael Roberts	Mr. Charlie Clark
	Mr. Marvin Perry	

<b>Staff Members</b>	Mr. Michael Carter	Mr. Charlie Atkins
<b>Present:</b>	Mrs. Amber Johnson	Mr. John H. Tate, Jr.
	Mr. Ed Whitmore	

Mr. Clark called the meeting to order at 12:00 noon.

Mrs. Amber Johnson led the pledge of allegiance.

---

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried the Board adopted the following resolution in memory of Mrs. Catherine Cox:

*WHEREAS, Catherine M. "Kitty" Cox was a lifelong resident of Smyth County, Virginia, and throughout her life was active in her church, her community, and in public service; and*

*WHEREAS, Catherine M. "Kitty" Cox served with concern and dedication as a member of the Smyth County Board of Supervisors from 1995 to 1996 as an active Democratic Representative; and*

*WHEREAS, Catherine M. "Kitty" Cox was recognized as a great asset to Smyth County, as an entrepreneur, a real estate developer, and a beloved teacher in our school system; and*

*WHEREAS, Catherine M. "Kitty" Cox represented Smyth County with dignity while working closely with the Madam Russell United Methodist Church, and as president of the Museum of the Middle Appalachians,*

*THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors celebrates the life of Catherine M. "Kitty" Cox and recognizes her public service and her dedication to her community, her church and her friends and neighbors and her outstanding contributions to her community and Smyth County; and*

*BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors joins many others in expressing its sympathy to her family in the loss to all of us by the passing of Catherine M. "Kitty" Cox.*

Mr. Tate presented the resolution to Mr. Jim Cox, son of Mrs. Cox. Mr. Cox thanked the Board for their honoring his mother.

---

Mr. Matt Herrell, Chilhowie Baptist Church Youth Minister led invocation.

---

Upon motion of Mr. Slemph, seconded by Mr. Blevins, and unanimously carried, the agenda was adopted along with the additional agenda.

---

Upon motion of Mr. Blevins, seconded by Mr. Slemph, and unanimously carried, the minutes of January 9, 25, and February 2, 2007 were approved. During discussion Mr. Perry commented on a decision made at the January 25 meeting concerning budgeted funds for a position in the Commissioner of Revenue's Office. He also mentioned the requested salary study. Mr. Roberts stated that he was absent from the

**2-13-2007**

February 2 meeting due to County business out of town.

---

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

General County		\$1,475,000
Cedars/Hall Addition Sewer Project		\$48,750
Animal Control (office supplies)		\$420
Department of Social Services (February 14-28, 2007)		\$300,000
(March 1-13, 2007)		\$40,000
Schools	Operating Fund	\$4,000,000
	Debt & capital Outlay	\$130,000

---

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the accounts payable listing in the amount of \$904,492.28 was approved. This accounts payable included \$12,555 to Closed Networks, Fredrick G. Griffin Engineering for the radio system project and \$8,339.50 to Mosley Architects for Courthouse Renovation Study.

---

**CITIZEN'S TIME**

Mr. William Allen of Walker's Creek Road explained that he intends to place a third home on his private driveway (for an elderly family member). Mr. Shannon Williams, 911 Coordinator explained that County policy states that placing a third home on a private drive constitutes naming and re-addressing the driveway. Mr. Williams also explained that there is no house number available to give the new structure based on where it will be placed.

After discussion, upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, Mr. Williams is to address the new structure 500A Walkers Creek Road.

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

Mr. Joseph Shirey of the Sugar Grove Fire and Rescue Squad spoke for their junior department. Recently that department had to be closed due to the lack of a county ordinance. This program effectively recruits young members of good character in the community. Mr. Shirey requested that the Board consider adopting an ordinance to keep the program active which helps replace senior members.

2-13-2007

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, this issue was referred to the Ordinance Committee for study.

Representatives from the Konnarock Community Center were present to inquire about dumpsites that have recently been charged by the Sheriff's Department, in violation of the state code. The two owners of the dumpsites were fined and convicted. Time has elapsed and the sites have not been cleaned up. The County will now pursue with action in violation of the Zoning Ordinance.

---

## **NEW BUSINESS**

With the Budget Committee's recommendation, the Board unanimously accepted the awarded funds in the amount of \$67,736 from the Department of Criminal Justice Services Board. The budget adjustment of the total amount (\$67,736) will be budgeted out of the Board's supplemental appropriations (#11010-8888). The local match of \$16,934 will be divided by the towns and the sheriff department. Grant funds will be used to purchase wireless communications for the Sheriff and Police Departments.

---

Dr. Craig Smith and Mrs. Paige Bordwine of the Mount Rogers Health District were present during the discussion concerning their request for partnership for the purchase of a generator. This purchase would need to be made before the Emergency Operations Center and possibly the 911 center could be housed in the health department building. Dr. Smith explained that they are asking that the Board serve as the fiscal agent and make up the difference of the total cost of the generator.

After discussion, the Board unanimously agreed with the Budget Committee's recommendation to act as the fiscal agent for the acquisition of the generator. This also includes soliciting Request for Proposals (RFP) for the generator.

---

The Board discussed the Budget Committee's recommendation concerning the grant application to be submitted to the Rescue Squad Assistance Fund.

The Board agreed with the Budget Committee's recommendation that grant applications be submitted in March, to the Rescue Squad Assistance Funds on behalf of all Fire and EMS agencies to aid in the purchase of new radios. The remaining funds needed, will come from the Fire & Rescue Funds.

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

2-13-2007

---

With the Budget Committee's recommendation, the Board agreed to allow Mr. Carter to hire part time help as an Assign-A-Highway coordinator who would work with the judges, coordinate which roads need to be cleaned, work with VDOT, and organize when roads would be cleaned.

---

With the Budget Committee's recommendation to approve hiring part time help for the Assign-A-Highway program, the following resolution was unanimously adopted:

*WHEREAS, the Smyth County Board of Supervisors have made it a priority to clean up Smyth County's highways, streets and roads;*

*WHEREAS, Smyth County believes that the Assign-A-Highway Program will improve tourism and the natural beauty of our region and that the proposed Assign-A-Highway Program will protect the health, safety and welfare of the citizens of Smyth County;*

*WHEREAS, the Smyth County Circuit Court based upon its constitutional and statutory powers and authority may assign criminal defendants and probationers to pick up litter along Smyth County's highways, streets and roads as part of the court's probation powers;*

*WHEREAS, the Smyth County Board of Supervisors strongly believes that the Smyth County Assign-A-Highway Coordinator working in conjunction with the Circuit Court of Smyth County can develop a program to abate litter on the Smyth County's highways, streets and roads.*

*NOW THEREFORE BE IT RESOLVED, that the Smyth County Board of Supervisors hereby establishes the Smyth County's Assign-A-Highway Program for the health, safety, and welfare of its citizens and as outlined in a court order to be entered by the Smyth County Circuit Court;*

*IT IS FURTHER RESOLVED, that the Assign-A-Highway Program shall be modeled and authorized pursuant to the prospective court order and that the prospective court order shall be incorporated into this resolution by reference.*

---

The Board unanimously approved the Water and Sewer Committee's recommendation to solicit quotes for the following items:

1	trench box/shield 8x16	4	metal/line detectors
1	hammerhead mole - 4"	2	pickup trucks
1	skid steer w/attachments	1	pick up truck - heavy duty
1	portable generator	1	sewer camera
2	pipe saws 14" cut-off	1	manhole pick
2	safety kits including - blower/ventilators		
	hoisting tripod		
	safety harness		
	air quality tester		

Payment for these items will come from the remaining funds of the Allison Gap project. Mr. Roberts reminded the Board of sewer service on Kent Street in Saltville.

---

The Board unanimously approved the Water and Sewer Committee's recommendation that an RFP be issued for a water tank maintenance contract.

**2-13-2007**

---

The Board unanimously approved the Water and Sewer Committee's recommendation to accept the Fox Valley Road Water Project Design Grant from the Virginia Department of Health. They also approved the execution of the contract with Anderson and Associates for the Fox Valley Road Water Project Design work.

---

The Board unanimously approved the Water and Sewer Committee's recommendation to accept the Lucky Lane Water and Sewer Project Design Grant from the Virginia Department of Health. They also approved the execution of the contract with Anderson and Associates for the Lucky Lane Water and Sewer Project PER and Design work.

---

The Board unanimously approved the Water and Sewer Committee's recommendation to accept the Dix Well #2 treatment Design Grant from the Virginia Department of Health. They also approved the execution of the contract with Lane Engineering for the Dix Well #2 treatment Design work.

---

With the Water and Sewer Committee's recommendation, the Board unanimously appropriated \$500 more for the Kelly settlement on the Hungry Mother Water Project. Funds to be budgeted out of the Board's supplemental appropriations (#11010-8888) fund.

---

With the Water and Sewer Committee's recommendation, the Board unanimously approved an offer of \$2,500 in the Overbay settlement on the Cedars/Hall Addition Sewer Project.

---

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board released 2 deeds of trust under the names of W. Gordon and Madonna S. Echols. These two parcels were encumbered by a deed of trust securing the performance of certain covenants for a period of 10 years under a Rental Rehabilitation Grant Agreement between the Echols and the County. The Rental Rehabilitation Grant Agreement is dated September 25, 1989 and is between the County and the Virginia Housing Development Authority (VHDA). The VHDA provided federal grant funds to the County for the rehabilitation of the rental property.

---

2-13-2007

After discussion, the Board continued the Southwest Virginia Emergency Medical Services Council appointment update. Further information of the Council's rules is needed before removing one of the appointees.

---

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board appropriated \$13,922.20 (from account #11010-8888.20) to be paid to the Rye Valley Water Authority for drawdown #2 on the Flat Ridge Road Self-Help Project.

---

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board gave Mr. Whitmore the authority to sign a resolution in support of a grant application for funds in the amount of \$250,000 to be submitted to the Tobacco Commission. If received, funds will be used on the Groseclose Sewer Project.

---

Mrs. Morgan briefly discussed a request from TEDS, Inc. concerning a grant application to the Tobacco Commission. This request will be forwarded to the Industrial Development Authority who is better suited for this type of request.

---

Mrs. Morgan updated the Board on the Community Development Block Grant (CDBG) funding for the Allison Gap Elderly Housing project. There is a possible \$700,000 available through CDBG. Currently that is all the funding that has originated. Additional matching funds are needed to apply for the \$700,000 CDBG funds. Mrs. Morgan and the Community organization are currently searching for other loan sources and grants.

---

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and duly carried, the Board approved a sport utility vehicle bid from Family Ford of Marion for the County Administration. This motion appropriates \$21,058 from the County Administration, Motorized Equipment Fund (# 001-012010-9003) for the purchase of the 2007 Ford Explorer.

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

---

At 2:00 p.m. the Board proceeded with a joint public hearing with the Virginia Department of Transportation (VDOT) on the proposed Secondary Six-Year Plan for Fiscal Years 2007/2008 through 2012/2013.

Mr. Whitmore read the advertisement as placed in the Smyth County News and Messenger. There were no citizens present to speak.

2-13-2007

Mr. Steve Buston, Residency Administrator explained the following information:

Projects to be completed in 2007  
Route 610-Rich Valley Road

Projects moved from Plan to Storage List  
Route 617-Walker's Creek Road  
Route 689-Snider Branch Road

This action of moving routes from the plan to the storage list is due to Federal funding obligations requiring funding to be put on federal eligible routes. This creates a significant shortage of available state funds. The revised storage list dated February 2007 is as follows:

**REGULAR CONSTRUCTION**

<u>Name</u> <u>Route</u>	<u>ID#</u>	<u>From</u>	<u>To</u>	<u>Priority</u>	<u>Added To</u> <u>Plan</u>	<u>Est. Cost.</u>
WALKERS CREEK RD Rt. 617	16875	Rt. 16 E	Rt. 665	6	July 1995	\$587,000
SNIDER BRANCH RD Rt. 689	16259	0.4 mi N Rt. 11	Rt. 617	7	July 1996	\$3,062,000
OLD LAKE ROAD Rt. 700	18382	INT Rt. 617	NCL Marion	8	July 1998	\$705,967
GRUBMORE ROAD Rt. 657	56769	INT Rt. 645	1.3 mi E 645	9	July 2000	\$1,900,000
SLAB TOWN ROAD Rt. 672		0.2 Mi N Rt. 701	Rt. 670	10	July 2002	\$700,000

Mr. Buston explained that when final county allocations are available, it can be determined if any new road projects can be added.

Mr. Perry inquired about Grubmore Road and Mr. Buston answered other general questions concerning funding and priority lists. Mr. Buston did introduce Jeff Jones, Chilhowie Maintenance Supervisor, Doug Boiling, Marion Maintenance Supervisor, and John Bolling, who works on unpaved roads contracts. Mr. Slemp mentioned the continuing problem on Nicks Creek Road of truck drivers (18 wheelers) missing the turn into the industrial park and mistakenly going to far up the mountain with no place to turn around.

Mr. Buston stated that a final six year plan would be presented in March for approval.

The hearing was closed at approximately 2:00 p.m.



**2-13-2007**

Mr. Robert Hurt referred to a no passing zone requested by Mrs. Neitch, he explained that it would be painted as no passing when the road was repaved.

Mr. Dishner thanked the maintenance department present, stating that they are always quick to satisfy requests and problems. Mr. Roberts also expressed his thanks.

---

Upon motion of Mr. Blevins, seconded by Mr. Slempp, and unanimously carried, the Board approved the Planning Commission's recommendation to grant Susan Hamm's application for a special use permit to establish a mini-warehouse near her residence on Green Mountain Road in Rural Retreat.

---

Dr. David Wilkin, President, Virginia Highlands Community College presented the college's 2005-2006 Annual Report. He explained completed projects in the past year and new projects for the coming year. He also presented Virginia's Community Colleges 2005-2006 Annual Report.

---

**OLD BUSINESS**

1. Collection of delinquent taxes **(8-10-04)**.
2. Marevine Slempp, 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)**
4. Re-codifying of the Smyth County Code **(1-10-2006)**.

---

Mr. Tate briefly commented on the re-codifying of the County Code. The company has been contacted and stated that it could take 12 to 18 months for the project.

- 
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. Appointments

Area Beautification Committee Judges (1 year term, beginning each January)  
Phyllis Griffith-225 Red Hill Road, Marion (783-7672) *Rye Valley District*  
Alice Freeman-135 West Strother Street, Marion (783-5959) *Park District*  
Sandy Davenport-126 Scenic View Drive, Chilhowie (646-8002) *Chilhowie District*  
Debbie Ogle-290 North Drive, Marion (783-2606) *North Fork District*

2-13-2007

Smyth-Bland Regional Library Board (4 year term, district specific)  
Saltville District Vacancy

---

Mr. Clark nominated Debbie Ogle for the Chamber of Commerce Area

Beautification Committee Judges. Mr. Slemp seconded his motion.

Mrs. Neitch nominated Phyllis Griffith for the Area Beautification Committee and Mr. Blevins seconded that motion.

Mr. Blevins nominated Sandy Davenport for the Area Beautification Committee and Mr. Slemp seconded the motion.

With one vote, the Board unanimously reappointed the above three members to the Area Beautification Committee.

Vote: 6	yea (Roberts, Dishner, Slemp, Clark, Neitch, Blevins)
1	absent (Perry, stepped out of the room)

---

The Chairman covered the following reminders:

- All standing committees will remain as they were for 2006.
- Quarterly Meeting with the Town of Chilhowie at the Town House Grill, Tuesday, Feb. 27 at 6pm, RSVP by Feb. 22 at 2pm.
- Evergreen Soil & Water Conservation District Brunch at the New Pioneer, Tuesday, March 13 at 10:30am, RSVP by March 2.
- Continued Board meeting Thursday, Feb. 22 at 7pm for a joint public hearing with the Planning Commission.

The Chairman also mentioned the need of Ordinance Committee meetings.

Mr. Whitmore mentioned the National Association of Counties Conference to be held in Virginia, July 15-17. One activity is requesting a representative from each County to speak on their perspective area while on a bus tour from James town to Richmond.

Mr. Carter distributed Juvenile Detention Center information.

---

## **CLOSED SESSION**

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, at 3:29 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: 6	yea (Roberts, Dishner, Slemp, Clark, Neitch, Perry)
1	absent (Blevins, out of the room)

At 4:18 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:

**2-13-2007**

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 CONTINUED**

At approximately 4:19 p.m., the Chairman continued the meeting until Tuesday, February 20, 2007 at 1:00 for a public hearing on budget amendments request by the School Board 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, February 20, 2007, at 1:00 p.m.

<b>Board Members</b>	Mr. Charlie Clark, Chairman	Mr. Wade Blevins
<b>Present:</b>	Mr. Marvin Perry	Mr. Harold Slemph
	Mrs. Darlene Neitch	Mr. Michael Roberts
	Mr. Todd Dishner	

<b>Staff Members</b>	Mr. Ed Whitmore	Mr. Mike Carter
<b>Present:</b>	Mrs. Amber Johnson	Mr. Charlie Atkins

---

At 1:00 p.m. the Chairman opened the meeting to a public hearing on proposed amendments to the School Board budget and the Smyth County budget for fiscal year 2006-2007. Mr. Whitmore read the advertisement as placed in the Smyth County News and Messenger. There were no citizens present to speak and the hearing was closed at approximately 1:03 p.m.

Dr. Michael Robinson, Superintendent of Schools was present and answered questions concerning the budget request. This amendment would allow for unexpected funds received.

**Note:** Michael Roberts stated he has family members who work for the School system and could vote impartially.

Upon motion of Mr. Slemph, seconded by Mr. Blevins, and unanimously carried, contingent upon legal guidance, the Board approved the School Board 2006-2007 budget amendments in the amount of \$571,356, in the Operations Fund only, as outlined in the public hearing notice (see below). An amount of \$38,671 is included in the total above which was approved by the Board on December 12, 2006.

The categorical amendments have been made as the School Board has requested.

Smyth County, Virginia			
Proposed School Board Budget			
For the Year Ending June 30, 2007			
Summary of All Operations Budget Revenues			
	2006-2007 Original	2006-2007 Proposed	Difference
<b>School Operating Fund</b>			
*State Funds	\$ 28,517,588	\$ 28,626,736	\$ 109,148
Federal Funds	\$ 6,161,196	\$ 6,612,347	\$ 451,151
County Funds	\$ 9,794,744	\$ 9,794,744	\$ -
Sales Tax	\$ 4,515,002	\$ 4,515,002	\$ -
Other Funds	\$ 470,165	\$ 481,222	\$ 11,057
<b>Total School Operating Fund</b>	<b>\$ 49,458,695</b>	<b>\$ 50,030,051</b>	<b>\$ 571,356</b>
Summary of All Operations Budget Expenditures			
	2006-2007 Original	2006-2007 Proposed	Difference
<b>School Operating Fund</b>			
*61000: Instruction	\$ 36,424,436	\$ 36,990,957	\$ 566,521
62000: Administration, and Attendance and Health	\$ 1,900,453	\$ 1,900,453	\$ -
63000:Pupil Transportation Services	\$ 2,200,962	\$ 2,200,962	\$ -
64000: Operating and Maintenance Services	\$ 5,274,651	\$ 5,279,486	\$ 4,835
65000: School Food Services	\$ 2,227,690	\$ 2,227,690	\$ -
68000: Technology	\$ 1,430,503	\$ 1,430,503	\$ -
<b>Total School Operating Fund</b>	<b>\$ 49,458,695</b>	<b>\$ 50,030,051</b>	<b>\$ 571,356</b>
*Note: A total of \$38,671 in these lines were already approved by the Board of Supervisors on December 12, 2006.			

**Smyth County School Board Budget**  
**Proposed County School Debt and Capital Outlay Fund**  
**For the Year Ending June 30, 2007**

	2006-2007 Original	2006-2007 Proposed	Difference
<b>School Debt and Capital Outlay Fund Revenues</b>			
County Funds	\$ 855,139	\$ 855,139	\$ -
State School Construction	\$ 180,338	\$ 180,338	\$ -
Lottery	\$ 453,276	\$ 453,276	\$ -
Trigon	\$ -	\$ -	\$ -
Literary Fund	\$ -	\$ -	\$ -
<b>Total School Debt and Capital Outlay Fund Revenues:</b>	<b>\$ 1,488,753</b>	<b>\$ 1,488,753</b>	<b>\$ -</b>
<b>School Debt and Capital Outlay Fund Expenditures</b>			
Capital Facilities	\$ 185,355	\$ 185,355	\$ -
Debt Service	\$ 1,303,398	\$ 1,303,398	\$ -
<b>Total School Debt and Capital Outlay Fund Expenditures:</b>	<b>\$ 1,488,753</b>	<b>\$ 1,488,753</b>	<b>\$ -</b>

With the Budget Committee's recommendation, the Board unanimously appropriated \$12,659 from the Board's Supplemental Appropriations (#011010-8888). These funds are to be transferred to the Water and Sewer Salary Fund (#085010-1001) for promoting and rehiring positions created by a retiring employee.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board nominated Ms. Rhonda Taylor (replacing Doug Jackson) and reappointed Mr. Ed Stringer to the New River Workforce Investment Board. Their three (3) year terms will expire March 31, 2010.

**2-20-2007**

---

Upon motion of Mr. Dishner, seconded by Mr. Blevins, and unanimously carried, Mrs. Alice Freeman was reappointed to the Chamber of Commerce Area Beautification Committee Judges.

---

Mr. Roberts stated that he would not be present for the next continued meeting on February 22.

---

At 1:24 pm the Chairman recessed the meeting until 2:00 pm for closed session with Washington County Board of Supervisors and Smyth Washington Regional Industrial Facilities Authority (SWIFA).

---

At approximately 2:00 p.m. Mr. Clark called the meeting back to order. He welcomed Washington County Board of Supervisors and Smyth Washington Regional Industrial Facility Authority (SWIFA) Board of Directors to the joint meeting.

Those present on the Washington County Board of Supervisors were Ken Reynolds, Chairman, Tony Rector, Paul Price, Dulcie Mumpower, Odell Owens, Jack McCrady, and Phillip McCall. Also present from Washington County were Christianne Parker, Assistant County Administrator, and Lucy Phillips, County Attorney.

Those present on the Smyth Washington Regional Industrial Facility Authority (SWIFA) Board of Directors were, Washington County members, Russell Owens, Chairman, and Tony Rector (Bobby Ingle, was absent). Smyth County SWIFA members present were Mack Blevins, Clarence Smith, and Marvin Perry. Other members present on behalf of SWIFA were David Barrett, Coordinator, as well as Tom Elliott, Executive Director of Virginia's aCorridor and Sam Kiser of Thompson & Litton.

Both Washington County and SWIFA were called to order by their Chairmen. Chairman Reynolds led the invocation and the Pledge of Allegiance.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the agenda presented by Washington County was adopted by the Smyth County Board of Supervisors.

Washington County Board of Supervisors and the SWIFA Board also unanimously approved the agenda as presented.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, at approximately 2:13 p.m., the Board agreed to enter into closed session, with

**2-20-2007**

Washington County Board of Supervisors and SWIFA Board of Directors, as allowed by the Code of Virginia, Section 2.2-3711 (A) (5) for discussion concerning prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

Ed Whitmore, County Administrator, Mike Carter, Assistant County Administrator, Sally Morgan, Economic Development Planner, and Amber Johnson, Clerk, were invited to attend the closed session on behalf of Smyth County.

Vote: 7      yea  
0      nay

Washington County Board of Supervisors and SWIFA Board of Directors also unanimously entered closed session with those listed above as present being permitted to participate in the closed session.

Upon motion of Mr. Blevins, seconded by Mr. Roberts, and unanimously carried, at approximately 4:30 p.m. the Board reconvened in an open meeting and ended the closed session.

SWIFA Board of Directors also reconvened in an open meeting.

Upon motion of Mr. Roberts, 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



**2-20-2007**

Supervisors.

This motion acknowledges that Mike Lehmkuhler of the Virginia Economic Development Partnership was included during closed session by teleconference.

Vote: 7      yea  
      0      nay

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board continued the meeting until Thursday, February 22, 2007 at 7:00 p.m. for a joint public hearing with the Planning Commission and any other issues that may arise.

SWIFA Board of Directors also followed with the above motion certifying the closed meeting. SWIFA Board of Directors was then adjourned.

Washington County Board of Supervisors continued their meeting under closed session, in the Smyth County Board of Supervisors meeting room, pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion regarding a prospective industry's interest.

---

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, February 22, 2007, at 7:00 P.M.

<b>Board Members Present:</b>	Mr. Charlie Clark, Chairman Mr. Marvin Perry Mrs. Darlene Neitch	Mr. Wade Blevins Mr. Harold Slemple Mr. Todd Dishner
-------------------------------	--	--

**Board Members Absent:** Mr. Michael Roberts

<b>Staff Members Present:</b>	Mr. Clegg Williams Mrs. Amber Johnson Mr. Mike Carter	Mr. Ed Whitmore Mr. John Tate Mrs. Sally Morgan
-------------------------------	---	---

<b>Planning Commission Members Present:</b>	Mr. Dennis Blevins, Chairman Mr. Wayne Venable Mr. Karl Kalber Ms. Amy Tuell	Mr. Norman Sparks Mr. Graham Davidson Mr. Don Medley
---	---	--

---

At 7:00 p.m. the Chairman of the Board of Supervisors and Chairman of the Planning Commission called the joint public hearing to order. Mr. Whitmore read the advertisement as placed in the Smyth County News and Messenger. Mr. Whitmore also read the rules of procedures for public hearings, there were approximately 90 citizen's present.

With legal advice, the Board of Supervisors voted to hear all three (3) applications submitted by Sheridan Ridge Private Reserve at once, therefore allowing four (4) minutes for each citizen to speak.

Upon motion of Mr. Sparks, seconded by Mr. Kalber, and duly carried, the Commission also voted to allow four (4) minutes for each citizen to speak on the Sheridan Ridge Private Reserve applications (Mr. Davidson voted in opposition).

Mr. Williams, Zoning Administrator, summarized the first application submitted by Newton Miller who recently purchased 2338 Riverside Road and the surrounding 12.59 acres from Ryan Hall. Mr. Miller is requesting an amendment to the zoning map to rezone approximately 12.6 acres from Residential to Agricultural/Rural. This is the same tract was rezoned to Residential in December 2005, at the request of Mr. Hall, for a subdivision he was proposing at the time.

Mr. Williams advertised notice of the public hearing in the Smyth County News and Messenger on February 10 and 17. Notification was also sent to the adjoining property owners. Mr. Williams stated that he has only taken general questions regarding this application.

**2-22-2007**

The Zoning Administrator highlighted §3-3 of the Zoning Ordinance which contains the district regulation for the Residential district (the current zoning classification for the property), §3-2 the district regulations for the Agricultural/Rural (the proposed zoning classification for the property), and Article 9 which covers amendments to the ordinance and map.

Mr. Miller was present and briefly explained that they planned on living on the property with a small farm. They would not be going back into the meat processing business (this property houses the former Adwolfe Meat Processing Plant). No one else spoke on Mr. Miller's application.

Next, Mr. Williams explained the three applications submitted by Sheridan Ridge Private Reserve, LLC and summarized their plans for the development. Sheridan Ridge Private Reserve LLC is proposing a 1400 acre development that is to include both residential and commercial uses.

Included in the developers plans are:

- A residential subdivision for single family dwellings and townhouses covering approximately 512 acres.
- A recreational development containing 90 large lots for which a variance to the subdivision ordinance was approved by the planning commission last year.
- A second recreational development on smaller lots for homes that are to be used on a part time basis.
- A lodge
- A hotel/conference center
- An activity center
- An amphitheater
- A Heli-stop
- A shooting range
- Ball fields
- An equestrian center
- Trout pond
- the remaining portion of the property will be dedicated to hiking, biking, and ATV trails

Other improvements to the property include:

- Public water and sewer is proposed for each of the lots.
- Internal roads for the subdivision are to be designed and built to state standards.

A press release made by the company which explains the project in greater detail was included in meeting information packets sent to each Board member and Commission member.

Mr. Williams went on to state that Sheridan Ridge has begun the process for approval by making three applications to the zoning ordinance. The first application

**2-22-2007**

involves a 310 acre tract of land currently owned by the Mt. Joe Company and Valley Oak Company. The property is identified by tax map number 35-A-12 and is zoned agricultural/rural. Sheridan Ridge is proposing to congregate all of the commercial uses on a 53 acre portion of the tract and as a result, they have requested that it be rezoned to Commercial. Along with the application, Sheridan Ridge submitted the owner consent forms. Mr. Williams pointed out that the current property owners have requested that if the Board is inclined to approve their application that it not be made effective until after the property is transferred to Sheridan Ridge Private Reserve LLC or its assigns. They have made this request under §9-3 of the Zoning Ordinance.

For all three applications, Mr. Williams advertised notice of the public hearing in the Smyth County News and Messenger on February 10 and 17. In addition, each adjoining property owner of the tracts was notified by mail of the public hearing.

Mr. Williams affirmed that he had received an abundance of questions regarding these applications but only three (3) requested that their comments be read for the record. The first was a letter from Mr. Bill Thompson and due to its length; Mr. Williams distributed copies to the Commissioners and the Board members. The second was an e-mail from Mr. Jeff Hammond, a participating partner of Sheridan Ridge. Mr. Hammond expressed his support for the project and asked for Board's support also. Finally, a letter from the Mount Rogers National Recreational Area pointed out the close proximity of the development to the headwaters of Hungry Mother Creek. The Department of Environmental Quality should be contacted for permits when water resources could be affected. Secondly, the letter pointed out the recreational uses of national forest lands and private lands. Next, the letter touched on the commercial stables and the use of national forest trails. Lastly, the letter states that federal regulations prohibit granting any road access rights across national forest.

While considering the first request, Mr. Williams highlighted §3-2 of the Zoning Ordinance which contains the district regulations for the current zoning designation (Agricultural/Rural). Also, §3-4 which contains the regulation for the proposed designation (Commercial), and Article 9 which covers the requirements for any amendment to the ordinance or map.

**2-22-2007**

Mr. Williams went on to explain Sheridan Ridge Private Reserve's second request which is an application to rezone approximately 511 acres from agricultural/rural to residential. The property is part of two tracts of land currently owned by Fred and Charles Conner. The two tracts in question are identified by tax map numbers 35-A-11B and 36-A-3B. Both of the tracts are currently zoned Agricultural/Rural. Like the previous request, he pointed out §3-2 but specifically 3-2.3 b), which requires that any "subdivision" proposed in the A/R district be rezoned to Residential, §3-3 which contains the regulations for the Residential District, and also Article 9.

The third and final request from Sheridan Ridge Private Reserve is one for a special use permit. Mr. Williams stated that the developer is requesting a special use permit to construct a commercial stable on a part of the Mt. Joe/Valley Oak tract (35-A-12) that is planned to remain Agricultural/Rural. Commercial stables are allowed in the A/R district by issuance of a special use permit under §3-2.2 i). Mr. Williams pointed out Article 6 and specifically §6-2.3 which contains the standards that must be met before any special use permit be approved.

The Zoning Administrator emphasized that this is only the first of many approvals needed for this development to gain final approval. If these applications are successful, the following would still apply:

- Design and construction of most internal roads must meet state standards and a bond equal to the total cost of the road project must be posted.
- Design and construction of water and sewer lines must meet county requirements and gain Health Department approval.
- An Erosion and Sediment Control (E&S) plan must be submitted and approved for the entire project.
- A bond must be posted covering the total cost of all E&S measures.
- A storm water permit must be applied for and be approved by Department of Conservation and Recreation.
- Any work in streams or wetlands must be reviewed and approved by Virginia Marine Resource Commission, Army Corp of Engineers, Department of Environmental Quality, and any other regulatory agency having jurisdiction.
- A final plat will need approval from the Planning Commission.
- All structures must comply with the Virginia Uniform Building Code and permits for each obtained.

Mr. Williams also mentioned that if this project progresses, there would probably be more applications to the zoning ordinance.

On behalf of Sheridan Ridge Private Reserve, LLC, Mark Martin, CEO, explained their plans in further detail. The concept of the idea was to have a place close to race

**2-22-2007**

tracks for Nascar and their affiliates to "get away". The development would create jobs part time and full time. He also stated that local labor would be used to construct the homes. Mr. Martin addressed the Lodge and explained that it would be open for public use and only closed at certain times. Mr. Martin expressed their interest in being a partner with the community not a hindrance.

Next, Steve Semones of Balzer & Associates engineering firm of Christiansburg, spoke on behalf of the project. Mr. Semones address the environmental issues and how those would be addressed. He mentioned how the plan avoids the Hungry Mother Creek, controlling of water erosion, building bridges and not installing culverts, and the they plan to preserve as much of the forest as possible. Trees will only be cut for roads and homes. Mr. Semones also referred to the County's Comprehensive Plan and how it states the need for housing.

Andrew Woody, financial partner and contractor, touched on how he would be involved with the building and construction of the project. He mentioned the advantages of long term tax revenues for the county. He also mentioned the environmental issues and stated that local, state, and federal agencies will strictly govern those environmental standards.

The following citizens spoke in opposition of the three (3) requests submitted by Sheridan Ridge Private Reserve and against the proposed development:

Earl McClure	Neal Kilgore
Merle Obregon	John Taminger
Joe Ellis, Jr.	Frank Detwiller
Nichole Franks	Anna Johnston
Mike Nichols	Brandy Nichols
Irwin Rowland	David Rowland

Some of the above citizens stated their support for development. However, their reasons for opposition included: the kind of people it would attract, destroying the beauty and the view of the area, the disadvantages of gated communities, conflicting information and the fact that more information was needed from the developer regarding congestion, noise, preservation of the land, and environmental impact.

The citizens below spoke in favor of the applications submitted by Sheridan Ridge. Some of the reasons for support were: economic growth, asset to the County, the need for housing, trust should be placed in the state and federal agencies to govern

**2-22-2007**

the environmental issues, progress and change, the community will be open for public use, long term benefits, upscale housing needed for executives who live outside the county, population growth, and increase in County tax revenue.

Mark Warren  
Joel Pugh  
Ron Thomason  
David Berg  
Casey Hart  
Ken Heath  
Charlie Berg  
Doug Sexton  
Kris Gandhi

Fred Conner  
Ralph Price  
Sarah Fields  
Dorinda Atkins  
Herbert Clay  
Sharon Hart  
Jim Frank  
C.W. Pratt

After all had spoken, the Chairman of both the Board and the Planning Commission closed the public hearing at approximately 9:21 p.m.

---

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board appropriated \$17,517.50 from the Allison Gap Sewer Project fund.

---

At approximately 9:23 p.m., the Chairman adjourned the meeting.

---

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 13, 2007 at 12:00 noon.

<b>Board Members</b>	Mr. Charlie Clark	Mr. Harold Slempp
<b>Present:</b>	Mr. Todd Dishner	Mr. Wade Blevins
	Mr. Michael Roberts	Mr. Marvin Perry
	Mrs. Darlene R. Neitch	

<b>Staff Members</b>	Mr. Michael Carter	Mr. Charlie Atkins
<b>Present:</b>	Mrs. Amber Johnson	Mr. John H. Tate, Jr.
	Mr. Ed Whitmore	

Mr. Clark called the meeting to order at 12:00 noon.

Mr. Walter Robinson led invocation and Mr. Michael Carter led the pledge of allegiance.

---

Upon motion of Mr. Slempp, seconded by Mr. Blevins, and unanimously carried, the agenda was adopted along with the additional agenda.

---

Upon motion of Mr. Blevins, seconded by Mr. Slempp, and unanimously carried, the minutes of February 13, 20, and 22, 2007 were approved.

---

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

General County		\$950,000
Animal Control (office supplies)		\$132
Department of Social Services (March 14-31, 2007)		\$300,000
(April 1-10, 2007)		\$40,000
Schools	Operating Fund	\$3,800,000
	Debt & capital Outlay	\$90,000

---

Upon motion of Mr. Blevins, seconded by Mr. Slempp, and unanimously carried, the accounts payable listing in the amount of \$363,919.93 was approved. This accounts payable includes \$10,156.29 to Closed Networks, Fredrick G. Griffin Engineering for the radio system project.

---

## **CITIZEN'S TIME**

Ronnie Harrington gave a 2006 annual report on the Smyth County Museum and Historical Society. Some of the highlights were; more than 532 artifacts have been obtained by the museum, and the museum has an original farewell document of Robert E. Lee. They participated in several community functions such as the Arbor Day Celebration, Kiwanis Club, Discovery Day and Pioneer Day at Marion Primary School, 70th Anniversary of Hungry Mother State Park, and the 2nd Annual Sherwood

3-13-2007

Anderson Festival, to name a few. The Museum logged approximately 8,310 volunteer hours. There were approximately 3,128 visitors to the museum and the museum functions coming from 43 states and 9 foreign countries. Mr. Harrington expressed that the Historical Society continues to have interests in obtaining the 1908 school house which would help in their growth in the future.

---

## NEW BUSINESS

With the Budget Committee's recommendation, the Board unanimously voted to continue participating in the Damage Stamp program.

---

With the recommendation of the Budget Committee, the Board unanimously appropriated \$2,200 (\$100 for each member) to donate to the Smyth County 4-H Honor Club to assist in the Interstate 4-H Exchange program. This year the 4-H Honor Club will travel to Cascade County, Montana. This appropriation will come from the Board's Supplemental Appropriations fund (#4-001-011010-8888).

---

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

*WHEREAS*, the potential developer of land near Exit 47 has completed a traffic impact analysis of the interchange area; and

*WHEREAS*, the developer, through its consultant, is in the final 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 limited access modification and the interchange modifications of Exit 47.

*BE IT FURTHER RESOLVED*, that the Smyth County Board of Supervisors supports the proposed development and urges both VDOT and the FHWA to expedite the approval of this application.

---

Upon motion of Mr. Perry seconded by Mr. Blevins, seconded by Mr. Blevins, and unanimously carried, the following resolution was adopted. It will be forwarded to Congressman Rick Boucher, Senator John Warner, and Senator Jim Webb.

*WHEREAS*, the Smyth County Board of Supervisors has been notified that the President's Fiscal Year 2008 budget will cut the Resource Conservation & Development Program to \$14.6 million; and this cut would eliminate 325 of the 375 RC&D coordinator positions; and

3-13-2007

**WHEREAS,** *Resource Conservation and Development Councils play an important role in rural development and natural resource conservation; and it will require \$56 million in funding for the RC&D Program in Fiscal Year 2008 to keep the program at level funding; and*

**THEREFORE BE IT RESOLVED,** *that the Smyth County Board of Supervisors requests that the Chair and ranking Members of the Agriculture Appropriations Subcommittee insert the following into the Agriculture Appropriations Bill:*

*“Resource Conservation and Development Councils play an important role in rural development and natural resource conservation. USDA has indicated that on an average it takes \$190,500 to fully support a RC& D Council. There are currently 375 existing Councils and 37 pending applications. The Committee provides \$56 million to move the existing Councils toward full funding.”*

**THEREFORE BE IT FURTHER RESOLVED** *that the Smyth County Board of Supervisors strongly opposes the budget cuts to the RC& D Program, as the County highly benefits from its services.*

---

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board agreed to donate \$1,000 to Chilhowie High School for Project Graduation 2007 and donate \$1,000 to Northwood High School for NHS After Prom 2007. The same amount will be donated to Marion Senior High School upon receipt of their request. This appropriation will come from the Board's Supplemental Appropriations fund (#4-001-011010-8888).

---

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved the personal property tax refund request from Lisa Marie Bauman in the amount of \$450.

---

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the personal property tax refund request from US Bank Leasing was continued.

---

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board appointed Mr. Jay Hubble to the Resource Conservation and Development (RC&D) Council, as the Smyth County representative. This two year term will expire January 31, 2009.

---

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board nominated Mr. E.P. Ogle to the Smyth County Board of Zoning Appeals as the North Fork representative. If approved by the Judge of Circuit Court, Mr. Ogle's five (5) year term will expire December 31, 2011.

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved a request from the Smyth Wythe Airport Commission for the donation

**3-13-2007**

of an old Sheriff's Department car. The Board agreed that the value of the car would be deducted from the total amount donated to the airport in the up coming 2007-2008 budget.

Following discussion, the Board duly approved the Budget Committee's recommendation that the 911 center be relocated to the Health Department in the space outlined in the floorplan below.

Vote: 6 yea (Dishner, Slemph, Clark, Neitch, Blevins, Perry)  
1 nay (Roberts)



The Budget Committee also recommended that Mr. Williams seek the assistance of a professional grant writer for the up coming Homeland Security Grant "Assistance to Fire Fighters" application process. Once the grant is open, applicants have 30 days to submit the grant application. The committee intends for the Board to fund this grant writer with an undetermined cost amount at this time.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried the Board approved the Budget Committee's recommendation and will allow the hiring of a

**3-13-2007**

professional grant writer. The assistance will be hired under Emergency Procurement pursuant to section 2.2-4303 (f) of the Code of Virginia. The up coming Homeland Security Grant "Assistance to Fire Fighters" application process allows applicants 30 days to submit the grant application. Upon notification of the grant opening, the notice of emergency procurement will be posted in the Smyth County Office Building and in the Smyth County Courthouse.

---

With the Budget Committee's recommendation, the Board approved a 2006-2007 budget amendment to the Comprehensive Service Act Pool Funds in the amount of \$300,000 with \$70,110 being local funding. Local funding will come from the Board's Supplemental Appropriations fund (#4-001-011010-8888).

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved the renewal of the heating and cooling contract with TRANE for the Smyth County Office Building, Smyth County Courthouse, Smyth County Jail, and Smyth County Health Department. The renewal of the contract includes a 4% increase for a total of \$24,501 for the 2007-2008 contractual year. The contract approved April 2006, has the option of being renewed one more year. The renewal is effective April 1, 2007.

---

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved the following water service agreement with Wythe County:

**3-13-2007**

Mr. Slemp mentioned the future possibility of installing lines further into Wythe County.

---

**3-13-2007**

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board appointed Mr. Clark as the County's representative on the Smyth County Tourism Association Board.

---

Mr. Carter and Mr. Whitmore gave a brief update on the VDH and County partnership in the purchase of a generator. The Request for Proposal is in the process of being written.

---

Dr. Michael Robinson, School Superintendent, briefly explained the School Board's request for partnership in a Facility Study for the schools. The study will provide recommendations made by industry experts and timely information based on current trends in school construction and renovation. The school system and County will not be obligated to any of the recommendations made. Dr. Robinson requested that due to the length of time it takes to complete the project and that it will be conducted in the summer months, that the \$125,000 in the current budget to fund the project be carried forward into the 2007-2008 school year, he does not anticipate billing for the project until the fall of 2007.

After brief discussion, upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved Dr. Robinson's request and will partner in the facility study and the funds for the project will be forwarded into the 2007-2008 school year.

---

Mrs. Sally Morgan introduced officials from Wellborn Cabinet, Inc., the newest company to locate in Smyth County. They have recently purchased the Virginia House/Vaughan Bassett properties in Atkins. Present on behalf of Wellborn Cabinet were, Ben Roster, Human Resource Manager, Steven Wellborn, Director of Research and Design, Frank Sharpe, Plant Manager of the Alabama Plant, and Kelly Simmons, Plant Manager of the Atkins facility. Also present was Mike Sexton of the Virginia Economic Partnership who has helped in this location process. Smyth County IDA members and Tom Elliott, Executive Director of Virginia's aCorridor were also present.

Ben Roster and Steven Wellborn spoke on behalf of the company and thanked the Board for allowing them to locate here. They anticipate future growth and are now operating with 40 employees (former employees of the Vaughan Bassett plant at this



3-13-2007

facility). They look forward to being a partner of Smyth County and Virginia, and sent greetings from Paul Wellborn, owner of the company. They were pleased to locate where there were employees that were ready to go to work with the skills and knowledge needed for their company.

Following their introduction the Board recessed to meet with the officials.

---

**CLOSED SESSION**

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, at 1:57 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 approximately 2:25 p.m. the Chairman recessed the closed session until later in the meeting.

---

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the following resolution was adopted in support of the Upper Tennessee River Roundtable, Inc. seeking affiliation from Keep America Beautiful.

***Whereas***, the Upper Tennessee River Roundtable, Inc. organizes a litter prevention and recycling committee to seek solutions to prevent littering and to increase recycling; and

***Whereas***, the Upper Tennessee River Roundtable, Inc. litter prevention and recycling committee includes representation from the counties of Lee, Wise, Scott, Dickenson, Buchanan, Tazewell, Russell, Smyth and Washington as well as the cities of Bristol and Norton; and

***Whereas***, Smyth County, is an active participant in this litter prevention and recycling committee; and

***Whereas***, the litter prevention and recycling committee has applied for regional affiliation from Keep America Beautiful, Inc. and through the Upper Tennessee River Roundtable, Inc.; and

***Whereas***, the litter prevention and recycling committee has chosen the name of Keep Southwest Virginia Beautiful for this regional affiliate; and

***Whereas***, the litter prevention and recycling committee agrees to work with all above-named localities to complete certification requirements and to maintain certification through Keep America Beautiful, Inc.; and

***Whereas***, the litter prevention and recycling committee shall be called Keep Southwest Virginia Beautiful and shall focus on litter prevention, beautification, community improvement, and waste reduction through individual responsibility, education, private-public partnerships, and volunteer action.

***Now, therefore it be resolved*** that Smyth County does hereby endorse the Upper Tennessee River Roundtable's application for regional affiliation through Keep

**3-13-2007**

*America Beautiful, Inc. and agrees to support the efforts of Keep Southwest Virginia Beautiful.*

---

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant a zoning amendment request from Newton Miller to rezone approximately 12.6 acres from Residential to Agricultural/Rural at 2338 Riverside Road.

---

Before the following votes were taken, the Board discussed the applications from Sheridan Ridge Private Reserve, LLC. Mrs. Neitch stated that she was not against the requests but noted that in November of 2005 a similar request for a motor cross track in the same area was denied. She stated that she did not feel it was right to deny one request and grant another.

Upon motion of Mr. Dishner, seconded by Mr. Slemph, and unanimously carried the Board approved the recommendation from the Planning Commission to grant an amendment to the zoning map requested by Sheridan Ridge Private Reserve to rezone approximately 53 acres from Agricultural/Rural to Commercial. The land is located on the south side of Walker Mountain at the head waters of Hungry Mother Creek and is part of Tax Map No. 35-A-12.

---

Upon motion of Mr. Slemph, seconded by Mr. Dishner, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant an amendment to the zoning map requested by Sheridan Ridge Private Reserve to rezone approximately 511 acres from Agricultural/Rural to Residential. The land is located on the south side of Little Brushy Mountain near Snider Branch and is part of Tax Map Nos. 35-A-11B & 36-A-3B.

Mrs. Neitch noted that

---

Upon motion of Mr. Dishner, seconded by Mr. Slemph, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant an application from Sheridan Ridge Private Reserve for a Special Use Permit to establish a Commercial stable as defined by §10-16 of the zoning ordinance. The land is located on the south side of Walker Mountain at the head waters of Hungry Mother Creek, is part of Tax Map No. 35-A-12, and is zoned Agricultural/Rural.

---

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

**3-13-2007**

BE IT RESOLVED that the Smyth County Board of Supervisors adopts the following Six (6) Year Secondary System for the County of Smyth Construction Program and fiscal year 2007-2008 to 2012-2013.

YEAR	2007-2008
NEW SURFACE & TREATMENT	\$218,859
FEDERAL	-0-
OTHER	<u>\$945,321</u>
TOTAL	\$1,164,180

And further approves the first year of plan titled Details of Smyth County, Virginia Secondary Construction Budget for July 1, 2007 through June 30, 2007.

---

#### **OLD BUSINESS**

1. Collection of delinquent taxes **(8-10-04)**.
2. Marevine Slemph, 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)**
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. Appointments: Smyth-Bland Regional Library Board (4 year term, district specific)  
Saltville District Vacancy
9. Request the Board update appointments to the Southwest Virginia Emergency Medical Services Council. Due to by law changes only one member can now serve. Current members are as follows, both of these 3 year terms expire 9-30-2008 **(2-13-2007)**:

Shannon Williams  
Doug Testerman

---

The Board briefly discussed the appointments to the Southwest Virginia Emergency Medical Services Council and decided to continue the matter. They discussed the option of one of the members above serving as an alternate while the other served as the member. The two members will be reached for further comment.

3-13-2007

---

**CLOSED SESSION**

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, at 3:32 p.m., the Board agreed to re-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 4:21 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, recessed, and reconvened 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 CONTINUED**

At approximately 4:30 p.m., upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the meeting was continued until Tuesday, March 22, 2007 at 7:00 for a joint public hearing with the Planning Commission and any other issues that may arise.

---

C.C. Clark, Jr., Chairman





*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, April 10, 2007 at 12:00 noon.

<b>Board Members</b>	Mr. Charlie Clark	Mr. Harold Slempp
<b>Present:</b>	Mr. Todd Dishner	Mr. Wade Blevins
	Mr. Michael Roberts	Mrs. Darlene R. Neitch
	Mr. Marvin Perry (arrived at 12:15)	
<b>Staff Members</b>	Mr. Michael Carter	Mr. Charlie Atkins
<b>Present:</b>	Mrs. Amber Johnson	Mr. John H. Tate, Jr.
	Mr. Ed Whitmore	

Mr. Clark called the meeting to order at 12:00 noon.

Rev. Eddie Foster led invocation and Heather Gillespie led the pledge of allegiance.

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

Vote:	6	yea
	1	absent (Perry)

\_\_\_\_\_  
Upon motion of Mr. Slempp, seconded by Mr. Blevins, and unanimously carried, the minutes of March 13 and 22, 2007 were approved with grammatical changes made by Mr. Tate. Also, with the addition of a comment made by Mrs. Neitch concerning the Sheridan Ridge requests, which she requested at that meeting to reflect in the minutes.

Vote:	6	yea
	1	absent (Perry)

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

General County	\$1,500,000
Animal Control (office supplies)	\$895.21
Sheriff Dept. (social security fund)	\$345
Department of Social Services (April 11-30, 2007)	\$300,000
(May 1-8, 2007)	\$40,000
Schools	
Operating Fund	\$4,800,000
Debt & capital Outlay	\$100,000

Vote:	6	yea
	1	absent (Perry)

\_\_\_\_\_  
Upon motion of Mr. Blevins, seconded by Mr. Slempp, and unanimously carried, the accounts payable listing in the amount of \$947,876.29 was approved. This accounts payable includes \$4,050 to Closed Networks, Fredrick G. Griffin

4-10-2007

Engineering for the radio system project.

---

## **CITIZEN'S TIME**

Helen Butler, Executive Director of Brain Injury Services of Southwest Virginia thanked the Board for last year's donation to her agency. She explained to the Board the current budget request in the amount of \$2316. The agency is currently funded 75% by the General Assembly and they intend to obtain approximately 8% by fundraisers and grants. The agency is requesting the remaining amount from localities they serve. They project to serve approximately 6 clients from Smyth County in the coming year which comes to approximately \$400 each to make up the 15%. She introduced Mrs. Pam Hall who serves as the Case Manager for Smyth County. Mrs. Hall briefly explained how she assists clients and stated she is committed to this area.

Mrs. Alda Carrico appeared to request a leash law be established in the County. She stated that there are several dogs running loose in her area and posing a problem. She asked that the Board consider her request.

---

## **NEW BUSINESS**

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, the Board scheduled public hearings for Tuesday, May 8, to consider the issues below.

- a. Amend the current ordinance to specify that the central Absentee Precinct be used only for November general elections.
- b. Moving the following precincts to satisfy the requirements of the Help America Vote Act (HAVA) to have all precincts handicap accessible:
  1. Royal Oak East precinct to be moved from the Senior Citizens Center at 307 South Park Street to the First United Methodist Church at 115 South Church Street in Marion.
  2. West Park precinct to be moved from the Smyth County Courthouse at 109 West Main Street to the Smyth Bland Regional Library at 118 South Sheffey Street in Marion.

The first issue will be heard at 3:00 p.m., while the following two will be held soon after.

---

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



4-10-2007

## *A Resolution Regarding Regional Water Supply Planning and Application for a FY08 Water Supply Planning Grant*

*Whereas the Virginia General Assembly has mandated the development of local and regional 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, **Smyth County** is required to complete a water supply plan that fulfills the regulations by deadlines based on population, specifically:*

*November 2, 2008 for local governments with populations in excess of 35,000  
November 2, 2009 for local governments with populations between 15,001 and 35,000  
November 2, 2010 for local governments with populations 15,000 or less*

*Whereas, local governments may elect to join one or more other local governments to develop a regional water supply plan for which a deadline of November 2, 2011 has been established.*

*Whereas, the following elements must be included in all local or regional water supply programs:*

- A description of existing water sources in accordance with 9 VAC 25-780-70;*
- A description of existing water use in accordance with the requirements of 9 VAC 25-780-80;*
- A description of existing water resource conditions in accordance with the requirements of 9 VAC 25-780-90;*
- An assessment of projected water demand in accordance with the requirements of 9 VAC 25-780-100;*
- A description of water management actions in accordance with the requirements of 9 VAC 25-780-110 and 9 VAC 780-120;*
- A statement of need in accordance with the requirements of 9 VAC 25-780-130;*
- An alternatives analysis that identifies potential alternatives to address projected deficits in water supplies in accordance with the requirements of 9 VAC 25-780-130;*
- A map or maps identifying important elements of the program that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources;*
- A copy of the adopted program documents including any local plans or ordinances or amendments that incorporate the local program elements required by this chapter;*
- A resolution approving the plan from each local government that is party to the plan; and*
- A record of the local public hearing, a copy of all written comments and the submitter's response to all written comments received, and*

*Whereas, it is reasonable and prudent for the following local governments to coordinate and collaborate in the development of a regional water supply plan:*

4-10-2007

Bristol City  
497 Cumberland Street  
Bristol, VA 24201

Galax City  
111 E. Grayson Street  
Galax, VA 24333

Bland County  
PO Box 510  
Bland, VA 24315

Carroll County  
605-1 Pine Street  
Hillsville, VA 24343

Grayson County  
PO Box 217  
Independence, VA 24348

Washington County  
205 Academy Drive  
Abingdon, VA 24210

Wythe County  
340 South 6<sup>th</sup> Street  
Wytheville, VA 24382

Smyth County  
121 Bagley Cir. Suite 100  
Marion, VA 24354

Abingdon  
PO Box 789  
Abingdon, VA 24212

Chilhowie  
PO Box 5012  
Chilhowie, VA 24319

Damascus  
PO Box 576  
Damascus, VA 24236

Fries  
PO Box 452  
Fries, VA 24330

Glade Spring  
PO Box 98  
Glade Spring, VA 24340

Hillsville  
PO Box 545  
Hillsville, VA 24343

Independence  
PO Box 99  
Independence, VA 24348

Marion  
PO Box 545  
Marion, VA 24354

Rural Retreat  
PO Box 130  
Rural Retreat, VA 24368

Saltville  
PO Box 730  
Saltville, VA 24370

Troutdale  
PO Box 16  
Troutdale, VA 24378

Wytheville  
PO Drawer 533  
Wytheville, VA

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, for purposes of this DEQ water supply grant fund program, **Smyth County** will participate within a water supply region consisting of the localities of the Mount Rogers Planning District Commission (MRPDC); and;

Whereas, the Mount Rogers Planning District Commission has previously managed the development of successful regional water supply plans and other regional plans and is a logical entity to organize and manage a regional water supply planning process; and  
Whereas, the MRPDC has previously written, received, and managed DEQ water supply grants and is the logical entity to apply for, on behalf of the communities participating in the regional water supply plan; and

Whereas, the MRPDC desires to manage and develop a regional water supply plan for the region, and participating localities in the region agree with this approach, and

Whereas, the region, through the MRPDC wishes to apply for and secure DEQ grant funds to help offset the cost of the plan development.

NOW, THEREFORE BE IT RESOLVED that **Smyth County** agrees to participate with the localities listed above in the development of a regional water supply plan and authorizes the MRPDC to manage and develop said regional water supply plan that will comply with mandated regulations; and

4-10-2007

*BE IT FURTHER RESOLVED that the MRPDC is authorized to develop an application for water supply planning grant funds to offset to the extent feasible the cost of developing said regional water supply plan; and*

*BE IT FURTHER RESOLVED that David Barrett, Executive Director of the MRPDC 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*

***BE IT FURTHER RESOLVED that Smyth County intends to provide up to \$ 1,000 in matching funds (cash and/or in-kind) for the project for work performed within the organization to meet the requirements of the regional water supply planning effort, and***

*BE IT FINALLY RESOLVED that the State Water Control Board and the Department of Environmental Quality should consider this resolution from each of the participating localities their Letters of Intent to participate in a regional water supply plan with a completion due date of November 2, 2011, in accordance with 9 VAC 25-780-50.B.4.*

---

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board approved Axum Lane Contract documents which allows for execution and notice to proceed. The contract documents have been approved by the Water and Sewer Attorney and the Rural Utilities Services. Total contract amount is \$29,299.80 with Wolfe Brothers Construction.

---

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and duly carried, the Board approved three (3) truck bids from Family Ford of Marion in a total amount of \$53,949. The trucks include two (2) half ton pick ups for \$16,975 each and a ton pick up for \$19,999. This appropriation includes 30 day tags, inspection sticker, and tax exemption to be funded from Water & Sewer Motorized Equipment Fund (#501-85010-9003).

Vote: 6      yea  
1      nay (Perry)

---

Mr. Jeff Richardson, Commissioner of Revenue was present for the tax refund request discussions.

After discussion, upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board approved the real estate overpayment refund for Mr. and Mrs. Harold Epperson in the amount of \$140.75, should the jurisdiction of the refund fall under the Board of Supervisors.

Later in the meeting Mr. Tate clarified that an opinion from the Attorney General states that the above refund falls under the courts to refund. The Commissioner of Revenue is responsible for applying for the refund. Mr. Tate will consult further with Mr. Jeff Richardson on this issue.

**4-10-2007**

---

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board took legal advice and approved a personal property tax refund for Donita Hawkins in the amount of \$40.46, as opposed to \$45.46 as requested.

---

Upon motion of Mr. Perry, seconded by Mr. Slempp, and unanimously carried, the Board referred the Coffman Stairs, Personal Property tax refund in the amount of \$69,645.78 to the Budget Committee for further review.

---

At request of Chief Deputy Kenny Lewis, the request to approve the Bryne Justice Assistance grant was continued.

---

Upon motion of Mr. Roberts, seconded by Mr. Slempp, and unanimously carried the appointment for the Virginia Highlands Community College Board was referred to the Appointment Committee. The current appointment's four year term expires June 30, 2007.

---

Upon motion of Mrs. Neitch, seconded by Mr. Slempp, and unanimously carried, the Board declared two (2) large signs, advertising the 34th Annual Hungry Mother Festival, "official signs" to comply with the Virginia Department of Transportation (VDOT) regulations. Festival will be held July 20-22, 2007.

---

Upon motion of Mr. Slempp, seconded by Mr. Blevins, and unanimously carried, the Board agreed to waive tipping fees for Project Crossroads during the period of July 1, 2007 through June 30, 2008.

---

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, contingent on the School Board's approval, the Board supports a grant application to be submitted by the Saltville Rescue Squad for the installation of a heli-pad at the Northwood Middle School. County Administrator is instructed to contact the captain of that squad for further details on the request.

---

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, BE IT RESOLVED, that the Smyth County Board of Supervisors hereby recognizes Mr. Alvis Atwell on his 100th birthday to be celebrated on Sunday, April 15, 2007. Mr. Atwell is a long time citizen of the Ceres Community in Smyth County.

---

Steve Buston of the Virginia Department of Transportation gave a brief update on Exit 47. The final concept plan on the limited access line for I-81 has been obtained

**4-10-2007**

and will be forwarded to Richmond for approval, along with the resolution adopted by the Board last month. After that, it will be sent to the Federal Highway Administration (FHWA) for conditional approval. A public hearing will then be held by VDOT, also final engineering plans will be complete. After the public hearing, the modification limited access plans will be sent to the Commonwealth Transportation Board for final approval, then to FHWA for their final approval.

Mr. Blevins had a small maintenance concern on Route 606 that he will get back with Mr. Buston on.

Mr. Buston spoke with a citizen on Gaston Lane and the condition of the road.

---

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board approved the Ordinance Committee's request and scheduled a public hearing for May 8 at 2:30 p.m. to take comments on amending the zoning ordinance. This amendment would bring the ordinance into compliance with the state code, the committee recommends that group homes be allowed by right in the same districts as single-family dwellings: A/R, A, R, and C/R Districts. They also recommend that the definition of group home be changed.

---

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant an application submitted by Mark Adams for a special use permit to establish a kennel at 145 Tara Lane on approximately one acre of his property, at the proposed location next to 110 Tara Lane.

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried the Board approved the recommendation from the Planning Commission to grant an application submitted by Maurice Templeton to amend the zoning map. The amendment is located on Walkers Creek Road and is 233.99 acres in size. It is currently zoned Agricultural/Rural and is recommended it to be rezoned to Residential. The property is identified by tax map #33-A-5A.

---

Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant an application submitted by Watson Gollehon for an amendment to the zoning map. The

4-10-2007

amendment is located at 1678 Chestnut Ridge Road and is approximately 7.3 acres in size. It is currently zoned Agricultural/Rural and is recommended it to be rezoned to Residential. The property is identified by tax map #65-3-3 and 65-3-3A.

---

After reviewing questions submitted by one citizen and the responses from Apollo Realty, upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant an application submitted by Apollo Realty Partners for amendments to the zoning map. The property is located south of Exit 47 and is approximately 80 acres in size. It is currently zoned Agricultural/Rural and is recommended it to be rezoned to Commercial. The property includes all or portions of the following tracts:

<b>Tax Map #</b>	<b>Current Property Owner</b>
47-A-67B	Karl Kalber
Portion of 47-A-64	J. Burton Eller Jr
47-A-64A	Judith Showker
Portion of 47-A-72	Robert & Patricia Ann Dix

---

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried the Board approved the recommendation from the Planning Commission to grant an application submitted by Roy McNeil for an amendment to the zoning map. The amendment is located between Route 11 and Interstate 81 in Atkins and is approximately 15.78 acres in size. It is currently zoned Agricultural/Rural and is recommended it to be rezoned to Residential. Property is identified by tax map #48-3-2A and 48A2-1C-1.

---

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board scheduled a public hearing to take comments on the school's proposed fiscal year 2007-2008 budget. The hearing will be held on Monday, April 23, 2007 at 6:00 p.m. The Board will meet again Monday, April 30 at 6:00 p.m. to vote on that proposed budget.

---

Mr. Con Smith, Smyth County's representative of the Smyth Washington Regional Industrial Facilities Authority highlighted their 2006 annual report (distributed to the Board in packets). Appalachian Power is established in the park and the access road is complete with the exception of the street lights. The Authority plans to increase their marketing efforts in the coming year. Also, the Regional Workforce Training

4-10-2007

Consortia Project is active and working well.

---

Mr. Perry excused himself at this time (approximately 3:35 p.m.).

---

Robert Ashley and Associates of Abingdon spoke to the Board regarding their qualifications and desire to be the 125 cafeteria plan administrator. Bob Ashley mentioned some of their plans to complement the current plan already in place. This volunteer plan would be of no cost to the county. They feel that by being a local agency, they can provide a more timely service to the county and its employees.

---

### OLD BUSINESS

1. Collection of delinquent taxes (**8-10-04**).

---

After discussion, upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board instructed the staff to down size and update the current list of delinquent taxes, removing all unnecessary information and begin the process of advertising those names in the Smyth County News and Saltville Progress.

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

- 
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**)
  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. Request the Board update appointments to the Southwest Virginia Emergency Medical Services Council. Due to by law changes only one member can now serve. Current members are as follows, both of these 3 year terms expire 9-30-2008 (**2-13-2007**):

Shannon Williams  
Doug Testerman

---

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board named Mr. Doug Testerman as the only Smyth County appointment to the Southwest Virginia Emergency Medical Services Council. This action removes Mr.

4-10-2007

Shannon Williams from the Council due to changes in the organizations by laws requiring only one member from each locality. Mr. Testerman's current three (3) year term will expire September 30, 2008.

---

9. Request the Board consider the following personal property tax refund request (3-13-2007):

US Bank Leasing                      \$176.06 (pg. 82-83)

---

Due to insufficient information and with legal opinion, upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the personal property tax refund request from US Bank Leasing in the amount of \$176.06 was denied. The party is free to apply for the refund again in the future with the proper information.

---

10. VDH - County partnership for generator (3-13-2007).

---

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and duly carried, the Board instructed the County Administrator to supply a letter of intent to the Virginia Department of Health. The letter should state that additional funding required for the purchase of the generator, beyond the approved grant funding, will be considered by the Board upon further discussion. This letter should be forwarded to Mrs. Bordwine at VDH as soon as possible.

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

---

#### **CLOSED SESSION**

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, at 3:48 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (5) for report on business prospect (s) not previously announced publicly and (A) (7) for consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation

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

At 4:49 p.m. the Chairman ended the closed session.

*Note: Mr. Blevins excused himself during closed session.*

---

Upon motion of Mr. Slemp, 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



**4-10-2007**

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 (Perry, Blevins)

---

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board directed Mr. Williams to proceed with the help of Mr. Tate on the junkyard complaints.

---

**MEETING CONTINUED**

At approximately 4:50 p.m., the Chairman continued the meeting until Monday, April 23, 2007 at 6:00 p.m. for a public hearing on the school's proposed fiscal year 2007-2008 budget 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 Monday, April 23, 2007, at 6:00 p.m.

<b>Board Members Present:</b>	Mr. Charlie Clark, Chairman	Mr. Wade Blevins
	Mr. Marvin Perry	Mr. Todd Dishner
	Mrs. Darlene Neitch	

<b>Board Members Absent:</b>	Mr. Harold Slemph	Mr. Michael Roberts
------------------------------	-------------------	---------------------

<b>Staff Members Present:</b>	Mrs. Amber Johnson	Mr. Charlie Atkins
	Mr. Ed Whitmore	Mr. John Tate

The Board began the meeting with a public hearing on the School Board's proposed budget for fiscal year 2007-2008. There were approximately 11 citizens present including School Board members and School Superintendent.

Mr. Whitmore read the advertisement as it ran in the Smyth County News and Messenger on Saturday, April 14. He also read the rules of procedure for public hearings.

Ms. Betty Webb, Smyth County Education Association President, was the only citizen signed up to speak. She expressed her support for the proposed budget and requested that the Board approve the budget as presented.

Having no other citizens wishing to speak and no questions for the School Board, the hearing was closed at approximately 6:10 p.m.

The Board briefly discussed upcoming continued meetings. The next meeting will be on Thursday, April 26 at 7:00 p.m., with the Planning Commission. On Monday, April 30 at 6:00 p.m., the Board will vote on the school's 2007-2008 budget.

At approximately 6:15 p.m. the Chairman continued the meeting until Thursday, April 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, April 26, 2007, at 7:00 p.m.

<b>Board Members Present:</b>	Mr. Charlie Clark, Chairman Mrs. Darlene Neitch	Mr. Michael Roberts Mr. Todd Dishner
-------------------------------	--	---

<b>Board Members Absent:</b>	Mr. Wade Blevins Mr. Harold Slemph	Mr. Marvin Perry
------------------------------	---------------------------------------	------------------

<b>Staff Members Present:</b>	Mr. Clegg Williams Mrs. Amber Johnson Mr. Mike Carter	Mr. Ed Whitmore Mr. John Tate Mrs. Becca Kirk
-------------------------------	---	---

<b>Planning Commission Members Present:</b>	Mr. Dennis Blevins, Chairman Mr. Wayne Venable Mr. Karl Kalber	Mr. Norman Sparks Mr. Graham Davidson Ms. Amy Tuell
---	--	---

<b>Planning Commission Members Absent:</b>	Mr. Don Medley
--	----------------

---

At 7:00 p.m. the Chairman of the Board of Supervisors and Chairman of the Planning Commission called the joint public hearing to order. Mr. Ed Whitmore, County Administrator, read the advertisement as placed in the Smyth County News and Messenger on April 14 and 21, 2007. The rules of procedures for public hearings were forgone due to the lack of citizens present. There were only 2 citizens present.

Mr. Clegg Williams, Zoning Administrator, explained the only application he received from Mr. Bill Rush requesting an amendment to the zoning map. Mr. Bill Rush is proposing to divide a 13.22 acre tract of land located off Whitetop Road south of Chilhowie into approximately 25 lots for a residential subdivision. The property is currently zoned Agricultural/Rural and is further identified by Tax Map #65-8-5 and 65-8-6. Considering Mr. Rush is contemplating a Subdivision as defined by the Subdivision Ordinance, he is requesting the property be rezoned to Residential as required by §3-2.3 b).

Mr. Williams explained that he recommended that Mr. Rush make a voluntary proffer with his application. Mr. Rush proposed the condition that if the Board is inclined to approve his request that it not go into effect until he submits and has approval of a final subdivision plat. Mr. Williams stated that he felt this would benefit everyone involved. If approved, Mr. Rush will have peace of mind that resources expended on the project will not be done in vain and the county benefits in the fact that if the project does not become a reality the rezoning does not go into affect.

Mr. Williams stated that he sent notice to all adjoining property owners by mail

4-26-2007

and that he had taken no comments on Mr. Rush's application. Mr. Williams pointed out section 3-3 of the Zoning Ordinance which contains the district regulation for the Residential district (the proposed zoning classification for the property), section 3-2 the district regulations for the Agricultural/Rural (the current zoning classification for the property), and Article 9 which covers amendments to the ordinance and map.

Mr. Bill Rush was present to speak and answer any questions. He explained that there will be approximately 25 lots with all utilities on site. After rebutting discussion with Mr. John Tate about "conditional rezoning," Mr. Rush withdrew that portion of his request. No one else spoke on this application.

At approximately 7:30 p.m., the Chairmen of both the Commission and the Board closed the public hearing.

The Board recessed while the Planning Commission voted on the application just heard at the public hearing. The meeting was called back to order soon after 7:30 p.m.

---

**CLOSED SESSION**

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, at 7:32 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) for consultation with legal counsel on actual or probable litigation.

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

At 7:47 p.m. the Chairman ended the closed session.

---

Upon motion of Mrs. Neitch, 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

**4-26-2007**

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 (Roberts, Dishner, Clark, Netich)
	3	absent (Slomp, Blevins, Perry)

---

At approximately 7:48 p.m., the Chairman continued the meeting until Monday, April 30, 2007 at 6:00 p.m. for a vote on the School's fiscal year 2007-2008 proposed budget 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 Monday, April 30, 2007, at 6:00 p.m.

**Board Members Present:** Mr. Charlie Clark, Chairman                      Mr. Wade Blevins  
Mr. Michael Roberts                      Mrs. Darlene Neitch

**Board Members Absent:** Mr. Harold Slemple                      Mr. Todd Dishner  
Mr. Marvin Perry

**Staff Members Present:** Mrs. Amber Johnson                      Mr. Charlie Atkins  
Mr. Ed Whitmore

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

The Board first considered the School Board's proposed budget for fiscal year 2007-2008 which was brought before a public hearing Monday, April 23 at 6:00 p.m.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved the school's 2007-2008 proposed budget as follows:

Smyth County, Virginia			
Proposed School Board Budget			
For the Year Ending June 30, 2008			
Summary of All Operations Budget Revenues			
	2006-2007	2007-2008 Proposed	Difference
<b>School Operating Fund</b>			
State Funds	\$ 28,517,588	\$ 29,675,096	\$ 1,157,508
Federal Funds	\$ 6,161,196	\$ 6,280,939	\$ 119,743
County Funds	\$ 9,794,744	\$ 9,218,942	\$ (575,802)
Sales Tax	\$ 4,515,002	\$ 4,352,358	\$ (162,644)
Other Funds	\$ 470,165	\$ 389,232	\$ (80,933)
<b>Total School Operating Fund</b>	<b>\$ 49,458,695</b>	<b>\$ 49,916,567</b>	<b>\$ 457,872</b>
Summary of All Operations Budget Expenditures			
	2006-2007	2007-2008 Proposed	Difference
<b>School Operating Fund</b>			
61000: Instruction	\$ 36,424,436	\$ 37,556,811	\$ 1,132,375
62000: Administration, and Attendance and Health	\$ 1,900,453	\$ 1,884,117	\$ (16,336)
63000: Pupil Transportation Services	\$ 2,200,962	\$ 2,193,182	\$ (7,780)
64000: Operating and Maintenance Services	\$ 5,274,651	\$ 4,475,755	\$ (798,896)
65000: School Food Services	\$ 2,227,690	\$ 2,234,709	\$ 7,019
68000: Technology	\$ 1,430,503	\$ 1,571,993	\$ 141,490
<b>Total School Operating Fund</b>	<b>\$ 49,458,695</b>	<b>\$ 49,916,567</b>	<b>\$ 457,872</b>

Smyth County School Board Budget  
Proposed County School Debt and Capital Outlay Fund  
For the Year Ending June 30, 2008

	2004-2005	2005-2006	2006-2007	2007-2008	Difference
<b>School Debt and Capital Outlay Fund Revenues</b>					
County Funds	\$ 902,205	\$ 855,139	\$ 855,139	\$ 855,139	\$ -
State School Construction	\$ 179,231	\$ 179,320	\$ 180,338	\$ 180,143	\$ (195)
Lottery	\$ 405,432	\$ 459,441	\$ 453,276	\$ 429,223	\$ (24,053)
Trigon	\$ -	\$ -	\$ -	\$ -	\$ -
Literary Fund	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total School Debt and Capital Outlay Fund Revenues:</b>	<b>\$ 1,486,868</b>	<b>\$ 1,493,900</b>	<b>\$ 1,488,753</b>	<b>\$ 1,464,505</b>	<b>(\$24,248)</b>
<b>School Debt and Capital Outlay Fund Expenditures</b>					
Capital Facilities	\$ 198,000	\$ 150,779	\$ 185,355	\$ 185,138	\$ (217)
Debt Service	\$ 1,288,868	\$ 1,343,121	\$ 1,303,398	\$ 1,279,367	\$ (24,031)
<b>Total School Debt and Capital Outlay Fund Expenditures:</b>	<b>\$ 1,486,868</b>	<b>\$ 1,493,900</b>	<b>\$ 1,488,753</b>	<b>\$ 1,464,505</b>	<b>(\$24,248)</b>

4-30-2007

School Textbook Fund  
Smyth County, Virginia  
Revenue Estimates  
For the Year Ending June 30, 2008

	2006-2007	2007-2008	Difference
Estimated Revenue for Beginning of Year	\$ 329,685	\$ 329,685	\$ -
Lost Books, etc.	\$ 1,000	\$ 1,000	\$ -
Transfer from School Board	\$ 396,409	\$ 396,409	\$ -
Sale of Investments	\$ -	\$ -	\$ -
Interest on Investments	\$ -	\$ -	\$ -
Total School Textbook Fund:	\$ 727,094	\$ 727,094	\$ -

School Textbook Fund  
Smyth County, Virginia  
Expenditure Estimates  
For the Year Ending June 30, 2008

	2006-2007	2007-2008	Difference
Textbooks	\$ 241,000	\$ 241,000	\$ -
Total School Textbook Fund:	\$ 241,000	\$ 241,000	\$ -
Estimated Balance at Beginning of 2007-2008 School Year: \$ 486,094			

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

Eddie Bosley of the Atkins Volunteer Fire Department was present to explain their request for a resolution from the Board approving their financing of up to \$177,000 for the lease purchase of a 2006 fire apparatus truck. He stated that the Department advertised and held a public hearing on the financing on Monday, April 23 at 6:30 p.m. and that no one was present to speak for or against the financing. Mr. Tate suggested that the Department's Secretary submit this request in writing, stating the actions of the public hearing.

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board approved their request and adopts the following resolution contingent on the receipt of their written request.

**Resolution Approving the Financing by the Atkins Volunteer Fire Department**  
*Of up to \$177,000 for the Lease Purchase of a 2006 Fire Apparatus Truck*

*WHEREAS, Atkins Volunteer Fire Department has determined to finance an amount of up to \$177,000 for the lease purchase of a 2006 fire apparatus truck. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, this Board must first approve the financing. The VFD has held a public hearing on the financing after published notice, as required by the Code. The VFD has reported the proceedings of the hearing to this Board.*

4-30-2007

*BE IT THEREFORE RESOLVED, by the Board of Supervisors of Smyth County, Virginia, the County approves the VFD's entering into the financing, as required under the Code for the financing to be carried out on a tax-exempt basis. The VFD's conduct of the required public hearing is approved.*

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

---

Mr. Whitmore informed the Board of this year's Youth Government Day to be held on Wednesday, May 9, 2007. Students will begin the morning at the Lincoln Theatre and then bussed to the County Administration Office at approximately 10:00 a.m. and return to the Lincoln Theatre about 1:00 p.m. Mr. Whitmore asked that those Board members able to host a student reply to him as soon as possible.

---

**CLOSED SESSION**

Upon motion of Mrs. Neitch, seconded by Mr. Roberts, and unanimously carried, at 6:13 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) for consultation with legal counsel on actual or probable litigation.

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

At 7:05 p.m. the Chairman ended the closed session.

---

Upon motion of Mr. Roberts, 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

**4-30-2007**

Supervisors.

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

---

The Chairman adjourned the meeting at approximately 7:05 p.m.

**Virginia:** At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, May 8, 2007 at 12:00 noon.

**Board Members Present:** Mr. Charlie Clark Mr. Harold Slempp  
Mr. Marvin Perry Mr. Wade Blevins  
Mrs. Darlene R. Neitch  
Mr. Michael Roberts (arrived at 12:03 p.m.)  
Mr. Todd Dishner (arrived at 4:00 p.m.)

**Staff Members Present:** Mr. Michael Carter Mr. Charlie Atkins  
Mrs. Amber Johnson Mr. John H. Tate, Jr.  
Mr. Ed Whitmore

Mr. Clark called the meeting to order at 12:00 noon.

Mr. Mark Blevins led invocation and Sandy Hart led the pledge of allegiance.

---

The Chairman recognized Mrs. Hart for her 30 years of service and her upcoming retirement. He thanked her for her years of dedication.

---

Upon motion of Mr. Blevins, seconded by Mr. Slempp, and unanimously carried, the agenda was adopted along with the additional agenda.

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

---

Upon motion of Mr. Blevins, seconded by Mr. Slempp, and unanimously carried, the minutes of April 10, 23, 26, and 30, 2007 were approved.

Vote: 6 yea (Roberts, Slempp, Clark, Neitch, Blevins, Perry)  
1 absent (Dishner)

---

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

General County	\$1,350,000
Allison Gap Sewer Project	\$11,957.11
Animal Control (office supplies)	\$8.82
Sheriff Dept. (social security fund)	\$48.20
Department of Social Services (April 11-30, 2007)	\$300,000
(May 1-8, 2007)	\$40,000
Schools	
Operating Fund	\$5,000,000
Debt & capital Outlay	\$78,753

Vote: 6 yea (Roberts, Slempp, Clark, Neitch, Blevins, Perry)  
1 absent (Dishner)

---

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the accounts payable listing in the amount of \$716,900.75 was approved. This accounts payable includes \$9,360 to Closed Networks, Fredrick G. Griffin Engineering for the radio system project.

5-8-2007

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

---

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the following correction was made to the above Department of Social Services appropriations request:

Department of Social Services (May 9-31, 2007)	\$450,000
June 1-12, 2007	\$40,000

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

---

### CITIZEN'S TIME

Kelly Brickey, coach of the Northwood Middle School Destination Imagination Virginia (DIVA) team spoke on behalf of both her team and the team of Marion High School. Both teams have won first place at the state level and which allows them to go to Global Finals in Knoxville Tennessee at the end of May. DIVA allows students to test and show their creativity, imagination, and problem solving abilities. She requested assistance with the trip to Knoxville for both teams. The cost for each team will be at least \$4,500.

Henry Evans, Tanner Glenn, Nick Groseclose, and Katie Dishner of the Marion High School team were present to express their excitement for the team's activities and competitions. Other coaches and supporters of the teams were also present.

Upon motion of Mrs. Neitch, seconded by Mr. Roberts, and unanimously carried, the Board appropriated \$4,000 (from account #001-056000-5827, Contingency) to donate \$2,000 each to Destination Imagination Virginia (DIVA) teams of Marion Senior High School and Northwood Middle School for their trips to the national competitions.

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

Earl McClure spoke on the use of taxpayers dollars. He expressed his support for the previous motion made to aid the DIVA teams. He stated that he thought the Board members were not paid enough and he would not object if they voted themselves a pay increase and likewise for the county attorney. He stated that most people did not realized the large reasonability of the Board members. He also mentioned how valuable the legal counsel is to the county and he commented on Mr. Tate's years of

5-8-2007

experience. He stated that he thought it was a mistake to replace Bud Owens with his years of experience.

---

**NEW BUSINESS**

Upon recommendation of the Ordinance Committee, the Board unanimously approved the written ordinance presented by Mr. Tate on the amendment to Chapter 34 of the county code. This amendment imposes a processing fee not to exceed \$25 for any person admitted to the County or Regional Jail following conviction. The amendment was approved by the Board in September of 2006 but with out the written ordinance. A public hearing has already been held.

Vote: 6	yea (Roberts, Slomp, Clark, Neitch, Blevins, Perry)
1	absent (Dishner)

5-8-2007

---

With the recommendation of the Budget Committee, the Board unanimously approved the 2006 personal property tax refund in the amount of \$63,314.69 to Coffman Stairs. The official request submitted by Coffman Stairs stated that they waive all rights to amend 2004 and 2005 assessments, including any interest and rebate of penalties they may be entitled to receive.

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

---

With the recommendation of the Water Committee, the Board unanimously agreed that a balance of \$744.38 be written off the books, due to the Sheriff Department unable to locate 5 customers to serve warrant in debt claims.

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

---

Mr. Slemp inquired on East Hungry Mother Water Project. Mr. Simpson stated that the project was complete with a small repair list to complete.

---

Mr. Simpson explained a request from the Town of Marion requesting the County's participation in a water project at Exit 44. After discussion at the last Water and Sewer committee meeting, they agreed to report to the Board that they looked favorably on participating in the project and agreed to recommend to the Board the installation of the 6" line with the 12" casing.

Mr. Simpson explained a different option he and Mr. Carter had explored. This option is a 12 inch casing under Interstate 81 with a 6 inch water line, extending 20 feet on each side of the interstate. With this option the county would commit to the cost difference above the town's base bid received.

**Note:** Mr. Roberts stated that he was an employee of the Town of Marion and could vote impartially.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board accepted the above option from Mr. Simpson and Mr. Carter.

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

---

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved the following equipment quotations received April 20, 2007 (recommended by the County Engineer):



5-8-2007

**Skid Steer**

<u>Dealer</u>	<u>Make</u>	<u>Model</u>	<u>Horse power</u>	<u>Rated Operating Load(lbs.)</u>	<u>Rated Operating Weight(lbs.)</u>	<u>Base Machine</u>	<u>Forks</u>	<u>Trencher</u>	<u>Backhoe</u>	<u>Total Price w/attachments</u>
D&H Tractor Holland	New	L 185	72	2500	7100	\$23,859	\$718	\$3,516	\$9,214	\$37,307

**Piercing Tool**

<u>Dealer</u>	<u>Make</u>	<u>Model</u>	<u>Base Machine</u>	<u>Expander</u>	<u>Lubricant</u>	<u>Total</u>
Stafford Equipment	Allied	HH79	\$4,200	\$430	\$53.70	\$4,683.70

**Cut-Off Saw**

<u>Dealer</u>	<u>Make</u>	<u>Model</u>	<u>CC</u>	<u>BHP</u>	<u>Base Machine</u>	<u>2-Diamond Blades</u>	<u>10-abrasive Blades</u>	<u>Total</u>
Wright Equipment	Stihl	TS-700	98.5	6.7	\$1,990	\$450	\$100	\$2,540

**Sewer Camera**

<u>Dealer</u>	<u>Make</u>	<u>Base Machine</u>	<u>Locator</u>	<u>Total</u>
Insight Vision	Silver Bullett	\$31,792	\$1,599	\$33,391

This equipment will be funded with the Allison Gap Sewer funds.

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

Mr. Roberts mentioned installing sewer on Kent Street in Saltville with the remaining funds. He requested that the Water and Sewer Committee meet with the Town of Saltville on this issue. They would need to upgrade their portion of that line so the county can supply sewer to those beyond the town limits on Kent Street.

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board appropriated \$1,000 (from account #001-056000-5827, Contingency) to donate to the Town of Marion to assist in the upcoming 2007 Independence Day Celebration.

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

---

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby recognizes May 19-26, 2007 as Smyth County Clean-up Week. The Board understand that this campaign has been planned to correspond with the Stewardship Virginia campaign and the Regional River Roundup sponsored by Upper Tennessee River Roundtable, Inc.

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

---

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board adopted the following resolution recognizing May 13-19, 2007 as Business

5-8-2007

Appreciation Week in Smyth County.

**WHEREAS**, Governor Timothy M. Kaine has recognized May 13-19, 2007 as **BUSINESS APPRECIATION WEEK** in the **COMMONWEALTH OF VIRGINIA**, and called this observance to the attention of all citizens; and,

**WHEREAS**, Virginia and its localities are celebrating 400 years of serving as the foundation of American business and as a cornerstone for modern culture and tradition; and

**WHEREAS**, the citizens of the Smyth County benefit from the positive business climate, economic growth, and job opportunities that are the contributions of businesses within the Commonwealth; and

**WHEREAS**, Smyth County has joined the Commonwealth in creating long-term economic revitalization by embracing diversity in its business community, fully integrating technology into business practices, and preserving the economic well-being and safety for its citizens; and

**WHEREAS**, businesses in Smyth County play a significant role in moving Virginia forward by positively impacting our thriving economy; and

**WHEREAS**, Business Appreciation Week increases public awareness of the valuable contributions that businesses make in our community.

**NOW, THEREFORE**, We, the Board of Supervisors of Smyth County do hereby recognize May 13-19, 2007 as **BUSINESS APPRECIATION WEEK** in Smyth County and call this observance to the attention of all our citizens.

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

---

With the recommendation of the Surplus Property Committee, the Board unanimously declared the vehicles below surplus property. The Board also approved the Surplus Property committee recommendation that sealed bids be advertised for the nine (9) following vehicles:

<u>old Sheriff Department vehicles</u>	<u>mileage</u>
1996 Mercury Sedan	99,690
1999 Ford Crown Victoria	177,511
2000 Ford Crown Victoria	116,407
2003 Dodge Intrepid	90,869
2003 Dodge Intrepid	113,509
2003 Dodge Intrepid	177,511

<u>old Building Inspection Department vehicle</u>	
1993 Chevrolet pickup 4x4	158,632

<u>old Water &amp; Sewer Department vehicles</u>	
1999 Ford pickup 4x4	139,306
1999 Ford pickup 4x4	139,361

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

5-8-2007

---

Mr. Steve Buston of the Virginia Department of Transportation answered general questions from the Board. First, was the current construction on the I-81 bridge overpass in Adwolve. The new stop lights are not allowing enough time for cars to pass through. The Sheriff explained that it is causing traffic problems. Mr. Buston stated that he would check on the timing of the light.

Mr. Buston mentioned the Revenue Sharing applications which will be sent out in the near future. He recommends that the County request Rural Edition funds. He also stated that Secondary Allocations may have approximately \$3.4 million more in additional funds than originally expected, for over 6 years. He will update the Board on that in the near future.

Mr. Buston also informed the Board that \$60,000 in extra maintenance funds was given to Marion, Chilhowie, and Saltville areas. This will be used for surface seal treatment and crews will begin to lay this treatment in the next few days.

Mr. Robert Hurt explained that the bridge on Route 601 in Sugar Grove is ready to be repaired. It should take approximately 3 weeks and will begin about May 15.

Upon motion of Mrs. Neitch, 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 601, .14 miles west of Route 16 for the length of time necessary to complete bridge repairs.

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

Board members questioned several roads and projects.

---

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant an application submitted by Bill Rush for an amendment to the zoning map based on Mr. Rush's retraction for his request to be conditional. The amendment is located between Old Airport Road and Whitetop Road and is 13.22 acres. It is currently zoned Agricultural/Rural and is recommended to be rezoned to Residential. The property is identified as Tax Map Nos. 65-8-5 and 65-8-6.

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

5-8-2007

---

Mrs. Neitch inquired about an email she forwarded to Mr. Tate from Mr. Earl McClure. Mr. Tate stated that he had not had a chance to read the information.

---

At approximately 2:30 p.m. the Board proceeded with a public hearing as advertised in the Smyth County News and Messenger. Mr. Whitmore read the following:

**PUBLIC HEARING  
BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS**

*The Smyth County Board of Supervisors will conduct a public hearing on Tuesday, May 8, 2007, at 2:30 P.M., in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following proposed amendments to the Zoning Ordinance of Smyth County, Virginia:*

- (a) Change the definition of Group Home to show that it will be treated as a single-family dwelling in the zoning ordinance provided it complies with Virginia Code §15.2-2291 and to include Group Home as a use allowed by right in the Agricultural, Agricultural/Rural, Residential and Conservation/Recreation Districts.*
- (b) Add a new definition for Group Care Facility and allow this use in Agricultural, Agricultural/Rural, Residential, Conservation/Recreation and Commercial Districts with a Special Use Permit.*

*At this public hearing, subject to the rules of procedure of the Board of Supervisors of Smyth County, Virginia, any person may appear and state his/her views thereon.*

*A full copy of the text of the proposed amendments are on file at the Office of the County Administrator at the address given above and it may be viewed or a copy secured during regular business hours Monday through Friday.*

*By order of the Smyth County Board of Supervisors  
Edwin B.J. Whitmore, III, County Administrator*

Upon motion of Mr. Perry, seconded by Mr. Roberts, and unanimously carried, reading of the rules for public hearings was forgone due to the number of citizen's present.

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

Mr. Earl McClure was the only citizen signed up to speak. He stated that he felt "similar uses" should be removed from the congregate home explanation or similar uses should be identified. He also stated that the complete Group Care Home explanation under proposed section 10-32.1 should be removed.

The hearing was closed at approximately 2:35 p.m.

The Board discussed the proposed changes with Clegg Williams, Zoning Administrator and with legal counsel. Different avenues in how to implement the amendment were discussed.

5-8-2007

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the following amendment to the Zoning Ordinance was approved:

*Group homes are allowed by right in the same districts as single-family dwellings: A/R, A, R, and C/R Districts. The definition of group home is amended as follows:*

*10-33 Group Home—A residential facility in which no more than eight mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. For the purposes of this subsection, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Virginia State Code § 54.1-3401. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this subsection, "residential facility" means any group home or other residential facility for which the Department of Mental Health, Mental Retardation and Substance Abuse Services is the licensing authority pursuant to State Code.*

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

Upon motion of Mr. Slemp, seconded by Mr. Perry, and duly carried, the following amendment to the Zoning Ordinance was approved:

*The group care facility would be added to the list of "Special Use Permits" in all districts except Industrial. The following Group Care Facility definition is added:*

*10-32.1 Group care facility: A residential facility or dwelling unit housing persons unrelated by blood, marriage, adoption, or guardianship, including congregate homes and group care homes,*

*(a) Congregate home: A group care facility providing accommodation and supervision to more than five individuals where medical care is not a major element and including homes for orphans, foster children, veterans, the elderly, pregnant teenagers, nonresident families of hospitalized patients, mentally handicapped, or similar uses.*

*(b) Group care home: A group care facility in which more than eight mentally ill, mentally retarded, or developmentally disabled persons reside with one (1) or more resident counselors or other staff persons.*

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

---

At approximately 3:00 p.m. the Chairman called a public hearing to order. Mr.

Whitmore read the following advertisement as ran in the Smyth County News &

Messenger on Saturday, April 28 and Saturday, May 5, 2007.

**NOTICE OF PUBLIC HEARING  
ON PROPOSED USE OF THE CENTRAL ABSENTEE VOTER ELECTION DISTRICT  
OF SMYTH COUNTY**

*The Smyth County Board of Supervisors will conduct a public hearing at the office of the Board at 121 Bagley Circle, Suite 100, Marion, Virginia on Tuesday, May 8, 2007, at 3:00 p.m., to receive public comment on one amendment to the Smyth County Code on*

**5-8-2007**

*election issues, and specifically section 26-28 (8), which establishes a Central Absentee Voter Election District for Smyth County, Virginia.*

*The proposed change will provide this Central Absentee Voter Election District will only be used for absentee voting in the general election in November of each year, and for all other elections, including any special elections, absentee ballots will be delivered to the normal voting place at the proper precinct of the voter, and processed at each of the regular precinct locations for all these other elections.*

*The Board of Supervisors will convene this public hearing on Tuesday, May 8, 2007 at 3:00 p.m., in order to receive comments from the public about this change in the use of the Central Absentee Voter Election District Precinct.*

*At this public hearing, and subject to the rules of procedure of the Board of Supervisors, any citizen of the County may appear and give his or her comments.*

*By order of the Board of Supervisors on April 10, 2007  
Edwin B.J. Whitmore, III, County Administrator*

The reading of the rules for public hearings was forgone due to the lack of citizens present and there were no citizens present to speak.

Mr. Tate requested that Mrs. Sandy Elswick, County Registrar, explain their request.

Mrs. Elswick explained that they usually only receive one or two absentee ballots during special elections. She stated that she finds it hard to justify hiring three people to count ballots and have them work from 6:00 a.m. to 7:00 p.m. for so few absentee ballots. She also stated that it is normal procedure to have an absentee precinct for November general elections when the number of absentee ballots is much greater.

Mrs. Neitch and Mr. Roberts asked for clarification and that absentee ballots would go to the normal voting place of the voter in the special elections. This procedure is similar to the Towns elections. Mr. Perry also commented on the procedure and asked for the number of absentee ballots received for November general elections. Mrs. Elswick stated they usually receive approximately 500 absentee ballots for a November election. Mrs. Elswick clarified for Mr. Roberts that in the procedure of absentee ballots, names of those absentee ballots received can be recorded at any time but a count can not be taken until 7:00 p.m.

Mr. Tate also agreed it was hard to justify paying 3 officers of election for the number of absentee ballots received from 6:00 a.m. to 7:00 p.m.

The Chairman then closed the hearing at approximately 3:05 p.m.

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

5-8-2007

the Board approved the above request that the Central Absentee Voter Election District will only be used for absentee voting in the general election in November of each year, and for all other elections, including any special elections, absentee ballots will be delivered to the normal voting place at the proper precinct of the voter, and processed at each of the regular precinct locations for all these other elections. This motion is contingent upon the approval of the Department of Justice.

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

---

Jeff Richardson, Commissioner of Revenue presented the modifications below as a way to report Personal Property.

**Proposed Steps:**

- 1) *For automobiles, motorcycles, recreational vehicles (RVs) accept purchase of a town or county decal as ownership report – no form 762 required once decal purchased*
- 2) *If no decal is purchased for automobile, motorcycle, or recreational vehicle– taxpayers must submit Form 762 – subject to a penalty if not filed*
- 3) *Accept DMV download on pull-behind trailers and Game and Inland Fisheries on watercraft information - no Form 762 required*
- 4) *Use mass mailing to reach:*
  - a) *Farmers – currently no mass mailing – however this is possible*
  - b) *Mobile Home ownership - source DMV and Building Permits – currently owners living outside Smyth County do receive mailing*
  - c) *Businesses – currently do receive mailing**Farmers, Mobile Home owners and Businesses will be subject to a penalty if Form 762 is not submitted*

Mr. Richardson also explained the reasons for change and advantages for the change.

**Reasons for Change:**

- 1) *25 years ago Department of Taxation use to mail out state income tax forms to taxpayers, which included Form 762 – they stopped this practice*
- 2) *More people filing on-line, and Form 762 is not available to complete on-line*
- 3) *Tax preparers outside Smyth County frequently do not provide Form 762 for their clients*
- 4) *Requirement projects a negative image when new residents, not aware of the requirement, receive a penalty because they did not complete a Form 762*
- 5) *Even with Form 762 distributed throughout county at various public locations, residents still comment they have difficulty in obtaining forms*
- 6) *Cost to mail Form 762 to all residents in Smyth County is cost prohibitive.*

**Advantages:**

- 1) *Same information is already available*
- 2) *Less paperwork*
- 3) *Currently Form 762 is used as a confirmation of automobile, motorcycle, recreational vehicle, boats and pull behind trailers owned by residents due to*

5-8-2007

DMV downloading of information as of Jan. 1 – no longer necessary for reporting purposes to Commissioners office

- 4) Reduction of burden on Treasurer's office so they do not have to remind people of Form 762 requirement
- 5) Will eliminate 80% of the taxpayers from having to file Form 762

**§ 58.1-3518.1 – Alternative method of filing returns for motor vehicles, trailers, and boats –**

- A.** Notwithstanding the provisions of § 58.1-31518, the governing body of any county, city or town may provide by ordinance for an alternative method of filing personal property tax returns for motor vehicles, trailers and boats. Any such ordinance adopted pursuant to this section may provide for the annual assessment and taxation of motor vehicles, trailers and boats based on a previous personal property tax return filed by the owner or owners of such property. For those whose name or address has not changed since a previous filing and whose personal property has not changed in status or situs, the assessment and taxation of the property may be based on a personal property tax return previously filed with the jurisdiction adopting such an alternative method.
- B.** Any jurisdiction adopting such an alternative method may require the owner of a motor vehicle, trailer or boat to file a new personal property tax return whenever there is: (i) a change in the name or address of the person or persons owning taxable personal property; (ii) Change in the situs of personal property; (iii) any other change affecting the assessment or levy of the personal property tax on motor vehicles, trailers or boats for which a tax return has been filed previously; or (iv) any changes in which a person acquired one or more motor vehicles, trailers or boats and for which no personal property tax return has been filed.
- C.** Nothing in this section shall preclude any jurisdiction from assessing taxable personal property in accordance with § 58.1-3519 or assessing penalties and interest in accordance with § 58.1-3916 (1994, c. 292; 1996, c.322).

Finally, Mr. Richardson mentioned the ways to educate the public of the change and problems that could be encountered.

**How to educate:**

- 1) Visit Civic Groups
- 2) Newspapers
- 3) Letters at workshops with tax preparers

**Problems:**

- 1) Change of address – always a problem
- 2) Sold a vehicle - both situations could be addressed at the counter when selling decals
- 3) NO PERFECT SYSTEM!  
Form 762 and / or DMV has misinformation. We have to "work" all the records.

After a brief discussion, the Board referred this issue to the Ordinance Committee for further study.

---

Tommy Dingus of Air Wings Rescue was present requesting a letter of endorsement from the Board to operate within the county. Wings Air Rescue is with Mountain States Health Alliance who recently partnered with Smyth County Community Hospital. Their home base is at Johnson City Medical Center and they currently have a station in Wise County. Mr. Tate questioned their operating procedure. This request



5-8-2007

was continued for further information to be obtained on the Wing Air Rescue organization.

---

**OLD BUSINESS**

1. Collection of delinquent taxes (8-10-04).

---

Mrs. Neitch inquired about the updated delinquent tax list. Mr. Carter asked if it would be suitable to discuss at the June Board meeting since the agenda was full.

- 
2. Marevine Slempp, 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)
4. Re-codifying of the Smyth County Code (1-10-2006).

---

Mrs. Neitch also inquired about the re-codifying of the code. Mr. Carter stated that it is still in progress.

- 
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. VDH - County partnership for generator (3-13-2007).
9. Request the Board approve the Bryne Justice Assistance Grant.

Federal funds	\$1,389
<u>Local funds</u>	<u>\$154</u>
Total	\$1,543

---

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the Bryne Justice Assistance Grant in a total amount of \$1,543. Mr. Kenny Lewis stated that the \$154 in local funds would be paid from the sheriff's drug asset fund.

Upon motion of Mrs. Neitch, seconded by Mr. Slempp, and unanimously carried, item number 9 was removed from old business.

Vote	6	yea (Roberts, Slempp, Clark, Neitch, Blevins, Perry)
	1	absent (Dishner)

---

Mr. Atkins inquired about a budget item concerning the salary of the Workforce Development Director which is reimbursed by the Smyth-Washington Regional

5-8-2007

Industrial Facilities Authority. This position has lasted longer than what was originally budgeted.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved a budget amendment in a total amount of \$20,937.15 to accommodate the Workforce Development Director position for April, May and June. The following line items are amended for all 3 months (the budget is also amended in the revenue section for the reimbursement received from S.W.I.F.A):

Salary	(081020-1001)	\$5,416.67
FICA Employer Share	(081020-2001)	\$405.92
VRS Employer Share	(081020-2002)	\$420.34
VRS Group Life Ins. Employer Share	(081020-2006)	\$61.21
Blue Cross Employer Share	(081020-2005)	<u>\$674.91</u>
	TOTAL:	\$6,979.05

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

---

Mr. Tate updated the Board on the outcome of the recent case of the County verses Ernie and Carol Sullins. Mr. and Mrs. Sullins sued the County over the assessment value of the Pepsi Cola building they had acquired. The assessed value of \$2.5 million was upheld.

---

*Note: Mr. Dishner arrived at approximately this time (4:00 p.m.).*

---

**CLOSED SESSION**

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, at 4:10 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (3) acquisition of property, (5) for report on business prospect (s) not previously announced publicly and (A) (7) for consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation. The following were present for a portion of the closed session:

Sally Morgan	Charlie Atkins
Scott Simpson	
Clarence Smith, Smyth County Industrial Development Authority Chairman	
Ken Reynolds, Washington County Board of Supervisors Chairman	
Kristie Parker, Washington County Assistant County Administrator	
Russell Owens, Smyth-Washington Regional Industrial Facilities Authority Chairman	

Vote:	7	yea
	0	nay

At 6:00 p.m. the Chairman ended the closed session.

5-8-2007

---

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

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

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

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

Vote: 7      yea  
0      nay

---

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and duly carried, the Board authorized Mr. Tate to write a letter notifying the judges of the Board's change of courthouse plans to satisfy their requirements.

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

---

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and duly carried, the Board approved acquisition of property discussed in closed session.

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

---

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and duly carried, the Board authorized the staff and Courthouse Committee to obtain land options of up to \$10,000 on property.

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

**5-8-2007**

---

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and duly carried, the Board authorized Mosley Architects to begin the new drawings of the plans discussed in closed session.

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

---

**MEETING CONTINUED**

At approximately 6:05 p.m., the Chairman continued the meeting until Thursday, May 24, 2007 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, May 24, 2007, at 7:00 p.m.

<b>Board Members</b>	Mr. Charlie Clark, Chairman	Mr. Michael Roberts
<b>Present:</b>	Mrs. Darlene Neitch	Mr. Harold Slemp
	Mr. Wade Blevins	Mr. Marvin Perry
	Mr. Todd Dishner <i>(arrived a slightly past 7pm)</i>	

<b>Staff Members</b>	Mr. Clegg Williams	Mr. Ed Whitmore
<b>Present:</b>	Mrs. Amber Johnson	Mr. John Tate
	Mr. Mike Carter	Mrs. Becca Kirk
	Mr. Scott Simpson	Mrs. Sally Morgan
	Mr. Charlie Atkins	

<b>Planning Commission</b>	Mr. Dennis Blevins, Chairman	Mr. Norman Sparks
<b>Members Present:</b>	Mr. Wayne Venable	Mr. Graham Davidson
	Mr. Karl Kalber	Mr. Don Medley

**Planning Commission**  
**Members Absent:** Ms. Amy Tuell

---

At 7:00 p.m. the Chairman of the Board of Supervisors and Chairman of the Planning Commission called the joint public hearing to order.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, reading of the following advertisement and rules for public hearings was forgone due to the lack of citizens present. The advertisement was run in the Smyth County News and Messenger on May 12 and 19. Mr. Bill Rush was the only citizen present.

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

***BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS AND  
SMYTH COUNTY PLANNING COMMISSION***

*The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, May 24, 2007, at 7:00 P.M. or as soon after 7:00 P.M. as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application to the Zoning Ordinance of Smyth County, Virginia:*

*Bill Rush requests an amendment to the zoning map to rezone approximately 12 acres from Agricultural/Rural to Residential. The property is owned by Berry Enterprises, Inc. and is located on the north side of Loves Mill Road in Chilhowie and if further identified as a portion of Tax Map No. 65-A-44.*

*At this public hearing, subject to the rules of procedure of the Board of Supervisors and Planning Commission of Smyth County, Virginia, any person may appear and state his/her views thereon.*

*These files are at the Offices of the County Administrator and County Zoning Administrator at the address given above, and may be viewed during regular business hours Monday through Friday.*

*Done by order of the Board of Supervisors and the Planning Commission.  
Edwin B.J. Whitmore III, County Administrator  
Dennis Blevins, Chairman of the Planning Commission*

**5-24-2007**

Mr. Clegg Williams, Zoning Administrator, explained the only application he received from Mr. Bill Rush requesting an amendment to the zoning map. Mr. Bill Rush is proposing to divide a 12 acre tract of land located off Loves Mill Road south of Chilhowie into approximately 20 lots for a residential subdivision. The property is currently zoned Agricultural/Rural and is further identified by Tax Map #65-A-44. Mr. Rush is requesting the property be rezoned to Residential as required by §3-2.3 b).

Mr. Williams notified adjoining property of this request by mail. He stated that he had not received any comments on the application. He pointed out §3-3 of the Zoning Ordinance which contains the district regulation for the Residential district (the proposed zoning classification for the property), §3-2 the district regulations for the Agricultural/Rural (the current zoning classification for the property), and Article 9 which covers amendments to the ordinance and map.

Mr. Bill Rush answered a few questions from the Board and Commission. He explained that Lot 10 on the proposed plat would not perk, therefore, they combined Lots 10 and 11 into one lot, thereby making the subdivision 19 lots total. No one else spoke on this application.

At approximately 7:10 p.m., the Chairmen of both the Commission and the Board closed the public hearing.

The Board recessed while the Planning Commission voted on the application just heard at the public hearing. The meeting was called back to order at approximately 7:15 p.m.

---

With the Water and Sewer Committee recommendation, the Board unanimously accepted bids for Arden Lane, Vance Drive, and Red Stone Road Water Line Extension Project. The low bid of \$333,875 went to central Builders, Inc. of Richmond. A recommendation packet from Anderson & Associates was distributed.

---

Mr. Atkins distributed the proposed fiscal year 2007-2008 general county budget recommended from the Budget Committee. A brief discussion was held. A work session to discuss the budget was scheduled for Wednesday, May 30 at 3:30 p.m.

5-24-2007

---

**CLOSED SESSION**

**Note:** Mrs. Neitch excused herself during closed session

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, at 7:42 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (5) for report on business prospect (s) not previously announced publicly and (7) for consultation with legal counsel on actual or probable litigation.

Vote: 7	yea
0	absent

At 8:29 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: 6	yea (Roberts, Dishner, Clark, Slemp, Blevins, Perry)
1	absent (Neitch)

---

The Chairman reminded the Board of the Appointment Committee meeting to be held on Thursday, May 31, 2007 at 8:30 a.m. He asked that all suggestions for appointments that expire June 30 be turned in by this date so they can make recommendations to the Board at the regular meeting in June.

---

At 8:30 p.m., upon motion of Mr. Slemp, seconded by Mr. Perry, the Board continued the meeting until Wednesday, May 30, 2007 at 3:30 p.m. for a work session



**5-24-2007**

on the fiscal year 2007-2008 county budget and any other issues that may arise.

Vote:	6	yea (Roberts, Dishner, Clark, Slemph, Blevins, Perry)
	1	absent (Neitch)

---

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, May 30, 2007, at 3:30 p.m.

<b>Board Members Present:</b>	Mr. Charlie Clark, Chairman	Mr. Michael Roberts
	Mrs. Darlene Neitch	Mr. Wade Blevins
	Mr. Marvin Perry (left at approximately 4:40 p.m.)	

<b>Board Members Absent:</b>	Mr. Todd Dishner	Mr. Harold Slemph
------------------------------	------------------	-------------------

<b>Staff Members Present:</b>	Mr. Ed Whitmore	Mrs. Amber Johnson
	Mr. Mike Carter	Mr. Charlie Atkins

This meeting was scheduled for a work session to review the budget recommended by the budget committee.

The Board first reviewed and discussed an invoice from the current auditors for work conducted beyond the original contract. The Board decided to continue this issue until the June Board meeting to discuss when the full Board was present.

Mr. Roberts briefly mentioned the new retirement benefits for the sheriff's department. Mr. Atkins will obtain more information on these benefits before adding them to the budget.

The Board then discussed the Assign-A-Highway program and how it will be funded. Information from staff was reviewed which stated that \$3,000 per year would run a small scale Assign-A-Highway program with current staff on hand. The Board approved the program as presented.

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board agreed to move forward with the litter control grant in adding \$8,000 to the revenue portion of the budget. The Board approved funding the program out of general county funds until the grant is received.

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

The Board then proceeded with the review of the revenue portion of the budget. Mr. Atkins addressed questions to the best of his knowledge.

Next, the Board began the review of the expenses and addressed their questions page by page. Mr. Atkins again addressed their questions and aided in their discussions.

Mr. Atkins explained a concern from the Sheriff on the budget committee's decision to amend their request and fund four of their new cars from the police activity

**5-30-2007**

fund and the county will fund two of the new cars. The sheriff had hoped to use the activity fund for new fire arms.

After discussion, upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board agreed to fund three new vehicles out of the county budget and fund three cars out of the police activity fund.

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

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board agreed to add \$2,000 for the Saltville Labor Day Celebration.

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

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to add \$500 for the Saltville Ruritan Club.

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

The Board then continued with much discussion concerning courthouse renovation funding, Smyth County Celebration funding, Lincoln Theater funding, Song of the Mountains funding, and water projects funding. The budget committee removed funding from three projects to lessen the amount of deficit, Dix Well #2, Whitetop/Big Tree, and Lucky Lane.

After discussing the proposed budget at length, with the motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board agreed to advertise the budget with the above changes.

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

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board scheduled the public hearing for the proposed general county budget for fiscal year 2007-2008 on Thursday, June 14, 2007 at 6:00 p.m.

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

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the meeting was adjourned at approximately 6:00 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, June 12, 2007 at 12:00 noon.

<b>Board Members</b>	Mr. Charlie Clark	Mr. Harold Slemph
<b>Present:</b>	Mr. Marvin Perry	Mr. Wade Blevins
	Mrs. Darlene R. Neitch	Mr. Todd Dishner
	Mr. Michael Roberts	

<b>Staff Members</b>	Mr. Michael Carter	Mr. Charlie Atkins
<b>Present:</b>	Mrs. Amber Johnson	Mr. John H. Tate, Jr.
	Mr. Ed Whitmore	

Mr. Clark called the meeting to order at 12:00 noon.

Mr. Mark Haga led invocation and Becca Kirk led the pledge of allegiance.

---

Upon motion of Mr. Slemph, seconded by Mr. Blevins, and unanimously carried, the agenda was adopted along with the additional agenda.

---

At this time Senator Philip Puckett recognized Mrs. Catherine M. Cox with SENATE RESOLUTION NO. 55, agreed to by the Senate, February 22, 2007. This resolution celebrates the life of Catherine M. Cox.

*WHEREAS, Catherine M. Cox, a respected citizen and former member of the Smyth County Board of Supervisors, died on October 14, 2006; and*

*WHEREAS, a lifelong resident of Smyth County, Catherine "Kitty" Cox began her career in education in 1945 at Rich Valley High School and retired in 1991 as a librarian from Chilhowie High School; and*

*WHEREAS, Kitty Cox and her late husband, Owen L. Cox, Sr., opened a Western Auto Store in Saltville in 1956 and operated it together until 1979; and*

*WHEREAS, always very active in her community, Kitty Cox was especially proud of her work in the Democratic Party; in 1998, she received the Grassroots Award from the Democratic Party in Richmond; and*

*WHEREAS, Kitty Cox served on the Smyth County Board of Supervisors from 1995 to 1996 and undertook her responsibilities as supervisor with great dedication and integrity; and*

*WHEREAS, involved with numerous boards and organizations, Kitty Cox was particularly devoted to the Madam Russell Memorial United Methodist Church, the Cancer Research Foundation, and the Museum of the Middle Appalachians, of which she served as president; and*

*WHEREAS, a devoted and loving wife, mother, grandmother, and great-grandmother, Kitty Cox will be fondly remembered for her many outstanding contributions to her community and Smyth County; now, therefore, be it*

*RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Catherine M. Cox; and, be it*

*RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Catherine M. Cox as an expression of the respect in which her memory is held by the Senate of Virginia.*

6-12-2007

Senator Puckett presented the resolution to Mr. Jim Cox, the youngest son of Mrs. Cox. He thanked Senator Puckett for the recognition of his mother.

---

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the minutes of May 8, 24, and 30, 2007 were approved.

---

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

General County	\$1,050,000
Allison Gap Sewer Project	\$110,815.78
Department of Social Services (June 13-30, 2007)	\$308,326
(July 1-10, 2007)	\$40,000
Schools      Operating Fund	\$8,465,051

---

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the accounts payable listing in the amount of \$491,032.71 was approved.

Vote: 6	yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1	absent (Roberts, out of the room)

---

There was no one present to speak for citizen's time.

---

#### **NEW BUSINESS**

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved payments of bills a second time during the month of June.

Vote: 6	yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)
1	absent (Roberts, out of the room)

---

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board approved the legal services agreement for General County, fiscal year 2007-2008 from Gwyn & Tate. The Board approved Mr. Tate's proposal as presented with an increase in the hourly rate from \$105/hour to \$110/hour. This is the final year of the original three (3) year contract.

Gwyn & Tate	\$1,200/month retainer and \$110/hour there after
-------------	---

The Board did not address the legal services contract renewal for the Water and Sewer Department. It was continued until a later time.

---

The Board also agreed to continue the appropriation of \$15,120 to pay Wythe County their portion of taxes collected on air craft at the Smyth Wythe Airport for 2006. Mr. Whitmore will check with Wythe County to see if their contribution has been paid.

---

6-12-2007

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Department of Conservation and Recreation's review of the county's erosions and sediment control ordinance was referred to the Ordinance Committee.

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board approved the Ordinance Committee's recommendation and amended Title 34 of the Smyth County Code on an emergency basis so that it may be effective July 1, 2007.

*Purpose: Amendment to Title 34 of the Smyth County Code, Finance and Taxation, Article III, Court Costs, §34-77, to impose an additional assessment of costs on criminal and traffic convictions in the courts of Smyth County.*

*The Board of Supervisors herewith adopts this ordinance to amend the Smyth County Code, the following section, which will impose an additional court cost on a conviction in the General District Courts and the Circuit Court of Smyth County, Virginia as outlined hereafter, and make §34-77, with the change set out herein; as follows:*

**DIVISION 4. COST ASSESSMENT FOR COURT SECURITY §34-77**

*(1) The Clerk of each District Court of Smyth County, Virginia, and the Clerk of the Circuit Court of Smyth County, Virginia shall assess and collect an additional sum of Ten Dollars (\$10.00) as a part of the costs in each criminal or traffic case in which the defendant is convicted of a violation of any statute or ordinance.*

*(2) Any funds collected by the Clerk of each of the respective courts shall remit these funds monthly to the Treasurer of Smyth County. The Treasurer shall maintain a separate internal record, and shall provide a means to segregate any funds received by the Treasurer as a result of this ordinance from other funds received by the Treasurer.*

*(3) All funds received by Smyth County, Virginia as a result of this ordinance may be appropriated by the governing body to the Sheriff of Smyth County for the sole purpose of funding courthouse security personnel.*

*(4) An emergency existing, this amended section 34.77, shall be effective July 1, 2007.*

*Secs. 34.78-34.120. Reserved*

*No other changes are being made to TITLE 34, FINANCE AND TAXATION, by this amendment to the Smyth County Code.*

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

---

Upon motion of Mr. Perry, seconded by Mrs. Neitch and with the recommendation of the Surplus Property Committee, the Board unanimously agreed that the following high bids for the surplus property vehicles be accepted:

1993 Chevrolet 4x4  
Frank Dunford      \$2,526

1999 Ford 4x4  
Lowe's Garage      \$2,100

1996 Mercury  
R & M used Cars      \$352

2000 Ford Crown Victoria  
R & M Used Cars      \$852

**6-12-2007**

1999 Ford Crown Victoria  
Lowe's Garage        \$850

2003 Dodge Intrepid  
Cana Motors        \$741

1999 Ford 4x4  
Lowe's Garage        \$2,100

2003 Dodge Intrepid  
Cana Motors        \$741

---

With the recommendation of the Solid Waste Committee, the Board unanimously agreed to accept the bid from Bakers Waste Equipment in the amount of \$11,510 for (2) two 40 yd. compactor containers (including delivery). This appropriation will be funded out of the Convenience Stations repair and maintenance line (#001-042050-3004).

---

With the Appointment Committee's recommendation, the Board unanimously re-appointed Sabrina Rose as the parent representative and Penny Dixon as the private provider representative to the Community Policy Management Team (CPMT). Their one year terms will expire June 30, 2008. At the request of Mr. Perry he was removed from the CPMT, there were no other board member nominations made.

---

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board re-appointed Mr. Harold Slemp to the Downtown Revitalization Committee. His one year term will expire June 30, 2008.

---

With the recommendation of the Appointment Committee, the Board duly approved the following appointment. Mr. Williams' one year term will expire June 30, 2008.

Upper Tennessee River Roundtable's Trash and Tourism Committee  
Clegg Williams

The committee recommended that the reappointment of Mrs. Nikki Wyatt not be renewed to the Upper Tennessee River Roundtable's Trash and Tourism Committee due to the lack of her attendance of meetings and two members from the County is not necessary.

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

---

With the Appointment Committee's recommendation, the Board duly appointed Mr. James "Bo" Bonham to the Virginia Highlands Community College Board. His four (4) year term will begin July 1, 2007 and will expire June 30, 2011.

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

---

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby thanks Mr. James Schwartz for his public service to Smyth County as one of its representatives on



6-12-2007

the Virginia Highlands Community College Board. His interest and dedication to education has had a positive impact on many from this county who attend VHCC.

---

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board re-appointed Mr. Marvin Craig to the Smyth County Industrial Development Authority as the Atkins District representative. Mr. Craig's next four (4) year term will expire June 30, 2011.

---

Upon motion of Mr. Dishner, seconded by Mr. Blevins, the Board appointed Mr. Larry Davis to the Smyth County Industrial Development Authority as the Park District representative. Mr. Davis' four (4) year term will begin July 1, 2007 and expire June 30, 2011. Mr. Davis will take the place of Mr. Robert Guy whose term expires June 30,

2007.           Vote: 6       yea (Roberts, Dishner, Slemp, Clark, Neitch, Blevins)  
                      1       abstention (Perry)

---

Upon motion of Mr. Dishner, seconded by Mr. Blevins, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby thanks Mr. Robert Guy for his 19 years of public service on the Smyth County Industrial Development Authority, as the Park District representative. His interest in and dedication to economic development has had a positive impact on growth of the county.

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

---

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board appointed Ms. Sue Waddell to the Smyth County Department of Social Services Board as the Atkins District representative. She will be completing the term of the previous Atkins representative who resigned. The partial term will expire March 12, 2009.

---

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby thanks the VFW POST 4667 of Marion for its service to the community. The Board recognizes this organization for the outstanding time and effort put into this year's 2007 Memorial Day Celebration. This was one to remember and the Board of Supervisors extends its gratitude to each of the VFW POST 4667 members.

---

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

**6-12-2007**

the Board agreed to waive the 30 day notice for the Davis Valley Winery as required by the County code, for festival permits.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board approved festival permits for the Davis Valley Winery for the following dates:

- Saturday, June 9, 2007 \*on the same application
- Saturday, July 21, 2007 \*on the same application
- Saturday, August 4, 2007
- June 28, 29, 30, 2007 (Thursday, Friday, Saturday)

The Board stated that the Winery should be more aware of the 30 day notice which is required by the Smyth County Code for any future festival permits.

---

Steve Buston of the Virginia Department of Transportation briefed the Board on two bridges that have been under construction. Route 624 bridge is complete and is open. The Route 601 bridge in Sugar Grove is complete and VDOT is waiting for the guardrail contractor before they can open the bridge.

Mr. Buston informed the Board that they have received the final numbers for the secondary six year plan which will be applied to the priority list of projects the Board has already approved.

Then, Mr. Buston briefly discussed with the Board the current construction on bridges in Adwolfe over I-81 and at exit 44 over I-81.

Finally, Mr. Buston updated the Board on the Route 622, Nicks Creek Road projects. The middle and Route 16 end remains to be completed. Forest Highway Funds has been secured and should go out for bid in early fall for the Route 16 end of the project.

Mr. Robert Hurt returned, accepted, and briefly discussed maintenance concerns with Board members.

---

Upon motion of Mr. Blevins, seconded by Mr. Roberts, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant an application submitted by Bill Rush, on behalf of owners Berry Enterprises, for an amendment to the zoning map. The amendment is located on Loves Mill Road and is approximately 13 acres. It is currently zoned Agricultural/Rural and is recommended to be rezoned to Residential. The property is identified as a portion of Tax Map No. 65-A-44.

**6-12-2007**

---

Mr. Slemp invited the Board to help serve food at the up coming Friday's lunch on the lawn at the Courthouse hosted by the Marion Downtown Revitalization.

---

**OLD BUSINESS**

1. Collection of delinquent taxes (8-10-04).

---

Mr. Carter updated the Board on the condensed list of delinquent taxes. A brief discussion was held on how the list can be presented in the local newspaper. The staff was asked to get prices on different options.

- 
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)

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

---

Mr. Tate informed the Board that the 400 page draft has been received and will be reviewed by the staff in the near future.

- 
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. VDH - County partnership for generator (3-13-2007).

---

Mr. Carter stated that bids will be received for this generator June 22, 2007.

- 
9. Wings Air Rescue request for letter of endorsement to operate within the County **(5-8-2007)**.

---

Mr. Tate updated the Board that he has been in contact with the attorney for Wings Air Rescue and he is currently awaiting their Certificate of Authority to operate in Virginia.

- 
10. Invoice from the current auditors for work conducted beyond the original contract **(5-30-2007)**.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and duly carried, the Board appropriated \$47,825 to pay the auditing firm of Brown, Edwards, & Company for past due expenses and work conducted beyond the original contract. Funds will be appropriated from the following line items:

6-12-2007

- 001-012080-3002 County Administration Professional Services \$39,825
- 001-081030-3002 Industrial Development Authority Professional Services \$2,000
- 501-085010-3002 Water and Sewer Audit Fees \$6,000

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

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board agreed to remove item number 10 from old business.

---

### CLOSED SESSION

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, at 2:42 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A)

- (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
- (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Vote: 7 yea  
0 nay

At 3:47 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

**6-12-2007**

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

---

Mr. Dishner informed the Board that the Destination Imagination team the Board donated funds to, placed 8th at the national level.

---

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board appropriated \$170,000 from the IDA's Industrial Site Acquisition & Development (#001-081030-7019) to pay to Smyth-Washington Regional Industrial Facilities Authority. This is Smyth County's portion to match the Governor's Opportunity Fund Grant and the Tobacco Regional Opportunity Fund Grant on the Gates Corporation at Highlands Business Park.

---

**MEETING CONTINUED**

At approximately 3:50 p.m., the Chairman continued the meeting until Thursday, June 14, 2007 at 6:00 p.m. for the public hearing on the fiscal year 2007-2008 county budget 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, June 14, 2007, at 6:00 p.m.

<b>Board Members Present:</b>	Mr. Charlie Clark, Chairman Mrs. Darlene Neitch Mr. Wade Blevins Mr. Todd Dishner	Mr. Harold Slemph
-------------------------------	--	-------------------

<b>Board Members Absent:</b>	Mr. Michael Roberts	Mr. Marvin Perry
------------------------------	---------------------	------------------

<b>Staff Members Present:</b>	Mr. Ed Whitmore Mrs. Amber Johnson Mr. Scott Simpson	Mr. Charlie Atkins Mr. John Tate Mrs. Sally Morgan
-------------------------------	--	--

---

At 6:00 p.m. the Chairman called the public hearing to order. Mr. Whitmore read the following advertisement as placed in the Smyth County News and Messenger on Wednesday, June 6, 2007.

**NOTICE OF PUBLIC HEARING  
ON THE PROPOSED SMYTH COUNTY BUDGET  
FOR FISCAL YEAR  
July 1, 2007 – June 30, 2008**

*The budget synopsis is prepared and published for informative and fiscal planning purposes only. The inclusion in the budget for any item does not constitute an obligation or commitment on the part of the Board of Supervisors of this County to appropriate any funds for that item or purpose, except as it relates to the budget for the Smyth County School Board, which is governed by §22.1-93, et. seq.*

*The budget has been prepared on the basis of estimates and requests submitted to the Board of Supervisors by several offices and department heads of this County. There is no allocation or designation of any funds for this County for any purpose until there has been an appropriation for that purpose by the Board of Supervisors.*

*A hearing will be conducted by the Board of Supervisors on the budget for the informative and planning purpose in the Board of Supervisors meeting room, 121 Bagley Circle, Smyth County Office Building on June 14, 2007, at 6:00 p.m., at which time any citizen of the County shall have the right to attend and subject to the Rules and Procedures of the Board of Supervisors state his or her views. The budget is for informative and fiscal planning purposes and will not be approved, adopted or ratified by the Board of Supervisors on June 14, 2007.*

*By order of the Smyth County Board of Supervisors  
Edwin B.J. Whitmore, III, County Administrator*

**6-14-2007**

The reading of the rules was forgone due to the fact that there were no citizens present to speak.

Mrs. Neitch read an email submitted by Mr. Earl McClure to Mr. Mike Carter. She also read Mr. Carter's response to Mr. McClure.

The Board briefly discussed funds in the budget and funds removed from the proposed budget. Such as three water projects, Dix Well, Whitetop/Big Tree and Lucky Lane. Mr. Blevins, Mrs. Neitch, Mr. Slemp, and Mr. Dishner expressed their concerns and the need for these projects to remain in the budget. Mr. Simpson also aided in the water projects conversation.

Mr. Tate who had just returned from a S.W.I.F.A meeting stated that they would be requesting more funds in the upcoming year.

The Chairman closed the hearing at approximately 6:07 p.m.

---

**CLOSED SESSION**

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, at 6:24 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (5) for report on business prospect (s) not previously announced publicly and (7) for consultation with legal counsel on actual or probable litigation.

Vote:	5	yea
	2	absent (Roberts, Perry)

At 6:57 p.m. the Chairman ended the closed session.

---

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only



**6-14-2007**

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 (Roberts, Perry)

---

The Board briefly discussed the tax levies for the upcoming year, which the Budget Committee recommended they remain as is. The Board agreed to vote on those on Thursday, June 28, 2007 at 7:00 p.m. The fiscal year 2007-2008 general county budget will also be voted on at that time. Notice of the tax levies will be advertised in the Smyth County News and Messenger on Wednesday, June 20, 2007.

---

At 7:15 p.m., upon motion of Mrs. Neitch, seconded by Mr. Blevins, the Board continued the meeting until Thursday, June 28, 2007 at 7:00 p.m. to vote on the fiscal year 2007-2008 county budget, tax levies, 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, June 28, 2007, at 7:00 p.m.

<b>Board Members</b>	Mr. Charlie Clark, Chairman	Mr. Harold Slempp
<b>Present:</b>	Mrs. Darlene Neitch	Mr. Michael Roberts
	Mr. Wade Blevins	Mr. Marvin Perry
	Mr. Todd Dishner	

<b>Staff Members</b>	Mr. Charlie Atkins	Mr. Michael Carter
<b>Present:</b>	Mrs. Amber Johnson	Mr. John Tate
	Mr. Scott Simpson	Mrs. Sally Morgan

---

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

*WHEREAS, the drought conditions in the County of Smyth have severely affected farmers; and*

*WHEREAS, during the growing season of this year the County of Smyth has received considerably less rain than normal while experiencing a very late spring freeze on April 8, 9, and, 10 that devastated the fruit crop and damaged the hay crop; and*

*WHEREAS, the County of Smyth Food and Agriculture Council, made up of the Farm Service Agency, the Natural Resource Conservation Service, and Virginia Cooperative Extension had reported that almost one hundred percent of the farm land has been adversely affected within the County at an estimated loss of \$3,021,000; and*

*WHEREAS, it is incumbent upon the County of Smyth Board of Supervisors of the County of Smyth, Virginia, that the County Administrator is here by instructed to file with the Governor of Virginia a request that the County of Smyth be designated as drought disaster area.*

---

With the recommendation of the Damage Stamp Committee, the Board unanimously approved an appropriation of \$3,055.81 to pay the claims below (out of the Damage Stamp Expenses, Claims & Bounties #010-091050-5802) before the end of this fiscal year. This motion also appropriates \$914 out of the damage stamp fund to reimburse the general fund for the purchase of the damages stamps.

	<u>NAME</u>	<u>APPROVED</u>
1)	Bennie Cornett 4 stands of bees by bear	\$980.81
2)	Bennie Cornett 7 stands of bees by bear	\$1750
3)	Melvin Powell 7 stands of bees by bear	\$325
	<b>TOTAL:</b>	<b>\$3055.81</b>

---

With the recommendation of the Animal Control Committee, the Board unanimously appropriated \$1760 (out of the #Animal Control, Claims & Bounties #003-091060-5802) to pay the following claims before the end of this fiscal year.

**6-28-2007**

1)	Bryan Stokes	2 cattle	by dogs	\$800
			(code only allows up to \$400 each on cows)	
2)	Rachel Fortune	6 rabbits	unknown	\$60
			(extension office advised value)	
3)	Seth Heath	1 calf	by dogs	\$400
			(code only allows up to \$400 each on cows)	
4)	J.S. Staley	1 calf	by coyotes	\$150
			(extension office advised value)	
5)	J.S. Staley	1 calf	by coyotes	\$175
			(extension office advised value)	
6)	J.S. Staley	1 calf	by coyotes	\$175
			(extension office advised value)	
			<b>TOTAL</b>	<b>\$1760</b>

---

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved the accounts payable listing in the amount of \$447,957.76 (second billing).

---

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to implement the Assign-A-Highway program as suggested below by the Zoning Administrator. Funds are included in the fiscal year 2007-2008 budget adopted later in this meeting.

- The building/zoning department would be a logical department to implement and administer the program. Foundation for the program (an administrator, support staff, and inspectors in the field) is already in place.
- Mr. Williams felt the program should start small (around 25 probationers). Should the program grow, a new part-time or perhaps full time position may need to be added to handle the total number of probationers Smyth County typically produces (approximately 400).
- As far as a budget for the program, Mr. Williams recommended that for our additional responsibilities he receive an additional \$1,000/year as the administrator, the administrative assistants receive an additional \$550/year, the two inspectors receive an additional \$250/year and that Manuel Street receive an additional \$200/year for his role is creating the assigned road sections in ArcView. In addition to the personnel costs, he requested an additional \$200 for office supplies.

For \$3,000 per year, he felt that a small scale Assign-A-Highway program could run with existing staff. It could be revisited in the future if the need for additional staff arises, as the program progresses.

---

The Board considered a request from the Smyth Wythe Airport Commission to reduce the value of the 2003 Dodge Intrepid to \$741. This sum is the value of the highest bid received for the same type automobiles recently declared surplus property. The Board originally decided to decrease the Airport's budget request in the amount of the Kelly Blue Book value (\$2,200) of the vehicle.

6-28-2007

After discussion, upon motion of Mr. Roberts, seconded by Mrs. Neitch, and duly carried, the Board would deny their request and instead donate the 2003 Dodge Intrepid to the Airport Commission and approve the Commission's entire budget request in the amount of \$16,325.

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

---

The Board then began their discussions on the proposed fiscal year 2007-2008 budget.

They first considered a request from Smyth-Washington Regional Industrial Facilities Authority (SWIFA) that their budget be increased in the amount of \$200,000.

---

**CLOSED SESSION**

Upon motion of Mrs. Neitch, seconded by Mr. Roberts, and unanimously carried, at 7:38 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (5) for report on business prospect (s) not previously announced publicly.

Vote: 7	yea
0	nay

At 8:05 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

6-28-2007

Supervisors.

Vote: 7      yea  
0      nay

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved the SWIFA budget increase request in the amount of \$200,000. This increase will be incorporated into the IDA budget, Smyth-Washington Industrial Park (#001-081030-8888-2).

---

Further discussion followed concerning the proposed budget.

Upon motion of Mr. Blevins, seconded by Mr. Dishner, and duly carried the following water projects were added to the proposed budget which comes to a total of \$640,000.

- Dix Well #2
- White Top/Big Tree
- Lucky Lane
- Kent Street
- Exit 44, under I-81

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

---

Upon motion of Mr. Perry, seconded by Mr. Roberts, and unanimously carried, the Board adopted the fiscal year 2007-2008 budget with the above incorporated changes, totaling \$80,294,450.

During discussion Mrs. Neitch mentioned funding for the Smyth County Celebration.

---

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

**6-28-2007**

---

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board continued the next item of business, collection of delinquent taxes (old business), until the next regular meeting.

---

Mr. Atkins informed the Board that the relief for qualifying vehicles under the Personal Property Tax Relief Act (PPTRA) needs to be set for fiscal year 2007-2008.

---

Mr. Slemp thanked Mr. Perry and Mr. Clark for their work with SWIFA.

---

This meeting was adjourned by the Chairman at approximately 8:35 p.m.

---

C.C. Clark, Jr., Chairman





*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, July 10, 2007 at 12:00 noon.

<b>Board Members</b>	Mr. Charlie Clark	Mr. Harold Slempp
<b>Present:</b>	Mr. Wade Blevins	Mr. Michael Roberts
	Mrs. Darlene R. Neitch	
	Mr. Marvin Perry (left at 3:50 p.m.)	
	Mr. Todd Dishner (arrived at 12:30 p.m.)	

<b>Staff Members</b>	Mr. Ed Whitmore	Mr. Charlie Atkins
<b>Present:</b>	Mrs. Amber Johnson	Mr. John H. Tate, Jr.

Mr. Clark called the meeting to order at 12:00 noon.

Rev. Kevin Elswick led invocation and Amber Johnson led the pledge of allegiance.

Upon motion of Mrs. Neitch, seconded by Mr. Slempp, and unanimously carried, the agenda was adopted along with the additional agenda adding two items: \$5,000 appropriations request from the Celebration Committee and discuss setting the rate for the PPTRA for fiscal year 2007-2008.

Vote:	6	yea
	1	absent (Dishner)

Upon motion of Mr. Slempp, seconded by Mr. Blevins, and unanimously carried, the minutes of June 12, 14, and 28, 2007 were approved.

Vote:	6	yea
	1	absent (Dishner)

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

General County		\$1,379,000
Animal Control (office supplies)		\$177.20
Department of Social Services (July 11-31, 2007)		\$300,000
(August 1-14, 2007)		\$40,000
Schools	Operating Fund	\$2,200,000
	Textbook Fund	\$40,000
	Debt & Capital Outlay	\$900,000

Vote:	6	yea
	1	absent (Dishner)

Upon motion of Mr. Blevins, seconded by Mr. Slempp, and unanimously carried, the accounts payable listing in the amount of \$654,986.05 was approved.

Vote:	6	yea
	1	absent (Dishner)

---

## CITIZEN'S TIME

Shannon Simpson, 4-H Adult Volunteer Leader, appeared before the Board requesting assistance in sending the Smyth County 4-H Bits and Bridles Horse Club to the State 4-H Horse Show in Lexington this September.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board appropriated \$1,500 to contribute to the Smyth County 4-H Bits and Bridles Horse Club. This club will be traveling to Lexington in September to compete in the State 4-H Horse Show. Funds will be used for show fees, lodging, and transportation. Funds will be appropriated from the Contingency line #001-056000-5827.

Vote: 6	yea
1	absent (Dishner)

Eugene Brown explained to the Board a problem he has with a neighbor burning waste and trash on a daily basis. He has been to several agencies for help, such as the Sheriff's Department and Department of Environmental Quality. He is requesting that the Board consider a burning ordinance. This issue was referred to the Ordinance Committee.

Brenda Pennington inquired about the status of a neighbor's junkyard complaint that has been ongoing for four (4) years. Mr. Tate explained that he and Mr. Clegg Williams, Zoning Administrator are currently working on the Bobby Haga case. Mr. Roy Evans, Commonwealth Attorney, was also in the room and responded that his office is currently working on a case with the same individual.

Mr. Larry Armstrong of Brown's Subdivision appeared before the Board to request that they consider a county wide dog leash law. He explained the problems he has with dogs on his property. He has been bitten and the dogs go into his garden.

The Board stated that they receive requests for this law quite often. They explained that they would need public support to implement the law, which in the past has been lacking. The Board also informed Mr. Armstrong that the Ordinance Committee is currently exploring this issue.

Mr. Roy Evans, Commonwealth Attorney requested a budget amendment to allow for salary increases in his office.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board approved a budget amendment request for the Commonwealth Attorney, that \$11,834 be transferred from office supplies to the salary line. He intends to raise the salary of three employees in his office.

Vote: 7      yea  
0      nay

Mr. Hal Campbell spoke on behalf of the Dixie League baseball team requesting assistant for this year's team to travel to the state tournament.

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board appropriated \$2,000 to contribute to the Smyth County Dixie League Baseball Team. This team will be traveling to South Boston on July 13 to compete in the State tournament. Funds will be used for trip expenses, equipment, and uniforms. Funds will be appropriated from the Contingency line #001-056000-5827.

Vote: 7      yea  
0      nay

Mr. Charlie Atkins informed the Board that the winner of the Miss Mountain Empire pageant held here in Marion, which the Board donated funds to has won and is now Miss Virginia. She did acknowledge Smyth County in her speech.

---

## **NEW BUSINESS**

With the recommendation of the Water and Sewer Committee, the Board unanimously agreed to renew the final year of the three (3) year contract with Mr. Campbell for Water and Sewer legal services. This is for fiscal year 2007-2008. Mr. Campbell proposed that rates remain the same at \$85 per hour.

Vote: 7      yea  
0      nay

---

With the Water and Sewer Committee's recommendation, the Board unanimously adopted the two (2) resolutions below.

**RESOLUTION IN SUPPORT OF A  
DEPARTMENT OF HOUSING AND COMMUNITY  
DEVELOPMENT GRANT APPLICATION FOR THE  
SMYTH COUNTY CRUSENBERRY/PLEASANT HEIGHTS  
PLANNING GRANT**

***WHEREAS***, pursuant to a Board of Supervisors meeting held July 10, 2007 Smyth County wishes to apply for \$ 35,000 of Southern Rivers Watershed Enhancement Program Funds for planning purposes in the Crusenberry Hollow/ Pleasant Heights communities of Smyth County; and,

***WHEREAS**, Crusenberry Hollow, in the Town of Saltville and Pleasant Heights in Smyth County are adjacent communities and would constitute a regional project; and,*

***WHEREAS**, the project will greatly benefit the residents of the Town of Saltville and Smyth County and the surrounding service area that is predominately low-to-moderate-income.*

***NOW, THEREFORE BE IT RESOLVED**, that the County Administrator of Smyth County is hereby authorized to sign and to submit the appropriate documents for this Southern Rivers Watershed Enhancement Program application.*

**RESOLUTION IN SUPPORT OF A  
DEPARTMENT OF HOUSING AND COMMUNITY  
DEVELOPMENT GRANT APPLICATION FOR THE  
SMYTH COUNTY GROSECLOSE/EXIT 54 SEWER PROJECT**

***WHEREAS**, pursuant to a Board of Supervisors meeting held July 10, 2007 Smyth County wishes to apply for \$ 1,000,000 of Southern Rivers Watershed Enhancement Program Funds for the Smyth County Groseclose/Exit 54 Sewer Project; and,*

***WHEREAS**, total project is estimated at \$4,008,120 and funds are being applied for from the Economic Development Administration, Virginia Tobacco Commission, and Rural Development for the Smyth County Groseclose/Exit 54 Sewer Project; and,*

***WHEREAS**, it is projected that the Smyth County Groseclose/Exit 54 Sewer Project will include 24,000 linear feet of gravity sewage collection line and appurtenances to accommodate five additional businesses and industries as well as over 100 households in Smyth County. The project will greatly benefit the residents of Smyth County and the surrounding service area that is predominately low-to-moderate-income.*

***NOW, THEREFORE BE IT RESOLVED**, that the County Administrator of Smyth County is hereby authorized to sign and to submit the appropriate documents for this Southern Rivers Watershed Enhancement Program application.*

Vote: 7      yea  
         0      nay

**Note:** Mr. Roberts stated that he was an employee of the Town of Marion and could vote impartially.

The Regional Sewer Treatment Plant Inter-Municipal Agreement with the Town of Marion was considered in the Water and Sewer Committee. After discussion with the entire Board, the recommendation from the Water and Sewer Committee to approve the Regional Sewer Treatment Plant Inter-Municipal Agreement was unanimously approved. The County will pay half of the total cost of the Atkins and Hungry Mother sewer meters which comes to \$23,396.30. The Town will provide the monthly routine maintenance required.

Vote: 7      yea  
         0      nay

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board renewed the following engineering services agreements for the August 9,

2007 - August 9, 2008 term for the last year of the three (3) year agreement:

- Draper Aden
- Anderson & Associates
- Thompson & Litton
- Lane Engineering

Vote: 7      yea  
0      nay

---

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved the Fiscal Year 2008 Fire Programs Fund Disbursement Agreement. There is no change to the agreement from the past several years.

Vote: 7      yea  
0      nay

---

At the request of the Commissioner of Revenue and Mr. Tate, upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the following tax refund requests were continued:

- a) BB&T Leasing Corp. on two pieces of equipment assessed incorrectly for a total of \$415.60
- b) BB&T Leasing Corp. on a piece of equipment assessed incorrectly for a total of \$774.90

Vote: 7      yea  
0      nay

---

With the Budget Committee's recommendation, the Board duly approved the bid from Gentec Corp. in the amount of \$175,339. This generator purchase is for the 911 Center relocation to the Health Department. The County's portion for this generator is \$87,289. The committee recommends that these funds be paid from the 911 Center Relocation line (#001-070000-8888-55) which currently has \$250,000.

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

---

The Board unanimously approved the Budget Committee's recommendation to contribute \$100 to help support the Upper Tennessee River Roundtable Inc. This contribution was made last year and will be fund from the Board of Supervisors, Supplemental Appropriations (#001-011010-8888).

Vote: 7      yea  
0      nay

---

After brief discussion, the Board unanimously approved the Budget Committee's recommendation to contribute \$2,500 to the Marion Downtown Revitalization

Association for the Historic District survey, contingent upon the receiving of grant funds from the State.

Vote: 7      yea  
0      nay

---

Whitney Bonham, Student Intern distributed the latest Smyth County Economic Trends report that she had prepared. She also briefly explained her results.

---

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved the GIS Committee recommendation and adopted the fee schedule below for requested GIS layers. These fees are for a yearly basis and will be accessed with a password so companies making the request can download the electronic files.

Parcels	\$50.00
10' Contours	\$50.00
5' Contours	\$50.00
Road Centers	\$50.00
Buildings	\$50.00
*Other	\$25.00

Vote: 7      yea  
0      nay

---

Mr. Clark explained an appropriation request from The Celebration Committee for \$5,000 to begin working on next year's festivities. This request was continued until further information is obtained on what the funds will be used for.

---

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board set the relief for qualifying vehicles at 60% under the Personal Property Tax Relief Act (PPTRA) for fiscal year 2007-2008. Vehicles that qualify, value between \$1,000 and \$20,000. Those vehicles that value less than \$1,001 will receive 100% relief.

Vote: 6      yea  
1      absent (Perry)

---

Mr. Steve Buston of the Virginia Department of Transportation distributed the final approval Six Year Plan for fiscal year's 2007-2008 through 2012-2013. He explained funding for the projects on this list in further detail.

Mr. Buston introduced Rachel Brown, Permit Specialist. She updated the Board and answered questions on the Exit 47 project.

Mr. Robert Hurt returned maintenance concerns.

Mr. Tate thanked Mr. Buston for his part in the access road at the Smyth Washington Regional Industrial Facilities Authority's (S.W.I.F.A) Highlands Business

Park. VDOT has assumed the maintenance of the road at that park.

Mr. Buston addressed a memo from Mount Rogers Planning District Commission requesting a meeting to discuss long range transportation plans. Mr. Whitmore will meet with the MRPDC to relay the Board's concerns and comments.

---

Charlie Moser of the Adwolfe Fire Department was present to request the Board's support and acknowledgement so that they may move forward in the purchase of a new truck.

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board gave the County Administrator the authority to sign the appropriate documents once approved by legal counsel.

Vote: 7      yea  
0      nay

Mr. Slemp thanked Mr. Moser for his work with the Department and their work in the Community.

Later in the meeting Mr. Shannon Williams presented Mr. Tate with the appropriate documents showing that Adwolfe Fire Department had held the required public hearing for the borrowing of the funds. Mr. Tate approved the documents.

---

Mr. Charlie Harrington, Emergency Services Coordinator, was present to explain a memorandum of understanding required for the local share of the Homeland Security Grant, to the best of his knowledge.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved the Memorandum of Understanding which will make Smyth County eligible for funding from the Homeland Security Grant.

Vote: 7      yea  
0      nay

---

## **OLD BUSINESS**

1. Collection of delinquent taxes **(8-10-04)**.

---

Upon motion of Mr. Slemp, seconded by Mr. Perry, and duly carried, the Board directed the staff to notify the Smyth County News and Messenger to publish delinquent taxes in the Saturday, July 14, 2007 edition. The Board asked that both personal property (2 full pages) and real estate (1 full page) be published in the same edition. The Board also requested staff to add an "as of" date to the list.

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

- 
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)**
  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. VDH - County partnership for generator **(3-13-2007)**.

---

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board removed item #8 from old business.

Vote: 7      yea  
0      nay

- 
9. Wings Air Rescue request for letter of endorsement to operate within the County **(5-8-2007)**.

---

Ms. Stacey O'Quinn, Community and Government Relations Manager of Mountain States Health Alliance was present on behalf of Wings Air Rescue. She explained to the Board how they are organized. She also presented the appropriate information stating their operating name and license to operate in Virginia.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby recognizes and endorses Wings Air Rescue of Mountain States Health Alliance. Wings Air Rescue will soon provide service to this area and community. The Board gives its approval to this service under section 15.2-955 of the Code of Virginia.

The Board of Supervisors extends its welcome to this new rescue service which will operate from the Smyth County Community Hospital.

Vote: 6      yea  
1      absent (Perry)

- 
10. Request the Board appropriate \$15,120 to pay Wythe County their portion of taxes collected on air craft at the Smyth Wythe Airport for 2006 **(6-12-2007)**.



---

**CLOSED SESSION**

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, at 3:57 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A)

- (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
- (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Vote: 6      yea  
1      absent (Perry)

At 4:25 p.m. the Chairman ended the closed session.

---

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

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

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

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

Vote: 6      yea  
1      absent (Perry)

---

**MEETING CONTINUED**

At approximately 4:26 p.m., upon motion of Mr. Slemph, seconded by Mrs. Neitch, and unanimously carried, the meeting was continued until Thursday, July 26, 2007 at 7:00 p.m. The Board gave the Chairman the authority to cancel the continued meeting if it is not needed.

Vote:	6	yea
	1	absent (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, July 26, 2007, at 7:00 p.m.

<b>Board Members</b>	Mr. Charlie Clark, Chairman	Mr. Harold Slempp
<b>Present:</b>	Mrs. Darlene Neitch	Mr. Michael Roberts
	Mr. Wade Blevins	Mr. Marvin Perry
	Mr. Todd Dishner	

<b>Staff Members</b>	Mr. Charlie Atkins	Mr. Michael Carter
<b>Present:</b>	Mrs. Amber Johnson	Mr. John Tate
	Mr. Scott Simpson	Mr. Ed Whitmore

---

Mr. Clark first updated the Board on project Main Stream and its status.

---

The Board discussed a request from the Smyth County Tourism Association for the County to act as their agent for pay/benefits package.

After discussion, upon motion of Mr. Slempp, seconded by Mr. Dishner, and duly carried the Board would agree to their request. With the County being the agent for the Tourism Association's pay/benefits package, they are eligible for state retirement. The Tourism Association will reimburse the County for all costs associated with preparations of benefits and payroll each month.

Vote: 6	yea (Roberts, Dishner, Slempp, Clark, Neitch, Perry)
1	nay (Blevins)

---

**Note:** Mr. Roberts stated that he was an employee of the Town of Marion and could vote impartially.

Upon motion of Mr. Slempp, seconded by Mr. Perry, and unanimously carried, the Board appropriated \$23,396.30 for the Regional Sewer Treatment Plant Inter-Municipal Agreement with the Town of Marion. This is half of the total cost of the Atkins and Hungry Mother sewer meters. These funds will be appropriated from the Water and Sewer - Replacement Meters & Old Lines, #501-085010-5413.

---

## **CLOSED SESSION**

Upon motion of Mr. Perry, seconded by Mr. Slempp, and unanimously carried, at 7:29 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A)

- (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

7-26-2007

- (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Vote: 7      yea  
0      nay

At 8:33 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

---

After hearing each member's opinion and discussion, Mr. Dishner motioned to agree to the letter from the Commonwealth of Virginia dated July 18, 2007. This letter accepts Option 2, which includes repairs, renovating and expanding the court facilities for all the current occupants of the courthouse. With this option, the County would provide 234 off street parking spaces for court facilities and commit to using its best efforts to obtain 50 more off street parking spaces. Mrs. Neitch seconded the motion and the motion failed with the vote below.

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

**7-26-2007**

---

This meeting was adjourned by the Chairman at approximately 9:00 p.m.

---

C.C. Clark, Jr., Chairman



*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, August 14, 2007 at 12:00 noon.

**Board Members**

**Present:** Mr. Charlie Clark Mr. Harold Slemple  
Mr. Wade Blevins Mr. Michael Roberts  
Mrs. Darlene R. Neitch  
Mr. Marvin Perry (left at 3:50 p.m.)  
Mr. Todd Dishner (arrived at 12:15 p.m.)

**Staff Members**

**Present:** Mr. Ed Whitmore Mr. Charlie Atkins  
Mrs. Amber Johnson Mr. John H. Tate, Jr.  
Mr. Michael Carter

Mr. Clark called the meeting to order at 12:00 noon.

Mr. Harold Slemple led invocation and Whitney Bonham led the pledge of allegiance.

Mr. Clark acknowledged Miss Bonham and thanked her for her summer internship. She will be returning to college on Wednesday.

\_\_\_\_\_  
Upon motion of Mr. Blevins, seconded by Mr. Slemple, and unanimously carried, the agenda was adopted along with the additional agenda.

Vote: 6 yea  
1 absent (Dishner)

\_\_\_\_\_  
Upon motion of Mr. Blevins, seconded by Mr. Slemple, and unanimously carried, the minutes of July 10, and 26, 2007 were approved.

Vote: 6 yea  
1 absent (Dishner)

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

General County	\$2,100,000
Animal Control (office supplies)	\$150.16
Damage Stamp	\$940.20
Department of Social Services (August 15-31, 2007)	\$340,000
(September 1-11, 2007)	\$75,000
Schools Operating Fund	\$2,500,000

Vote: 6 yea  
1 absent (Dishner)



8-14-2007

---

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the accounts payable listing in the amount of \$1,683,398.92 was approved.

Vote: 6      yea  
1      absent (Dishner)

---

#### **CITIZEN'S TIME**

There were no citizen's present for citizen's time.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, BE IT RESOLVED that the Board of Supervisors hereby recognizes Friday, August 31, 2007 as the Eighth Annual *Hokie Pride Day*. The purpose of this annual event is to promote pride and enthusiasm for Virginia Tech and its athletic programs. The Board hopes this area will show support by wearing Hokie colors in light of the April 16, 2007 tragedy.

Vote: 6      yea  
1      absent (Dishner)

Mr. Clark recognized those who volunteered in the concession stand at the Rich Valley Fair representing the County Administration Office, Mike Carter, Clegg Williams, Becca Kirk, Amber Johnson, Heather Gillespie, and Scott Simpson.

---

#### **NEW BUSINESS**

With the recommendation of the Water and Sewer Committee, the Board unanimously approved the Deed of Exchange for the Doane Hollow Road tank site. The deed was prepared by Mr. Campbell and money will not be exchanged with the agreement.

Vote: 6      yea  
1      absent (Dishner)

---

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved the Vance Drive, Arden Lane, Water Construction Contracts in the amount of \$333,875.

Vote: 6      yea  
1      absent (Dishner)

---

Mr. Dishner arrived at this time.

---

Mrs. Sally Morgan briefly reviewed the 2007 Local Government Survey from Mount Rogers Planning District Commission. Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board approved the following survey response:

## ***2007 Mount Rogers Regional Planning Local Government Survey***

1. Locality: Smyth County
2. Name & Title: Sally Morgan, Economic/Community Development Director
3. Phone & Email: 276-783-7000, Ext. 206 smorgan@smythcounty.org
4. Please list and prioritize the top three proposed projects in your jurisdiction:

Project Name	Rank	Total Cost	Status	Anticipated Impact
Groseclose Sewer Project	1	\$4 million	Design completed. Funding applications submitted	Increased tax base and jobs. Will allow existing businesses to expand, and closed businesses to reopen.
Hutton Branch Phase II Water Project	2	\$1.6 million	Currently under design	New water source for Atkins area system (residential, commercial and industrial)
North Fork Water Treatment Plant	3	\$3 million	PER underway	New water source for northwestern Smyth County, including Saltville, and Tannersville (Tazewell Co.)

5. Please list and prioritize the top three strengths in your jurisdiction:
  - a. Strong, viable employment base (manufacturing, health care, education)
  - b. Transportation accessibility (Interstate, rail, airport)
  - c. Local and regional workforce training initiatives
6. Please list and prioritize the top three needs in your jurisdiction:
  - a. Increase in personal and household income
  - b. Increase in housing development
  - c. Increase in tax base from commercial development
7. Over the next five years, what can MRPDC do to better assist your jurisdiction?
  - a. Re-institute the quarterly Economic Trends analysis
  - b. Sponsor training for local government officials
  - c. Continue assistance with grant applications and grant management
  - d. Provide legislative alerts during General Assembly session
  - e. Assist with 2010 Census preparation
  - f. Continue working relationship regarding sharing of GIS resources and providing data and technical assistance, as necessary

Vote: 7      yea  
0      nay

---

Mrs. Morgan updated the Board on the National Association of Counties Conference. She and Barbara DeBord hosted a bus trip from Richmond to Jamestown to enlighten the passengers about Smyth County. She gave the Board the "Smyth County" marketing and advertising supplies that were given out on the bus. She also showed the DVD's that were shown on the bus ride.

8-14-2007

---

By letter, Sheriff Bradley explained that Bland County Sheriff's Department is interested in the bookmobile vehicle, which is no longer used by the Smyth County Sheriff's Department. After discussion, the Board agreed they cannot legally donate the vehicle to the Bland County Sheriff's Department. However, they can donate it to Bland County.

Once an official request has been received from Bland County, with the motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board agreed to donate the bookmobile vehicle to Bland County. Once the vehicle is in their possession they may transfer it to their Sheriff's Department who is interested in the vehicle.

Vote: 7      yea  
0      nay

---

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board donated a 1997 Dodge Van to the Sheriff's Department. This van will be used for transportation of trustees from the Regional Jail. This vehicle has just been deemed surplus property by the Department of Social Services Board and transferred into the Board's possession.

Vote: 7      yea  
0      nay

---

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried the Board approved the fiscal year 2008 Four-for-Life funds. Disbursement is as follows (when the funds are received):

Sugar Grove Life Saving Crew	\$6,433.90
Marion Life Saving Crew	\$6,433.89
Chilhowie Fire Dept./EMS	\$6,433.89
Saltville Life Saving Crew	\$6,433.89

Vote: 7      yea  
0      nay

---

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved a festival permit for the Davis Valley Winery for an event to be held on Saturday, September 15, 2007.

Vote: 7      yea  
0      nay

8-14-2007

---

Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously carried, the Board approved a festival application for the Konnarock Community Association. Festival will be held on Sunday, September 16, 2007.

Vote: 7      yea  
0      nay

---

Mr. Tate informed the Board that he had been contacted by legal counsel for Mountain States Health Alliance and Smyth County Community Hospital. They are interested in potentially utilizing the Smyth County IDA for a bond issue which would include financing other locations outside of the county. There would be no cost to the County or the IDA. Stacey O'Quinn, Community and Government Relations Manager of Mountain States Health Alliance was present to clarify any questions. This issue will be discussed in further detail in the near future.

---

Mrs. Morgan reminded the Board of the United Salt ground breaking ceremony to be held in Saltville on Wednesday, August 15.

---

Mr. Tate also discussed and informed the Board of changes to the Tobacco Commission Grants. He brought the following new paragraph to the Board's attention that the Commission has added to the new grants:

**5. In the event of default by the Company under the terms of this agreement, the County hereby assumes liability for repayment to the Commission of that portion of the Grant determined by the Commission to be due under the terms of paragraph 4 above. Such liability of the County shall not be contingent upon successful collection of any amount from the Company.**

The Board decided to discuss this issue at a later time after talking further with the Commission and legislators before making a decision on how to handle the change.

---

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board appropriated \$150,000 from the IDA's Incentive Fund (001-081030-8888-1) in order to disburse Governor's Opportunity Funds and Tobacco Commission Funds to Wellborn Cabinet.

Vote: 7      yea  
0      nay

---

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board scheduled a public hearing for the school board's request for fiscal year 2006-2007 remaining funds in the amount of \$1,495,000. This public hearing is scheduled for the next regular meet on Tuesday, September 11, 2007 at 2:30 p.m.

8-14-2007

Vote: 7      yea  
0      nay

---

Mr. Tate updated the Board on the Ernest Sullins v. Board of Supervisors case. The judge granted a re-hearing in Bristol, on Wednesday, August 8. He reduced the assessment of the property of Mr. and Mrs. Sullins (the old Pepsi Cola bottling property) to either \$785,000 or \$760,000. He explained that there was an issue on what the actual assessment was and the date. In the end, the judge made it effective January 1, 2006.

---

Mr. Tate also informed the Board that the injunction in the Board of Supervisors v. Bobby Haga and Bernita Haga (942 Pierce Road) has been filed. The Haga's are being charged for failing to comply with the Zoning Ordinance. A hearing is set for Tuesday, September 11 at 9:30 a.m.

---

Mr. Clark brought an invoice from the Town of Marion to the Board's attention. The Town of Marion has refinanced the Virginia Resource Authority (VRA) bond on the Regional Sewer Treatment Plant. The County is a 17.65% participant of this bond and was not aware of the refinancing, therefore did not agree. The Board decided to continue this issue until legal counsel can work out details with the Town so the County can continue to operate under the old bond requirement until the county's portion is paid in full.

---

The clerk made the Board aware of the upcoming Teacher of the year banquet and took a count of who would be attending to report to the school board.

---

Steve Buston, of the Virginia Department of Transportation introduced Thelma Philips of the Richmond Learning Center who is currently touring the area.

Mr. Buston then distributed a list of secondary roads that can be considered for secondary projects. These roads are eligible for federal funds and some can be added when the Six-Year Plan is revised this coming fall.

Mr. Buston then introduced Chris Blevins, who works out of the bridge office in Bristol. In light of the recent bridge collapse in Minnesota, Mr. Buston felt it important that Mr. Blevins address the bridges in Smyth County. Mr. Blevins informed the Board that all bridges in the county are structurally sound and are inspected in a regular basis. Mr. Blevins answered questions and concerns from the Board.

8-14-2007

Mr. Hurt returned a maintenance concern to Mr. Wade Blevins. He also reported that the Tattle Branch Road Project is approximately 90% complete. This project will allow industries in the Deer Valley Industrial Park in Chilhowie to use an alternate route to exit the park in the event of a flood.

---

Whitney Bonham, Student Intern, presented her financial analysis of the Water and Sewer Department. The purpose of the study was to provide an overview of the County's current water and sewer services physical operation. Miss Bonham did a system by system analysis. She also provided a comparison between current systems to the project's design in the Preliminary Engineering Report (PER).

The report addressed and identified the following six primary issues for each water and sewer system:

1. Number of customers
2. Total annual operation and maintenance costs
3. Total annual debt service payments attributable
4. Average annual revenue
5. Average annual total expense
6. Average annual projected deficit

In summary, Miss Bonham explained that the County experiences an average annual deficit of \$524,071 in providing water and sewer services.

In closing, she answered questions from the Board and staff on her water and sewer study.

Miss Bonham thanked the Board for the opportunity to work with Smyth County. Mrs. Morgan thanked Miss Bonham for her summer internship. She will be returning to college on Wednesday.

---

At the request of Lavonda Carson, Virginia Department of Health Environmental Health Specialist, the following motion was made:

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board appropriated \$456.48 from the Animal Control fund advertising fund (#003-091060-5401). Funds will be used for the advertisements of the dog and cat vaccination clinics to be held by the Virginia Department of Health, throughout the county.

Saltville Progress (run twice)	\$45 per week	\$90
Smyth County News (run twice)	\$138.24 per week	\$276.48
Trade Times (run twice)	<u>\$45 per week</u>	<u>\$90</u>
	<b>TOTAL</b>	<b>\$456.48</b>

8-14-2007

Vote: 7      yea  
0      nay

---

**OLD BUSINESS**

1. Collection of delinquent taxes (**8-10-04**).
2. Marevine Slemper, 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**)
4. Re-codifying of the Smyth County Code (**1-10-2006**). *Mr. Tate stated that this project is current in progress.*
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. Request the Board appropriate \$15,120 to pay Wythe County their portion of taxes collected on aircraft at the Smyth Wythe Airport for 2006 (**6-12-2007**).
9. Request the Board consider the following tax refund requests (**7-10-2007**):
  - a) BB&T Leasing Corp. on two pieces of equipment assessed incorrectly for a total of \$415.60.
  - b) BB&T Leasing Corp. on a piece of equipment assessed incorrectly for a total of \$774.90.

*Mr. Tate stated that these tax requests are currently under further review by the Commissioner.*
10. Appropriation request in the amount of \$5,000 from the Smyth County Celebration (**7-10-2007**).

---

**CLOSED SESSION**

*Note: Mr. Dishner returned during closed session; Mr. Perry left the meeting during closed session.*

Upon motion of Mr. Perry, seconded by Mr. Slemper, and unanimously carried, at 3:14 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A)

- (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

8-14-2007

- (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
- (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Vote: 6      yea  
1      absent (Dishner)

At 3:54 p.m. the Chairman ended the closed session.

---

Upon motion of Mr. Roberts, 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 (Perry)

---

Upon motion of Mr. Roberts (being on the prevailing side of the prior vote below), seconded by Mr. Dishner, the Board reconsidered the motion made at the meeting on July 26 (\*see below).

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



8-14-2007

*\*(below is the excerpt of minutes from July 26 meeting)*

*After hearing each member's opinion and discussion, Mr. Dishner motioned to agree to the letter from the Commonwealth of Virginia dated July 18, 2007. This letter accepts Option 2, which includes repairs, renovating and expanding the court facilities for all the current occupants of the courthouse. With this option, the County would provide 234 off street parking spaces for court facilities and commit to using its best efforts to obtain 50 more off street parking spaces. Mrs. Neitch seconded the motion and the motion failed with the vote below.*

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

---

Mr. Dishner motioned to agree to the letter from the Commonwealth of Virginia dated July 18, 2007. This letter accepts Option 2, which includes repairs, renovating and expanding the court facilities for all the current occupants of the courthouse. With this option, the County would provide 234 off street parking spaces for court facilities and commit to using its best efforts to obtain 50 more off street parking spaces. Mrs. Neitch seconded the motion and the motion failed with the vote below.

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

---

Mr. Slemp motioned to execute the \$1,000 option/agreement on the former Shanklin Dairy property which is in conjunction with the courthouse renovation. This motion failed due to the lack of a second.

It was brought to the Board's attention that this motion, to authorize the staff and Courthouse Committee to obtain land options of up to \$10,000 on property, had already been made and passed at the May 8, 2007 meeting.

---

The Clerk was instructed to contact the tenants, in writing, of the old school building on Strother Street that the building would be needed in the courthouse renovation.

---

## **MEETING CONTINUED**

At approximately 4:08 p.m., upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the meeting was continued until Thursday, August 23, 2007 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 (Perry absent, Mr. Roberts out of the room)





**Virginia:** At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, August 23, 2007, at 7:00 p.m.

**Board Members**

**Present:** Mr. Charlie Clark, Chairman Mr. Marvin Perry  
Mrs. Darlene Neitch Mr. Harold Slemph  
Mr. Wade Blevins  
Mr. Todd Dishner (*arrived at 7:30 pm*)

**Board Members**

**Absent:** Mr. Michael Roberts

**Staff Members**

**Present:** Mr. Clegg Williams Mr. Ed Whitmore  
Mrs. Amber Johnson Mr. John Tate  
Mr. Mike Carter Mrs. Becca Kirk

**Planning Commission**

**Members Present:** Mr. Dennis Blevins, Chairman Mr. Norman Sparks  
Mr. Graham Davidson Mr. Karl Kalber

**Planning Commission**

**Members Absent:** Ms. Amy Tuell Mr. Wayne Venable  
Mr. Don Medley

---

At 7:00 p.m. the Chairman of the Board of Supervisors and Chairman of the Planning Commission called the joint public hearing to order.

Mr. Whitmore read the advertisement as ran in the Smyth County News and Messenger on August 11 & 18. Mr. Whitmore also read the rules for public hearings. There were approximately 10 citizens present.

**BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS AND  
SMYTH COUNTY PLANNING COMMISSION**

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, August 23, 2007, at 7:00 P.M. or as soon after 7:00 P.M. as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following applications to the Zoning Ordinance of Smyth County, Virginia:

An application from Mountain City Lumber for a Special Use Permit to establish a *wholesale distribution and sales* business on a tract of land owned by Raymond and Susan Hall. The property is located across from 1123 Highway 16 in Marion, is zoned Commercial, and is identified by Tax Map Nos. 57-A-68, 57-A-69A and 57-A-69B.

An application from Premier Rentals LLC for an amendment to the zoning map to rezone approximately 5 acres from Agricultural/Rural to Residential for a proposed subdivision. The property is located on the north side of Napoleon Street in Marion and is identified by Tax Map No. 45-A-115C.

At this public hearing, subject to the rules of procedure of the Board of Supervisors and Planning Commission of Smyth County, Virginia, any person may appear and state his/her views thereon.

**8-23-2007**

These files are at the Offices of the County Administrator and County Zoning Administrator at the address given above, and may be viewed during regular business hours Monday through Friday.

Done by order of the Board of Supervisors and the Planning Commission.  
Edwin B.J. Whitmore III, County Administrator  
Dennis Blevins, Chairman of the Planning Commission

Mr. Clegg Williams, Zoning Administrator, summarized the first application he received on August 1, from Mountain City Lumber Company for a Special Use Permit. Mountain City Lumber is negotiating to lease property owned by Raymond & Susan Hall. The property is located across from 1123 Highway 16, identified by Tax Map numbers 57-A-69A, 57-A-68, and 57-A-69A. The property is zoned commercial and Mountain City Lumber Company is interested in locating a wholesale distribution & sale log business on the property. Mountain City Lumber submitted the required application, affidavit, owner consent form, plat, and paid the required fee for the application.

Mr. Williams also sent letters to all adjoining property owners. He stated that no one had contacted him regarding this application. He also pointed out the following sections of the ordinance: Section 3-4.2 (f), which allows a wholesale distribution and sales business in the commercial district by issuance of a special use permit and Article VI which covers the requirements that must be met before a special use permit may be approved.

Mr. Dennett Dwyer was present to speak and answer any questions on behalf of Mountain City Lumber. He informed the Board and Commission that Mountain City Lumber has been issued two highway entrance permits for two commercial entrances by Rachel Brown with VDOT. The Board and Commission expressed their concerns for safety.

Mr. Williams then summarized the second application he received for a proposed map amendment from Robert Wilson and Richard Bolling of Premier Rentals on July 24. Premier Rental is currently negotiating with a developer who is interested in the property for a residential subdivision. The property is located at the end of Napoleon Street and is identified by tax map #45-A-115C. This property is currently zoned Agricultural/Rural. With their application, Premier submitted the required application, affidavit, deed, plat, and paid the required fee.

8-23-2007

Mr. Williams stated that he sent letters to all of the adjoining property owners. He also mentioned that he had taken general comments on this application but none requested that he convey those before the Board and Commission. Mr. Williams pointed out the following sections of the ordinance: Section 3-2.3 b) which requires a subdivision of land in the A/R district to be rezoned to Residential, Section 3-3 (the district regulations that would apply if the property is rezoned), and Article IX which covers Amendments to the Ordinance.

Mr. Wilson was present to speak and answer any questions. He explained that he and Mr. Richard Bolling were negotiating with a developer to sell the property owned by Premier Rentals.

Ms. Tami Taylor and Mr. Ed Blair were present with general questions regarding the water and road. They were concerned about who would be responsible for the costs of developing the road to state standards and the cost of new water lines. Their concerns were addressed by Mr. Bolling by stating that the developer would be solely responsible for any costs.

The hearing was closed at approximately 7:50 p.m.

---

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board approved a festival permit application from the Adwolfe Volunteer Fire Department, contingent upon the receipt of an approval letter from the Virginia Department of Health. The festival will be held Friday, September 7, through Sunday, September 9, 2007.

Vote: 6	yea
1	absent (Roberts)

---

The following items were on the agenda as information and reminders:

- Virginia Association of Counties Conference will be held Sunday, November 11 - Tuesday, November 13. Those interested in attending should notify Amber by the next regular Board meeting on Tuesday, September 11 so rooms can be secured (see attachment).
- The next Quarterly Dinner Meeting will be hosted by the Town of Saltville on Monday, September 24, 2007 at 6:30 p.m. at the Blue Willow Café (see attachment).
- Mount Rogers Community Mental Health & Mental Retardation Services Board packet for August 27, 2007 is available in the office for any one interested.

---

The chairman adjourned the meeting at approximately 7:51 p.m.



**Virginia:** The regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, September 11, 2007 at 12:00 noon.

**Board Members Present:** Mr. Charlie Clark Mr. Harold Slemple  
Mr. Wade Blevins Mr. Michael Roberts  
Mrs. Darlene R. Neitch Mr. Marvin Perry  
Mr. Todd Dishner (arrived at approximately 2:00 p.m.)

**Staff Members Present:** Mr. Ed Whitmore Mr. Charlie Atkins  
Mr. Mike Carter Mr. John H. Tate, Jr.  
Mrs. Becca Kirk

Mr. Clark called the meeting to order at approximately 12:03 p.m.

Mr. Denton Staley led invocation and Charlie Atkins led the pledge of allegiance.

---

With a consensus of the Board, the agenda was adopted along with the additional agenda. The Chairman also added the following two items: Joe Ellis and Bill Huber to speak later in the meeting on the old school house building also an IDA appropriation for TEDS, Inc.

---

Upon motion of Mr. Blevins, seconded by Mr. Slemple, and unanimously carried, the minutes of August 14, and 23, 2007 were approved.

Vote: 6 yea  
1 absent (Dishner)

---

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

General County	\$1,320,000
Department of Social Services (September 12-30, 2007)	\$300,000
(October 1-9, 2007)	\$70,000
Schools Operating Fund	\$4,200,000
Textbook Fund	\$10,000
Debt & Capital Outlay Fund	\$10,000

Vote: 6 yea  
1 absent (Dishner)

---

Upon motion of Mr. Blevins, seconded by Mr. Slemple, and unanimously carried, the accounts payable listing in the amount of \$663,835.26 was approved. This accounts payable includes a payment to Closed Networks, Fredrick G. Griffin Engineering for the radio system project in the amount of \$5,400.

Vote: 6 yea  
1 absent (Dishner)



---

**CITIZEN'S TIME**

Doris Smith, of the Smyth County Extension Homemakers invited the Board to the annual brunch to be held on Tuesday, October 9 at 10:30 a.m. in the Smyth County Extension Office conference room (of the Morrison Building).

Earl McClure expressed his concerns with the old school house on Strother Street. He also expressed his concerns for the citizens poverty level in the county.

Tom Hower also spoke in reference to the old school building. He stated that the building offers character and is worth preserving. He explained that it could add to the already prospering downtown Marion. Mr. Hower stated that he is aware of a group interested in the building other than the historical society. He asked that the Board not make a hasty decision and, and that they work with the community for the best interest of the citizens.

---

**NEW BUSINESS**

The Chairman asked that any Board member attending the Virginia Association of Counties Conference to be held Sunday, November 11 - Tuesday, November 13 let the staff know as soon as possible.

---

Upon motion of Mrs. Neitch, 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 Friday, September 21, 2007. Cost for each full time employee routine service is \$30.

Vote: 6	yea
1	absent (Dishner)

---

Mr. Carter explained a request on behalf of Mr. Shannon Williams, 911 Coordinator. He requests that the Board approve the Sugar Grove AEP contract for the radio system. This contract needs to be approved so that it can be included in the bid documents. The budget committee hoped to go out for bids for the radio system in November. After discussion, Mr. Tate asked that this request be continued so that Mr. Williams can be present for the discussion.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board referred this issue to the Budget Committee for them to meet prior to the

9-11-2007

continued meeting on Thursday, September 27, when this issue will be discussed again.

Vote: 6      yea  
1      absent (Dishner)

---

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved a DMV Highway Safety Grant for the Sheriff's Department in the amount of \$38,850/Federal funds and \$7,770/Local funds. This grant period is from October 1, 2007 - September 30, 2008 (project # K8-2008-58131-3070). Mr. Kenny Lewis, Chief Deputy stated that the local match would come from in-kind funds such as fuel, court time, etc.

Vote: 6      yea  
1      absent (Dishner)

---

Mrs. Sally Morgan briefly explained the Enterprise Zone Local Incentives, the administrative process, and the proposed changes to the County Code pertaining to this issue. Mrs. Morgan requested that this issue be referred to the Economic Development Committee so that it may be researched and discussed in more detail and return with a recommendation to the Board at a later date.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried, the Board referred this issue to the Economic Development committee made up of Mr. Blevins, Mr. Perry and Mr. Clark.

Vote: 6      yea  
1      absent (Dishner)

---

With the recommendation of the Water and Sewer Committee, the Board unanimously approved a proposal from Draper Aden for a water rate study. This study will be conducted under the current term contract with Draper Aden in the amount of \$24,400. Mr. Simpson stated that with the Board's approval they will began immediately and he asked that it be funded from the Board's Supplemental Appropriations.

Vote: 6      yea  
1      absent (Dishner)

---

Mr. Slemp inquired about the water supply throughout the county due to the drought. Mr. Simpson stated that the supply is good and water has been re-routed in some areas to alleviate the situation.

Mr. Slemp also asked if Sheridan Ridge is being informed on their water and sewer availability and if their presence would help in grants for sewer in the Atkins area.

9-11-2007

Mr. Slemp also stated that he has been in contact with Delegate Carrico on the fire hydrant requirements with the health departments.

Mr. Roberts reminded the Board of the unresolved issue with the Millers on the Allison Gap Sewer Project.

Mr. Simpson informed the Board that Vance Drive, Paradise Drive and Redstone Road are complete and those customers will have water in the very near future.

---

Mr. Tate briefly informed the Board on the bond inquiry from Mountain States Health Alliance. He has been in contact with their attorney who is currently seeking consent from the City of Norton. They will be before the IDA in the near future.

Mr. Tate explained to the Board that there was a clerical error in the judgment on the Ernie Sullins case. Law provides that the judge can change such errors. Mr. Tate stated that a new corrected order is in process

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board appropriated \$155,081.52 from a Tobacco Commission grant out of the IDA Incentive Fund (001-081030-8888-1) in order to reimburse TEDS, Inc. for eligible expenses from the Tobacco Commission grant funds.

Vote: 6	yea
1	absent (Dishner)

---

Mr. Dishner arrived at this time.

---

Steve Buston of the Virginia Department of Transportation distributed a map of roads that will be eligible for federal funds in this year's Six-Year Plan. Unpaved roads will be added to the list after the public hearing. The Board scheduled the public hearing on the Six-Year Plan for the regular meeting on Wednesday, November 14 at 7:00 p.m.

Rachel Brown of VDOT also informed the Board the grading and construction is proceeding at the Hardee's site in Chilhowie.

Mr. Steve Hill of Atkins spoke before the Board and the VDOT representatives and explained a problem with speeding at exit 50, Nicks Creek Road and Highway 11. With the industrial park there is a lot of congestion in that area at one time.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby authorizes the

9-11-2007

Department of Transportation to conduct a traffic study at the Exit 50 interchange area in Atkins (Nicks Creek Road and Highway 11).

Vote: 7      yea  
0      nay

---

Upon motion of Mr. Perry, seconded by Mr. Dishner, and duly carried, the Board denied the recommendation from the Planning Commission to approve an application submitted by Mountain City Lumber for a Special Use Permit. The Planning Commission placed a condition on the permit if approved by the Board, that an 8 foot chain link fence be placed along Market Street and any other portion of the property to restrict access for safety measures and that the entrances be secured by gates at nighttime and during non-operational hours. The property is located across from 1123 Highway 16 in Marion. It is zoned Commercial and is identified as Tax Map Nos. 57-A-69A, 57-A-68, and 57-A-69A.

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

**Note:** Mr. Slemp stated that he is a realtor in Smyth County and could vote in a fair and impartial manner, however he has no interests in the following property.

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board approved a recommendation from the Planning Commission on the request of Robert Wilson and Richard Bolling on behalf of Premier Rentals for an amendment to the zoning map. The amendment is located on Napoleon Street and is approximately 5 acres. It is currently zoned Agricultural/Rural and is recommended it to be rezoned to Residential. The property is identified as Tax Map No. 45-A-115C.

Vote: 7      yea  
0      nay

---

Mr. Clegg Williams updated the Board on the Bobby Haga case. Mr. Williams and Mr. Tate went to court on this case earlier on the 11th and a temporary injunction was issued barring Mr. Haga from his junkyard activity. A November court date was scheduled.

---

The Board then proceeded with a public hearing. Mr. Whitmore read the notice below as ran in the Smyth County News and Messenger. There were no citizen's present to speak.

9-11-2007

**NOTICE OF PUBLIC HEARING  
ON AMENDING THE SMYTH COUNTY SCHOOL BUDGET  
FOR THE FISCAL YEAR  
July 1, 2007 thru June 30, 2008  
On September 11, 2007 at 2:30 p.m.**

Pursuant to section 15.2-2507 of the Code of Virginia, the Smyth County Board of Supervisors will conduct a public hearing on September 11, 2007 at 2:30 P.M., in the Board of Supervisors meeting room at 121 Bagley Circle, Smyth County Office Building.

At the above mentioned day, time and place any citizen may appear and express their opinion(s).

The purpose of the hearing will be to receive public comment on proposed amendments to the School Board budget and the Smyth County budget for fiscal year 2007-2008. The amendments relate to the Smyth County Schools operating fund only and involve remaining funds from 2006-2007. A full copy of the current budget is at the Smyth County Board of Supervisors Office, 121 Bagley Circle, Suite 300. It may be viewed during regular business hours, Monday through Friday. A synopsis of the proposed budget amendments are as follows:

Smyth County, Virginia Proposed School Board Budget For the Year Ending June 30, 2008 Summary of All Operations Budget Revenues			
	2007-2008 Original	2007-2008 Proposed	Difference
School Operating Fund			
State Funds	\$29,675,096.00	\$29,675,096.00	\$0.00
Federal Funds	\$6,280,939.00	\$6,280,939.00	\$0.00
County Funds	\$9,218,942.00	\$10,713,942.00	\$1,495,000.00
Sales Tax	\$4,352,358.00	\$4,352,358.00	\$0.00
Other Funds	\$389,232.00	\$389,232.00	\$0.00
<b>Total School Operating Fund</b>	<b>\$49,916,567.00</b>	<b>\$51,411,567.00</b>	<b>\$1,495,000.00</b>
Summary of All Operations Budget Expenditures			
	2007-2008 Original	2007-2008 Proposed	Difference
School Operating Fund			
61000: Instruction	\$37,556,811.00	\$37,556,811.00	\$0.00
62000: Administration, and Attendance and Health	\$1,884,117.00	\$1,884,117.00	\$0.00
63000: Pupil Transportation Services	\$2,193,182.00	\$2,193,182.00	\$0.00
64000: Operating and Maintenance Services	\$4,475,755.00	\$5,970,755.00	\$1,495,000.00
65000: School Food Services	\$2,234,709.00	\$2,234,709.00	\$0.00
68000: Technology	\$1,571,993.00	\$1,571,993.00	\$0.00
<b>Total School Operating Fund</b>	<b>\$49,916,567.00</b>	<b>\$51,411,567.00</b>	<b>\$1,495,000.00</b>

9-11-2007

Smyth County School Board Budget Proposed County School Debt and Capital Outlay Fund For the Year Ending June 30, 2008			
	2007-2008 Original	2007-2008 Proposed	Difference
School Debt and Capital Outlay Fund Revenues			
County Funds	\$855,139.00	\$855,139.00	\$0.00
State School Construction	\$180,143.00	\$180,143.00	\$0.00
Lottery	\$429,223.00	\$429,223.00	\$0.00
Trigon	\$0.00	\$0.00	\$0.00
Literary Fund	\$0.00	\$0.00	\$0.00
<b>Total School Debt and Capital Outlay Fund Revenues:</b>	<b>\$1,464,505.00</b>	<b>\$1,464,505.00</b>	<b>\$0.00</b>
School Debt and Capital Outlay Fund Expenditures			
Capital Facilities	\$185,138.00	\$185,138.00	\$0.00
Debt Service	\$1,279,367.00	\$1,279,367.00	\$0.00
<b>Total School Debt and Capital Outlay Fund Expenditures:</b>	<b>\$1,464,505.00</b>	<b>\$1,464,505.00</b>	<b>\$0.00</b>

Done by Order of the Smyth County  
Board of Supervisors

Edwin B. J. Whitmore, III  
County Administrator

The public hearing was immediately closed due to no one wishing to speak.

Dr. Mike Robinson, School Superintendent commented on the amendment. He explained that the funds would be used to complete the following projects already in progress: renovation of HVAC Northwood Middle School, Facility Study, Rich Valley Elementary HVAC system, Northwood High School boiler system. He then explained that the following new projects would be done with the remaining funds: electrical lighting upgrades in the three high school auditoriums, renovation of the most used classroom in the County at Chilhowie, gym lights and roof at Sugar Grove Combined School, and complete the security system at all schools. Mr. Robinson then answered brief questions from the Board. Mr. Perry and Mr. Slemp commented on the schools saving funds in the past year.

**Note:** Mr. Roberts, Mr. Clark, and Mr. Dishner 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 proposed amendment to the Smyth County budget for fiscal year 2007-2008. This amendment relates to the Smyth County Schools Operating Fund only and involves remaining funds from 2006-2007 in the amount of \$1,495,000.

Vote: 7      yea  
      0      nay

---

Mr. Bobby Ingle of Washington County spoke before the Board requesting they adopt the resolution below.

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

9-11-2007

WHEREAS, the fire tower atop Clinch Mountain at Hayter's Gap Virginia has stood for approximately seventy five (75) years. It is a landmark, visible from both Washington and Russell Counties. It was centerpiece of Jack Kestner's book entitled "The Fire Tower", and

WHEREAS, recently, the Commonwealth of Virginia purchased the tract of land that is home to the fire tower. This large tract of land will be turned into a state forest in early September 2007 and managed by the Virginia Department of Forestry, and

WHEREAS, the Virginia Department of Forestry has mentioned that they have intentions to dismantle the fire tower. Many residents of the area are concerned about those plans and would like to see the fire tower remain in tact at its present location. Many people use this tower as a place to observe birds, some of which are unique to the Clinch Mountain habitat, and

WHEREAS, a group of volunteers from both Washington and Russell Counties have agreed to work on the tower to insure the safety of anyone who uses the tower for viewing purposes. A hiking trail that is now in the planning stages for the area between Hidden Valley Lake and Laurel Bed Lake will pass by the tower and the Great Channels of Virginia that is located adjacent to it, and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of Smyth County, Virginia to request that the Virginia Department of Forestry leave the fire tower a top Clinch Mountain as it now exists with the improvements to be made by volunteers in the near future.

Vote: 7      yea  
0      nay

\_\_\_\_\_  
Sheriff David Bradley introduced Alan Slagle who requested that the Board implement the Senior Navigation program, at a cost of \$2,500.

Upon motion of Mr. Slemph, seconded by Mr. Blevins, and unanimously carried, this requested was referred to the Budget Committee for further investigation and consideration.

Vote: 7      yea  
0      nay

\_\_\_\_\_  
Stacey O'Quinn, Community and Government Relations Manager of Mountain States Health Alliance informed the Board of an informational and update session to be held at the Smyth County Community Hospital on Monday, November 26 at 12:30 p.m. All Board members are invited to attend.

\_\_\_\_\_  
**OLD BUSINESS**

1. Collection of delinquent taxes (8-10-04).
2. Marevine Slemph, 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)
4. Re-codifying of the Smyth County Code (1-10-2006).

9-11-2007

**9-11-2007**

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. Request the Board appropriate \$15,120 to pay Wythe County their portion of taxes collected on aircraft at the Smyth Wythe Airport for 2006 (**6-12-2007**).
9. Request the Board consider the following tax refund requests (**7-10-2007**):
  - a) BB&T Leasing Corp. on two pieces of equipment assessed incorrectly for a total of \$415.60.
  - b) BB&T Leasing Corp. on a piece of equipment assessed incorrectly for a total of \$774.90.
10. Appropriation request in the amount of \$5,000 from the Smyth County Celebration (**7-10-2007**).
11. Request the Board appoint a Board representative to the Community Policy Management Team (CPMT). At the request of Mr. Perry he was removed from the CPMT at the 6-12-2007 meeting. Code requires a Board member to serve on the Team. (**6-12-2007**).

---

The Chairman appointed Mr. Wade Blevins to the Community Policy Management Team, as the Board member representative. Term will expire June 30, 2008.

- 
12. Invoice from the Town of Marion for the County's 17.65% of the refinanced Virginia Resource Authority (VRA) bond on the Regional Sewer Treatment Plant (**8-14-2007**).

---

Mr. Tate informed the Board that a meeting of County staff, Town of Marion staff and attorneys of both entities has been scheduled for Monday, September 17 at 10:00 a.m. to discuss and resolve number 12 on old business.

---

Joe Ellis and Bill Huber spoke before the Board presenting their ideas for saving the old school building on Strother Street in down town Marion. They presented solutions to the parking situation and asked that the building be saved. In the end they requested that the building be donated to the Appalachian School of Music.

Martha Copenhaver, member of the Historical Society thanked Mr. Ellis and Mr. Huber for their hard work. She agreed with the idea of saving the building and stated that she hoped they could work together.



---

**CLOSED SESSION**

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, at 4:21 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A)

- (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
- (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Vote: 7      yea  
0      nay

At 4:55 p.m. the Chairman ended the closed session.

---

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

9-11-2007

**MEETING CONTINUED**

At approximately 5:00 p.m., upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the meeting was continued until Thursday, September 27, 2007 at 7:00 p.m. for a joint public hearing with the Planning Commission and any other issues that may arise.

Vote: 7      yea  
      0      nay

---

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 27, 2007, at 7:00 p.m.

**Board Members**

<b>Present:</b>	Mr. Charlie Clark, Chairman	Mr. Marvin Perry
	Mrs. Darlene Neitch	Mr. Michael Roberts
	Mr. Wade Blevins	Mr. Todd Dishner

**Board Members**

**Absent:** Mr. Harold Slemph

**Staff Members**

<b>Present:</b>	Mr. Clegg Williams	Mrs. Sally Morgan
	Mrs. Amber Johnson	Mr. John Tate
	Mr. Mike Carter	Mrs. Becca Kirk
	Mr. Scott Simpson	

**Planning Commission**

<b>Members Present:</b>	Mr. Karl Kalber ( <i>served as Chairman</i> )	
	Mr. Graham Davidson	Mr. Dennis Blevins
	Ms. Amy Tuell	Mr. Norman Sparks
	Mr. Don Medley	Mr. Wayne Venable

---

At 7:00 p.m. the Chairman of the Board of Supervisors and Chairman of the Planning Commission called the joint public hearing to order.

Mr. Carter read the advertisement as ran in the Smyth County News and Messenger on September 15 & 22. Mr. Carter also read the rules for public hearings. There were 3 citizens present.

**BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS AND  
SMYTH COUNTY PLANNING COMMISSION**

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, September 27, 2007, at 7:00 P.M. or as soon after 7:00 P.M. as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following applications to the Zoning Ordinance of Smyth County, Virginia:

An application from Theresa R. L. Ogle for a Special Use Permit to establish a *Retail Store and Shop* on a tract of land owned by Maryann Ogle. The property is located at 2480 Hwy. 107 in Saltville, is zoned Agricultural/Rural, and is identified by Tax Map No. 41-A-80A.

An application from Elmer L. Lundy for a Special Use Permit to establish a *Manufactured Home Park* in order to place a third manufactured home on a tract of land he owns on Farmview Road in Marion. The property is zoned Agricultural/Rural and is identified by Tax Map No. 56-A-87.

At this public hearing, subject to the rules of procedure of the Board of Supervisors and Planning Commission of Smyth County, Virginia, any person may appear and state his/her views thereon.

These files are at the Offices of the County Administrator and County Zoning Administrator at the address given above, and may be viewed during regular business hours Monday through Friday.

**9-27-2007**

Done by order of the Board of Supervisors and the Planning Commission.  
Edwin B.J. Whitmore III, County Administrator  
Dennis Blevins, Chairman of the Planning Commission

Mr. Clegg Williams, Zoning Administrator, summarized the first application submitted by Ms. Maryann Ogle who owns 2480 Hwy 107. She and her mother are negotiating to lease the building to a retail store. The property is identified by tax map #41-A-80 and is zoned Agricultural/Rural.

Mr. Williams mailed notification of this hearing to all adjoining property owners. Mr. Williams stated that he had not received any comments or questions on this application.

Mr. Williams also pointed out the following sections of the ordinance: Section 3-2.2) c) which allows a retail store in the A/R district by issuance of a SUP, Article 6 which contains the provisions for Special Use Permits, and 10-58 which defines Retail stores and shops.

Ms. Theresa Ogle was present to speak and answer any questions. She informed the Board and Commission that she has received several suggestions from local citizens for a tack and feed shop within the vicinity of their farms. She explained why she applied for a Special Use Permit as opposed to making a rezoning request.

No one else spoke on this application.

Mr. Williams then explained the second application received from Mr. Elmer Lundy for a special use permit submitted on September 12. Mr. Lundy would like to establish a site on his property for his granddaughter and her manufactured home. Because Mr. Lundy currently has two manufactured homes on the property, the addition of the third home is by definition a manufactured home park. Mr. Lundy's property is located on the corner of Old Ebenezer Road and Farmview Road and is identified by tax map #56-A-87. The property is zoned Agricultural/Rural.

Mr. Williams stated that he sent notification to all adjoining property owners by mail. He also stated that he had received no comments or questions on Mr. Lundy's application.

Mr. Williams also pointed out the following sections of the ordinance: Section 3-2.2) which allows a Manufactured home park in the A/R district by issuance of a SUP,

**9-27-2007**

Article 6 which contains the provisions for Special Use Permits, and 10-45 which defines Manufactured home park.

Mr. Lundy was present to speak and answer any questions. There was lengthy discussion regarding the Zoning Ordinance and the Manufactured Home Ordinance conflicting with each other regarding the number of homes that defines a manufactured home park.

Mr. Earl McClure was present and opposed this action entirely. He feels Mr. Lundy is being discriminated against and stated his reasons. He also stated his suggestions for what the County needs to do with the ordinances.

Ms. Theresa R. L. Ogle spoke very briefly supporting Mr. Lundy's request.

The hearing was closed at approximately 7:44 p.m. by both Chairman Clark and Kalber.

---

The Board of Supervisors then recessed to the fourth floor Boardroom.

---

Mr. Tate requested the Board's comments on his participation on an arbitration panel for a dispute between David R. Hickey and Blue Ridge Appraisal Company. With brief discussion, the majority of the Board felt it a conflict of interest for Mr. Tate to interfere with affairs of Wythe County. Mr. Tate stated he would decline the request from Mr. David Hickey to serve on the panel.

---

Mr. Tate then briefly updated the Board on Sewer Treatment Plant agreement with the Town of Marion and the bond that was refinanced. Staff met with the Town of Marion and their attorney on September 17, 2007. It has been resolved that the County will continue to pay their portion at the current rate of 2.5%. The payment schedule will continue and will end with the last payment on February 1, 2014. The County's portion of the sewer plant still remains at 17.65%.

---

Mr. Tate then discussed the option agreement on the former Shanklin Dairy Property. He stated that it expires October 15 and the Board could make a decision as late as the next regular Board meeting on Tuesday, October 9, 2007.

---

**CLOSED SESSION**

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, at 8:04 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A)

9-27-2007

- (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Vote: 6      yea  
1      absent (Slomp)

At 8:28 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 (Slomp)

---

The following items were on the agenda as information and reminders:

- Mount Rogers Community Mental Health & Mental Retardation Services Board packet for September 24, 2007 is available in the office for any one interested.

---

The chairman adjourned the meeting at approximately 8:30 p.m.

---

C.C. Clark, Jr., Chairman

**Virginia:** The regular meeting of the Smyth County Board of Supervisors was held at the County Office Building on Tuesday, October 9, 2007 at 12:00 noon.

<b>Board Members</b>	Mr. Charlie Clark	Mr. Harold Slempp
<b>Present:</b>	Mr. Wade Blevins	Mr. Michael Roberts
	Mrs. Darlene R. Neitch	Mr. Marvin Perry
	Mr. Todd Dishner	

<b>Staff Members</b>	Mr. Ed Whitmore	Mr. Charlie Atkins
<b>Present:</b>	Mr. Mike Carter	Mr. John H. Tate, Jr.
	Mrs. Amber Johnson	

Mr. Clark called the meeting to order at approximately 12:00 p.m.

Mr. Walter Robinson led invocation and Manuel Street led the pledge of allegiance.

---

Upon motion of Mr. Blevins, seconded by Mr. Slempp, and unanimously carried, the agenda was adopted along with the additional agenda. Mr. Carter requested that the recommendations of the Personnel Committee be added to the agenda.

Vote:	7	yea
	0	nay

---

Upon motion of Mr. Blevins, seconded by Mr. Slempp, and unanimously carried, the minutes of September 14, and 27, 2007 were approved. Mr. Tate informed the Board that he had spoken with the Clerk on rewriting the paragraph concerning an appropriation in the amount of \$155,081.52 to TEDS, Inc.

Mr. Tate also stated that he had spoken with Mr. Atkins on the possibility of creating a new line in the budget for reimbursements such as these above.

Vote:	7	yea
	0	nay

---

Before approving the appropriations, Mr. Perry inquired about the letter mailed to each Board member from the Treasurer, Tom Burkett. In Mr. Burkett's letter, he expressed concerns regarding the County's appropriations. Mr. Perry asked Mr. Charlie Atkins, CFO to respond to the letter. Mr. Atkins stated that appropriations and the remaining budget is in line with the past several years and he does not see a problem in the immediate future. Mr. Atkins did point out that if all budgeted expenditures are incurred and revenues do not meet budgeted projections, then the budgeting process for 2008-2009 will become increasing difficult.

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



**10-9-2007**

General County		\$1,530,000
Animal Control (office supplies)		\$1,520.27
Department of Social Services (October 10-31, 2007)		\$300,000
(November 1-13, 2007)		\$70,000
Schools	Operating Fund	\$4,400,000
	Textbook Fund	\$3,000
	Debt & Capital Outlay Fund	\$90,000

Vote: 7      yea  
0      nay

---

Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the accounts payable listing in the amount of \$957,747.91 was approved. This accounts payable includes a payment to Closed Networks, Fredrick G. Griffin Engineering for the radio system project in the amount of \$1,950.

Vote: 7      yea  
0      nay

---

**CITIZEN'S TIME**

Edward Pennington of Cedar Bluff Baptist Church in Atkins distributed a list of interested citizens on Churchland Drive for water service. The church is looking into building a new home and will need the service connection. Those citizens leading up to the church are willing to hook onto the water. Mr. Slemp requested that the Water and Sewer Committee take a closer look at this request.

Earl McClure spoke in opposition to using taxpayers dollars to keeping the old school. He asked that the Board look at transferring ownership at no cost to the citizens.

James Bonham, III of Chilhowie came before the Board to officially resign as the Virginia Highlands Community College Board member representative. Mr. Bonham was just appointed to that Board in June of 2007. He is resigning because his business has a conflict of interest. He thanked the Board for their vote of confidence in him.

---

**NEW BUSINESS**

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board approved the Community Services Board's annual Performance Contract with the Department of Mental Health, Mental Retardation and Substances Abuse Services for fiscal year 2008. A complete copy of the contract is on file at the County

**10-9-2007**

Administrator’s Office (hard copy and compact disc form). A summary of the contract is below.

Vote:	7	yea
	0	nay

10-9-2007

---

The Board decided to continue designating a liaison to the local sesquicentennial committee. The Appointment Committee will discuss this appointment at their next meeting which will allow Mr. Whitmore more time to obtain information on the program.

---

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board approved the following list of Community Criminal Justice Board (CCJB) members. These members have agreed to serve on the CCJB and must have approval of a majority of the localities served by the program.

Sheriff David Bradley-Sheriff's Representative  
Roy Evans-Commonwealth Attorney Representative  
Honorable Elizabeth S. Willis-Juvenile & Domestic Judge Representative  
Honorable Henry Vanover-Circuit Court Judge Representative  
Honorable Sage Johnson-District Court Judge Representative  
Allison Steele-Education Representative  
Chief William H. Price-Chief of Police Representative  
Ruth Hale-Chief Magistrate Representative  
Lee Noble-Regional Jail Representative  
Kevin Tiller-Defense Attorney Representative

Vote: 7      yea  
      0      nay

---

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board appropriated the Fiscal Year 2008 Department of Fire Programs Funds, "Aid to Localities" (account #032020-5604-7) as follows. The disbursement schedule has not altered or changed from previous years.

Town of Chilhowie	\$4,756.83
Town of Saltville	\$4,756.83
Nebo Fire Department	\$12,756.84
Atkins Fire Department	\$12,756.84
Sugar Grove Fire Department	\$12,756.83
<u>Adwolfe Fire Department</u>	<u>\$12,756.83</u>
TOTAL	\$60,541.00

Vote: 7      yea  
      0      nay

---

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved a recommendation from the Industrial Development Authority (IDA), to grant Ralph Price's request for a building permit fee rebate in the amount of \$814. This rebate is appropriated out of the IDA's incentive fund (#001-081030-8888-1).

Vote: 7      yea  
      0      nay

**10-9-2007**

---

With the recommendation of the Water and Sewer Committee, the Board unanimously accepted the bid from Boggs Municipal Services of Wise, VA for the new Dix Well pump. Their submitted bid included permanent pump installation and discharge piping for a total of \$57,950.

Vote: 7      yea  
0      nay

---

With the recommendation of the Water and Sewer Committee, the Board unanimously accepted the bid from Crosspointe Contracting of Abingdon, VA for the White Top Road water line extension. Their submitted bid was a total of \$128,460. The job was estimated to cost \$177,000 and there is \$200,000 in the budget to cover this project.

Vote: 7      yea  
0      nay

---

With the recommendation of the Water and Sewer Committee, the Board unanimously appropriated \$4,400 from the Dix Well #2 fund (#501-085060-0009) to exercise the option to purchase the property that houses' the new Dix Well. The total price of the lot is \$4,500; \$100 of this purchase price has already been paid. Mr. Tate requested that the check be made to Mr. Bob and Ann Dix and The Bank of Marion due to the lien placed on the property. The deed for the above property follows.

Vote: 7      yea  
0      nay

10-9-2007

---

Mr. Simpson briefly answered questions on current water projects and the status of wells, due to dry weather.

---

With the recommendation of the Budget Committee, the Board authorized the Sheriff to proceed with the Request for Proposals (RFP) process to obtain radios needed. Sheriff Bradley is in need of 38 radios which would cost approximately \$1,200 each and \$200 to install, for a total of \$53,200. These radios/repeaters would be compatible with the proposed radio system. The funds can be taken from the radio system fund (#001-031040-9005, Basic 911, Specific Use).

Vote: 7      yea  
      0      nay

---

After discussing with Mr. Whitmore, Mr. Tate, and reviewing Budget Committee recommendations, Mr. Perry motioned, Mr. Slemp seconded, and unanimously carried, the Board determined under §2.2-4303 (E) of the Code of Virginia, that the Sugar Grove tower site a single source project with no bidding required. The following notice was immediately posted at the Smyth County Courthouse and the Smyth County Office Building after this motion was made.

**NOTICE**  
***Under §2.2-4303 (E) - SOLE SOURCE DETERMINATION***

*At a regular monthly meeting of the Smyth County Board of Supervisors, upon a presentation by Edwin B.J. Whitmore, III, County Administrator. The Board determines that there is a sole source, and no other source is practicably available for a needed Radio Communications Tower to serve Smyth County, Virginia in the Sugar Grove area.*

*The Board has agreed to procure construction services from Appalachian Power Company in a cooperative effort for underground wiring, site clearing and preparation, and the erection of a radio communication tower on a site near Sugar Grove owned by Appalachian Power Company. The Board further agreed to a lease for use of the tower site.*

*This action was taken because no other source is practicably available for this needed radio communication system. The Board of Supervisors announced its decision to award this contract today, October 9, 2007, and this notice is posted in the designated public area of the Smyth County Courthouse, 109 West Main Street, Marion, VA, and the Smyth County Office Building, 121 Bagley Circle, Marion, VA.*

*Signed this day, Tuesday, October 9, 2007*

---

*Edwin B.J. Whitmore, III, County Administrator*

Vote: 7      yea  
      0      nay

10-9-2007

---

Upon motion of Mr. Slemp and with the recommendation of the Budget Committee, the Board unanimously appropriated \$81,500 from the radio system fund (#001-031040-9005, Basic 911, Specific Use). This \$81,500 is dedicated to the construction of the Sugar Grove Tower site and covers the following items:

\$35,000 represents the underground power line  
\$42,500 represents the site preparation for the access road, tree clearing, and site grading  
\$4,000 represents the upfront analysis costs for the tower

Vote: 7      yea  
      0      nay

---

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board appropriated \$66,000 from the radio system fund (#001-031040-9005, Basic 911, Specific Use). This \$66,000 is dedicated to the ten (10) year lease agreement with Appalachian Power Company for the Sugar Grove Tower site which the Board hereby agrees to enter into.

Vote: 7      yea  
      0      nay

---

The Board then discussed these 2 recommendations from the Personnel Committee:

1. Request from the Circuit Court Clerk to fund an additional \$23,000 per year position to help with that office's increasing workload.
2. Request from the Animal Shelter for a full time shelter attendant. The Chief Animal Control Officer asked that the Personnel Committee consider transforming a current part time employee into full time.

Mr. Perry inquired if these had been before the Budget Committee. The Chairman forwarded these requests to the Budget Committee.

---

The Chairman thanked Manuel Street for making business cards for the Board members.

---

Steve Buston of the Virginia Department of Transportation discussed the fiscal year 2009-2014 Six-Year Improvement Program hearing to be held on Tuesday, October 23 at 5:00 p.m. at the Southwest Virginia Community College. This hearing is for interstate and primary highway improvements.

Mr. Buston also clarified the time and date for the public hearing to be held with the County on the Secondary Six-Year Plan. This will be at the next regular meeting on

10-9-2007

Wednesday, November 14 at 7:00 p.m.

Mr. Robert Hurt returned maintenance concerns. Mr. Dishner inquired about the remainder of Church Hill Road and how it will be completed. This road is on the current 6-Year-Plan.

---

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board unanimously approved the recommendation from the Planning Commission to grant the application submitted by Theresa R. L. Ogle for a Special Use Permit. This property is zoned Agricultural/Rural and is identified as Tax Map No. 41-A-80A.

---

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and duly carried, the Board approved the request of Elmer L. Lundy for a Special Use Permit (SUP) without the conditions as recommended by the Planning Commission. This property is zoned Agricultural/Rural and is identified as Tax Map No. 56-A-87.

The Commission recommended the approval of the application submitted by Mr. Lundy for the SUP with the stipulation that it is only for the placement of one more manufactured home as indicated on his application, should any more changes be made, Mr. Lundy shall be required to submit another application and a proposed plan.

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

The Board directed the Ordinance Committee, at their next meeting, to discuss the discrepancies between the Manufactured Home Park Ordinance and the Zoning Ordinance concerning the definition of a *manufactured home park*.

---

Tom Burkett, Treasurer, appeared to address his most recent letter to the Board. Mr. Burkett gave a synopsis of appropriations and expenditures. He stated that the budget process could become difficult in the near future. He also addressed general comments and questions from the Board.

---

Like at the September Board meeting, Bill Huber spoke before the Board presenting ideas for saving the old school building on Strother Street in down town Marion. He presented his ideas for solutions to the parking situation and his estimated cost figures. He also asked that the building be saved. He referred to other buildings in the downtown area that may fill the needs of the County. At the conclusion of his presentation, he then requested that the building be donated to the Appalachian School

**10-9-2007**

of Music.

Jim Gates also spoke in reference to Mr. Huber's presentation. He also requested that the County save the old school building.

Marcia Collins of the Museum Board spoke on how the building is worth saving. The building would serve a great place as a heritage center for the Museum's artifacts.

Martha Copenhaver also of the Museum Board gave a suggestion which would take the County out of being obligated. She suggested that the Board lease one floor of the building to another non-profit organization for 5 years. Then, sell the building, with that lease to another non-profit organization.

The Chairman made brief remarks on the courthouse renovation, parking, and old school.

---

#### **OLD BUSINESS**

1. Collection of delinquent taxes **(8-10-04)**.
2. Marevine Slempe, 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)**
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 presented 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. Request the Board appropriate \$15,120 to pay Wythe County their portion of taxes collected on aircraft at the Smyth Wythe Airport for 2006 **(6-12-2007)**.
9. Request the Board consider the following tax refund requests **(7-10-2007)**:
  - a) BB&T Leasing Corp. on two pieces of equipment assessed incorrectly for a total of \$415.60.
  - b) BB&T Leasing Corp. on a piece of equipment assessed incorrectly for a total of \$774.90.
10. Appropriation request in the amount of \$5,000 from the Smyth County Celebration **(7-10-2007)**.



10-9-2007

11. Invoice from the Town of Marion for the County's 17.65% of the refinanced Virginia Resource Authority (VRA) bond on the Regional Sewer Treatment Plant (8-14-2007).

---

**CLOSED SESSION**

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, at 4:28 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A)

- (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
- (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Vote: 7      yea  
      0      nay

At 5:01 p.m. the Chairman ended the closed session.

---

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

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

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

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

**10-9-2007**

closed meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 7      yea  
0      nay

---

Mr. Tate briefly informed the Board on the bond issuance for Mountain States Health Alliance and American Wood Fibers. Both will go before the IDA with public hearings at the next meeting on Wednesday, October 17. Approval from the Board will be on the agenda at the continued meeting on Thursday, October 25.

---

The Chairman asked for direction on the option agreement on the former Shanklin Dairy Property, at exit 44, this option agreement expires October 15.

Without a motion, the Chairman instructed legal counsel to inform the land owner that the Board does not wish to purchase the property at this time.

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and duly carried, the Board will pursue acquiring more information, such as the actual purchase prices, of the properties mentioned by Mr. Huber, including the AEP building and Heilig Meyers both on Broad Street and the parking lots.

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

---

**MEETING CONTINUED**

At approximately 5:07 p.m., upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the meeting was continued until Thursday, October 25, 2007 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, October 25, 2007, at 7:00 p.m.

**Board Members**

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

**Board Members**

**Absent:** Mr. Harold Slemph

**Staff Members**

**Present:** Mr. Clegg Williams Mrs. Sally Morgan  
Mrs. Amber Johnson Mr. John Tate  
Mr. Mike Carter Mrs. Becca Kirk  
Mr. Scott Simpson

**Planning Commission**

**Members Present:** Mr. Dennis Blevins Mr. Karl Kalber  
Mr. Graham Davidson Mr. Norman Sparks  
Ms. Amy Tuell Mr. Wayne Venable  
Mr. Don Medley

---

At 7:00 p.m. the Chairman of the Board of Supervisors and Chairman of the Planning Commission called the joint public hearing to order.

Mr. Carter read the advertisement as run in the Smyth County News and Messenger on October 13 & 20. Mr. Carter also read the rules for public hearings. There were approximately 5 citizens present.

**BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS AND  
SMYTH COUNTY PLANNING COMMISSION**

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, October 25, 2007, at 7:00 P.M. or as soon after 7:00 P.M. as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application(s) to the Zoning Ordinance of Smyth County, Virginia:

*An application from Appalachian Animal Refuge, Inc. for a Special Use Permit to establish a Kennel on a tract of land owned by Terri C. Blevins. The property is located at 641 Paradise Drive in Chilhowie, is zoned Agricultural/Rural, and is identified by Tax Map No. 53C-4-21.*

At this public hearing, subject to the rules of procedure of the Board of Supervisors and Planning Commission of Smyth County, Virginia, any person may appear and state his/her views thereon.

These files are at the Offices of the County Administrator and County Zoning Administrator at the address given above, and may be viewed during regular business hours Monday through Friday.

Done by order of the Board of Supervisors and the Planning Commission.  
Edwin B.J. Whitmore III, County Administrator  
Dennis Blevins, Chairman of the Planning Commission

Mr. Clegg Williams, Zoning Administrator, first summarized the only application received from Terri Blevins who is in the process of establishing a non-profit

10-25-2007

organization. Their mission will be to care for stray and feral cats. Part of the process in applying for 503(c) status is to certify all necessary local permits have been obtained. After reviewing §3-2.2 g) and §10-39 of the zoning ordinance with Ms. Blevins, she and Mr. Williams concluded a special use permit for a kennel would be required. With her application, Ms. Blevins filed the required affidavit and paid the required fee. She is proposing to dedicate a 12'x24' building at 641 Paradise Drive in Chilhowie into a shelter for up to 75 cats. Notice of this hearing was mailed to each of Ms. Blevins' adjoining property owners. Mr. Williams received one letter regarding the application which he to read into public record.

The letter was from Bill Turman, Chief Animal Control Officer. Mr. Turman's letter stated that if Ms. Blevins' meets and maintains all of the requirements, then there should be no serious problems.

At approximately 7:06 p.m. Ms. Blevins presented a summary to the Board and Commission about the organization's purpose, how they started and their goals for the future. She stated that they currently have six volunteers. She addressed various questions from Mr. Tate, Mr. Perry, and Mr. Roberts. Chairman Clark recommended that Ms. Blevins contact the Department of Agriculture.

At approximately 7:17 p.m. Ms. Debra Sutherland of the Animal Defense League located in Washington County, spoke in support of Appalachian Animal Refuge, Inc. and stated that she has worked closely with Ms. Blevins in starting this organization.

No one else spoke on this application.

The hearing was closed at approximately 7:23 p.m. by both Chairman Clark and Blevins.

---

The Board of Supervisors then recessed while the Planning Commission deliberated on the application just heard at the hearing. The meetings was called back to order at 7:35 p.m.

---

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

***RESOLUTION OF THE BOARD OF SUPERVISORS  
OF SMYTH COUNTY, VIRGINIA  
REGARDING A REVENUE BOND FINANCING FOR  
AMERICAN WOOD FIBERS, INC.***

10-25-2007

**WHEREAS**, the Industrial Development Authority of Smyth County (the "Authority"), has considered the request of American Wood Fibers, Inc. ("AWF"), for the issuance of the Authority's revenue bonds in a principal amount not to exceed \$10,000,000 (the "Bonds"). The proceeds of the Bonds will be used to assist AWF in financing or refinancing (1) the costs of building improvements and expansion of an existing industrial facility located at 514 Lee Highway, Marion, Virginia in Smyth County; (2) the construction of new industrial facilities adjacent to the existing building consisting of (a) a raw material mixing building (b) wood flour system building, (c) pellet mill grinding system, and (d) other subordinate, integral and ancillary buildings and site improvements; and (3) the purchase of a new industrial equipment related specifically to the operation of these new and improved facilities and required for the production of wood flour, wood pellets, and packaged shavings (collectively, the "Project").

**WHEREAS**, Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code") provide that the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of bonds.

**WHEREAS**, the Bonds will be issued by the Authority on behalf of Smyth County (the "County") and the Project will be located in the County.

**WHEREAS**, the Board of Supervisors of Smyth County, Virginia (the "Board") constitutes the highest elected governmental unit of the County.

**WHEREAS**, the Authority adopted an inducement resolution on June 13, 2007 (the "Inducement Resolution"), and a public hearing was held by the Authority on October 17, 2007 following the publication of notice as required by law and after which a resolution was adopted by the Authority (the "October 17<sup>th</sup> Resolution") and a request for governing body approval of the issuance of the Bonds was presented to the Board.

**WHEREAS**, in the Inducement Resolution, the Authority approved the issuance of the Bonds and the acquisition, construction, renovation, equipping, development and financing or refinancing of the Project, and in the October 17<sup>th</sup> Resolution, the Authority recommended and requested that the Board approve of the issuance of the Bonds and the acquisition, construction, renovation, equipping, development and financing or refinancing of the Project.

**WHEREAS**, a copy of the Inducement Resolution, the October 17<sup>th</sup> Resolution, a reasonably detailed summary of the comments expressed at the Authority's public hearing and the AWF Fiscal Impact Statement have been filed with the Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SMYTH COUNTY, VIRGINIA:**

1. The recitals made in the first and second paragraphs of this Resolution are hereby adopted as a part of this Resolution. The Board accepts the documents submitted to it by the Authority.

2. The Board approves the issuance of the Bonds by the Authority in a principal amount not to exceed \$10,000,000 and approves the acquisition, construction, renovation, equipping, development and financing or refinancing of the Project. The Bonds may be issued in one or more series and from time to time. These approvals are given for the benefit of AWF, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, and to permit the Authority to assist in the financing or refinancing of the Project.

3. The approval of the issuance of the Bonds and the acquisition, construction, renovation, equipping, development and financing or refinancing of the Project does not constitute an endorsement to a prospective purchaser of the Bonds of

10-25-2007

*the creditworthiness of the Project or AWF. Further, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the Authority nor the County shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the Authority and the County, shall be pledged thereto.*

4. Pursuant to the limitation contained in Temporary Treasury Regulation Section 5f.103-2(f)(1), this Resolution shall remain in effect for a period of one year from the date of its adoption.

5. The County, including its elected representatives, officers, employees and agents, shall not be liable and hereby disclaims all liability for any damage to AWF or the Project, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.

6. This Resolution shall take effect immediately upon its adoption.

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

---

Upon motion of Mr. Blevins, seconded by Mr. Roberts, and unanimously carried, the Board continued the following issue until the next regular meeting on Wednesday, November 14, 2007:

*Request the Board consider revenue bond financing for Norton Community Hospital, Inc., Smyth County Community Hospital and Mountain States Health Alliance.*

---

With the Budget Committee's recommendation, the Board duly approved an engineering contract with Thompson and Litton for the completion of design for the E-911 center in the amount of \$49,280.

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

---

The Budget Committee recommended the following:

*Approval of an engineering contract with Thompson and Litton for the Animal Shelter in the amount of \$7,560.*

After discussion, the vote below was taken. The Chairman will bring this issue up again for a vote at the next meeting due to the tie vote.

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

---

The following items were continued until the next regular meeting on Wednesday, November 14:

- Request from the Circuit Court Clerk to fund an additional \$23,000 per year position to help with that office's increasing workload.



10-25-2007

*Mr. Dishner and Mr. Clark who both serve on the Personnel Committee again approved the request. Mr. Slemp also expressed his approval of the request.*

- Request from the Animal Shelter for a full time shelter attendant. The Chief Animal Control Officer asked that the Personnel Committee consider transforming a current part time employee into full time.  
*Mr. Dishner and Mr. Clark who both serve on the Personnel Committee again approved the request. Mr. Slemp also approved the request.*

---

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board will offer a letter of support to the Town of Saltville for a Virginia Department of Housing and Community Development (DHCD) grant. If received, this grant will offer a feasibility study of sewer installation and housing rehabilitation in the Buckeye Hollow, Crusenberry Hollow, and Hayden Hollow areas.

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

---

Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the Board approved the following holiday schedule for 2007:

Thanksgiving	Wednesday, November 21, close at noon Thursday, November 22 Friday, November 23
Christmas	Monday, December 24 Tuesday, December 25
New Year's	Monday, December 31 Tuesday, January 1, 2008

---

The Chairman continued closed session until the continued meeting.

---

The Board was reminded of Surplus Property Committee meeting on Friday, October 26 at 11:30 a.m.

---

At 8:03 p.m., upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board continued the meeting until Monday, October 29 at 5:15 p.m.

---

C.C. Clark, Jr., Chairman



**Virginia:** At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, October 29, 2007, at 5:15 p.m.

**Board Members**

<b>Present:</b>	Mr. Charlie Clark, Chairman	Mr. Marvin Perry
	Mrs. Darlene Neitch	Mr. Michael Roberts
	Mr. Harold Slep	Mr. Todd Dishner

**Board Members**

**Absent:** Mr. Wade Blevins

**Staff Members**

<b>Present:</b>	Mrs. Amber Johnson	Mr. John Tate
	Mr. Mike Carter	Mr. Ed Whitmore
	Mr. Scott Simpson	

---

The Chairman opened the meeting at 5:22 p.m. and then called for a motion to enter into closed session.

Upon motion of Mr. Slep, seconded by Mrs. Neitch, and unanimously carried, at 5:22 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A)

- (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Vote: 6	yea
1	absent (Blevins)

At 6:23 p.m. the Chairman ended the closed session.

---

Upon motion of Mr. Slep, 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,

10-29-2007

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)

---

Once again, the Chairman brought up the matter below for a vote. At the last meeting on Thursday, October 25 this issue failed due to a tie vote.

*The Budget Committee recommended the following:*

*Approval of an engineering contract with Thompson and Litton for the Animal Shelter in the amount of \$7,560.*

Following discussion, the following vote below was taken. Due to a tie vote, the recommendation from the Budget Committee failed to carry.

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

---

Chairman requested that the Clerk place the Courthouse renovation early on the agenda for the next regular meeting on Wednesday, November 14.

---

The Chairman adjourned the meeting at approximately 6:36 p.m.

---

C.C. Clark, Jr., Chairman





**Virginia:** The regular meeting of the Smyth County Board of Supervisors was held at the County Office Building on Tuesday, November 14, 2007 at 12:00 noon.

**Board Members**

<b>Present:</b>	Mr. Charlie Clark	Mr. Harold Slemph
	Mr. Wade Blevins	Mr. Michael Roberts
	Mrs. Darlene R. Neitch	Mr. Marvin Perry
	Mr. Todd Dishner	

**Staff Members**

<b>Present:</b>	Mr. Mike Carter	Mr. Charlie Atkins
	Mr. John H. Tate, Jr.	Mrs. Amber Johnson

Mr. Clark called the meeting to order at approximately 12:00 p.m.

Rev. Herman Cress led invocation and Scott Simpson led the pledge of allegiance.

---

Upon motion of Mr. Slemph, seconded by Mr. Dishner, and unanimously carried, the agenda was adopted along with the additional agenda. On the additional agenda, the Board moved Old Business, #12 (Request the Board consider revenue bond financing for Norton Community Hospital, Inc., Smyth County Community Hospital and Mountain States Health Alliance) from 3:00 p.m. to 1:30 p.m.

Vote:	7	yea
	0	nay

---

After correcting votes on a couple motions, upon motion of Mrs. Neitch, seconded by Mr. Slemph, and unanimously carried, the minutes of October 9, 25, and 29, 2007 were approved.

Vote:	7	yea
	0	nay

---

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

General County	\$1,950,000
Animal Control (office supplies)	\$387
Department of Social Services (November 14-30, 2007)	\$300,000
(December 1-11, 2007)	\$65,000
Schools      Operating Fund	\$3,000,000

Vote:	7	yea
	0	nay

---

Upon motion of Mr. Slemph, seconded by Mr. Dishner, and unanimously carried, the accounts payable listing in the amount of \$1,279,290.85 was approved. This accounts payable includes a payment to Closed Networks, Fredrick G. Griffin

11-14-2007

Engineering for the radio system project in the amount of \$1,500.

Vote: 7      yea  
0      nay

---

**CITIZEN'S TIME**

Ronnie Harrington, spoke on behalf of the Smyth County Museum and requested an extension on the evacuation of the building. He requested 3 more months due to the holidays and the bad weather in the coming months. The museum anticipates that it will take that extra amount of time to find a new location and move their exhibits.

Stacey O'Quinn, Community and Government Relations Manager of Mountain States Health Alliance reminded the Board of an informational meeting at the hospital on Monday, November 26 at 2:00 p.m. All Board members are invited to attend.

---

**CLOSED SESSION**

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, at 12:19 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A)

- (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Vote: 7      yea  
0      nay

At 1:08 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



11-14-2007

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

---

Following a short break, after closed session, the Board moved to old business, item number 12 (Request the Board consider revenue bond financing for Norton Community Hospital, Inc., Smyth County Community Hospital and Mountain States Health Alliance). This was continued from the October 25 meeting.

Lyndy White, CEO of Smyth County Community Hospital and Marvin Elchorn, Senior Vice President and Chief Financial Officer of Mountain States Health Alliance was present to explain the request and answer questions. Mr. Elchorn stated that Mountain States Health Alliance *only*, would be responsible for any principal and interest in the debt of these bonds.

The Board discussed the request with Mrs. White, Mr. Elchorn, and Mr. Tate then the following motion was made:

Upon motion of Mr. Roberts, seconded by Mr. Slemph, and unanimously carried, the Board adopted the following resolution (included in the official minutes):

Vote: 7      yea  
0      nay

---

The Board then considered courthouse renovation solutions. Mayor David Helms and other members of the Marion Town Council were present. Mayor Helms explained that the Town of Marion is interested in helping preserve the old school on Strother Street. Mr. Mel Leman, Town Councilman also spoke. The Board discussed options and the motion below was made.

**Note:** Mr. Roberts stated that he was an employee of the Town of Marion and could vote impartially.

Upon motion of Mr. Slemph, seconded by Mr. Perry, and duly carried, the Board agreed to enter into an agreement with the Town of Marion and accept their offer of

11-14-2007

\$500,000 toward a parking facility and also accept their offer of \$250,000 in DHCD grants, if received by the Town, to purchase the old school after a public hearing, subsequent approval of the sale. This agreement would include all routine maintenance of the parking facility and is contingent once it has been written by Mr. Tate, submitted to the town and then approved by both entities.

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

The Board then continued their discussion on courthouse renovation solutions. Each Board member expressed their thoughts as to which direction they think the renovation should go. Following discussion the motion below was made:

Upon motion of Mr. Dishner, seconded by Mrs. Neitch, and duly carried, the Board decided to proceed with Option 1. This option includes leaving everyone in the facility (Constitutional Officers).

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

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board authorized Mr. Simpson to proceed in requesting proposals for the parking facility voted on above.

Vote: 7      yea  
0      nay

---

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board continued a request for a letter of support from Isle of Wright County to ban the use of plastic bags, it was continued until Mr. Whitmore is present to explain more on this request.

Vote: 7      yea  
0      nay

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board denied a request from Mr. Jeff Richardson, Commissioner of Revenue. He requested that the Board authorize Mr. Tate to petition the Circuit Court to change an incorrect assessment by Blue Ridge Appraiser's and to refund Mr. and Mrs. Harold Epperson for the difference of taxes since 2004. In denying this request, the Board instructs the Commissioner of Revenue to file the necessary forms to approach the Circuit Court for the correction.

11-14-2007

Vote: 7      yea  
0      nay

---

With the recommendation of legal counsel, upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board granted a \$25.20 personal property tax refund to Darrell Mabe for years 2004-2007.

Vote: 7      yea  
0      nay

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board authorized the County Administrator or the Assistant County Administrator to sign checks for the purchase of Sheriff Department vehicles in the event they should arrive between board meetings.

Vote: 7      yea  
0      nay

---

With the recommendation of the Surplus Property Committee, the Board unanimously granted the following requests from the Sheriff:

- The title a 1990 Ford pick up is transferred to the Town of Saltville. This vehicle was seized by the Smyth County Sheriff's Office and title issued to the County December 2003. The Department of Criminal Justice Services granted in-kind use of this vehicle for law enforcement purposes.
- The title of a 1995 Ford Aerostar Van is transferred to the Southwest Virginia Regional Jail Authority for the purpose of hauling inmates. Title for this vehicle was issued to the County in January 1995. This van was purchases by the former sheriff with inmate funds and has been used to transport inmates since that time.

Vote: 7      yea  
0      nay

---

Upon motion of Mr. Perry, seconded by Mr. Dishner, and with the Budget Committee's recommendation, the Board unanimously, approved payroll early in the month of December due to the holidays. Pay day will occur on Friday, December 21, 2007.

Vote: 7      yea  
0      nay

---

Upon motion of Mr. Slemp, seconded by Mr. Perry, and with the Budget Committee's recommendation, the Board unanimously re-appropriated \$15,000 for the Walker Mountain Tower site, lease agreement. This is to be paid out of the current fiscal year (#001-031040-9005, Basic 911, Specific Use).

Vote: 7      yea  
0      nay

11-14-2007

---

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board approved the advertisement of Request for Proposals (bids) for the Conventional VHS Radio Communication System.

Vote: 7      yea  
0      nay

---

With the recommendation of the Ordinance Committee, the Board scheduled a public hearing for the next regular meeting on Tuesday, December 11 at 3:30 p.m. on the following proposed changes to the Zoning Ordinance and the Manufactured Home Park Ordinance.

- a. The definition of a manufactured home park found in the Zoning Ordinance be amended to mirror the Manufactured Home Park Ordinance to accommodate **four (4)** or more manufactured homes.
- b. Section 50-8 of the Manufactured Home Park Ordinance be removed which addresses the installation of a manufactured home on individual lots with three or less manufactured homes.

---

The Board discussed the following issue with Sally Morgan, John Tate, and Jeff Richardson.

With the recommendation of the Economic Development Committee, the Board duly authorized the Commissioner of Revenue to implement the real estate rehabilitation tax exemption starting this current tax year (2007), resulting in a decrease of \$6,099.03 in taxes for LT Development, LP, owner of the Lincoln Theatre property.

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

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and with the recommendation of the Economic Development Committee, the Board scheduled a public hearing for the next regular meeting on Tuesday, December 11 at 3:00 p.m. on proposed changes to the county code regarding the real estate rehabilitation tax exemption.

Vote: 7      yea  
0      nay

---

Mrs. Johnson requested that the Board respond to her by Tuesday, November 27 so the RSVP date can be met for the Chamber of Commerce 2007 Annual Dinner Meeting on Tuesday, December 4 at 6:30 p.m. to be held at Hemlock Haven Conference Center.

11-14-2007

---

The Board briefly discussed dates in January to host the Town and County Quarterly Meeting. Mrs. Morgan mentioned the Smyth County Vocational School as a venue and letting the culinary students cook. This would allow those attending to see those types of programs they offer for students. The Board will be updated as the planning for this meeting continues.

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant the application for a Special Use Permit submitted by Appalachian Animal Refuge, Inc. for a Kennel. This application is approved on the condition that the Refuge meet and maintain compliance in the following areas: Sanitation guidelines required by the Department of Health and the Department of Agriculture in regard to human safety and animal welfare; Department of Agriculture guidelines governing the operation of a releasing agency (Home-Based Rescue or Humane Society), and; Smyth County ordinances, including licensing, kennel restrictions, and noise ordinances and any other applicable rules or regulations that may apply.

Vote: 7      yea  
0      nay

---

Representing the Miss Mountain Empire Scholarship Organization, Robin Porter thanked the Board for their \$2,000 contribution made to the pageant last year and requested the same this year. She answered various questions from the Board.

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, this request was referred to the Budget Committee. The Board requested the organization's budget information, revenue and expenditures, which should detail other contributors to the organization. Once that information is received, the committee will review the request.

Vote: 7      yea  
0      nay

---

## 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)**

11-14-2007

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, item 3a was dropped from old business. It was resolved with a committee recommendation earlier in the meeting.

Vote: 7      yea  
0      nay

---

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

---

Mr. Tate briefly stated that the re-codifying of the code is progressing. He and Mr. Carter has met and reviewed the changes with the attorney publishing the new code.

---

5. 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 (**4-11-2006**).

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and with the recommendation of the Ordinance Committee, the Board unanimously removed item # 5 from old business. The committee felt it was not in the best interest of county citizens to merge the two ordinances.

Vote: 7      yea  
0      nay

---

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. Request the Board appropriate \$15,120 to pay Wythe County their portion of taxes collected on air craft at the Smyth Wythe Airport for 2006 (**6-12-2007**).

9. Request the Board consider the following tax refund requests (**7-10-2007**):

- a. BB&T Leasing Corp. on two pieces of equipment assessed incorrectly for a total of \$415.60.
- b. BB&T Leasing Corp. on a piece of equipment assessed incorrectly for a total of \$774.90.

---

Jeff Richardson, Commissioner of Revenue, stated that the following 2006 tax assessments were mistakes made in his office. With that said, upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board approved the following tax refund requests for 2006, a total of \$1190.49:

- a. BB&T Leasing Corp. on two pieces of equipment assessed incorrectly for a total of \$415.60.

11-14-2007

- b. BB&T Leasing Corp. on a piece of equipment assessed incorrectly for a total of \$774.89.

Vote: 7      yea  
0      nay

Upon motion of Mrs. Neitch, seconded by Mr. Slemph, and unanimously carried, the Board removed the above item (#9 a & b) from old business).

Vote: 7      yea  
0      nay

- 
10. Appropriation request in the amount of \$5,000 from the Smyth County Celebration (**7-10-2007**).
11. Invoice from the Town of Marion for the County's 17.65% of the refinanced Virginia Resource Authority (VRA) bond on the Regional Sewer Treatment Plant (**8-14-2007**).
12. Request the Board consider revenue bond financing for Norton Community Hospital, Inc., Smyth County Community Hospital and Mountain States Health Alliance (**10-25-2007**).

---

This issue (#12) was resolved earlier in the meeting.

- 
13. Request the Board consider the following Budget Committee recommendations from their meeting on October 15, 2007 (**10-25-2007**):
- a. Request from the Circuit Court Clerk to fund an additional \$23,000 per year position to help with that office's increasing workload.  
*Mr. Dishner and Mr. Clark who both serve on the Personnel Committee again approved the request. Mr. Slemph also expressed his approval of the request.*
- b. Request from the Animal Shelter for a full time shelter attendant. The Chief Animal Control Officer asked that the Personnel Committee consider transferring a current part time employee into full time.  
*Mr. Dishner and Mr. Clark who both serve on the Personnel Committee again approved the request. Mr. Slemph also approved the request.*

---

With the Budget Committee's recommendation the Board duly 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. This would be reflected in a budget increase and will cause a budget amendment to the current budget.

Vote: 6      yea (Roberts, Dishner, Slemph, Clark, Neitch, Blevins)  
1      nay (Perry)

With the recommendation of the Budget Committee, the Board duly approved a request from Bill Turman, Chief Animal Control Officer to make a current part time Shelter Attendant position into a full time position with benefits. With Mr. Turman's

11-14-2007

suggestion, funds to cover the salary will come from Animal Control (fund #003). This would be reflected in a budget increase of \$21,070 and will cause a budget amendment to the current budget in like amount. Funds will be transferred from Animal Control (fund #003) to equal this amount for the current year.

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

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board removed item number 13 from old business.

Vote: 7      yea  
0      nay

---

The Board briefly discussed a couple of the appointments expiring December 31, 2007.

---

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board instructed the staff to begin the process of writing a resolution of recognition to present to the family of Mrs. Mary Ann Evans in memory of her recent passing.

Vote: 7      yea  
0      nay

---

#### **CLOSED SESSION**

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, at 4:19 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A)

- (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

Vote: 7      yea  
0      nay

At 4:27 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



11-14-2007

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 encourages the Industrial Development Authority to appropriate and pay half of the incentive of \$300,000 discussed in closed session. If Washington County agrees, they would pay the remaining half.

Vote: 7      yea  
0      nay

---

#### **MEETING CONTINUED**

At approximately 4:28 p.m. the Chairman continued the meeting until 7:00 p.m. for a joint public hearing with Virginia Department of Transportation.

---

At 6:58 p.m. the Chairman called the meeting back to order and first allowed time for any citizen's to address the Board with concerns relating to the Department of Transportation.

Mr. William Hunt a resident of Riverside expressed problems with drainage on his road which affects his property. He named the different people he has spoken to over the past several years to try to remedy this problem. Mr. Hunt has installed ditching and barriers to try to help alleviate the drainage. He requested that the Board authorize and fund this project so that VDOT can fix this big problem.

Mr. Steve Buston of the Virginia Department of Transportation then spoke before the Board and explained the following request and answered questions.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby authorizes the

11-14-2007

Department of Transportation to close State Route 622, from Route 16 to 1.925 kilometers south of Route 686 south, for the time necessary to complete construction of the road way.

Vote: 7      yea  
0      nay

Mr. Buston then explained the process for the public hearing. After reviewing comment sheets and suggestions from citizens, VDOT will meet with the Board to determine how many roads can be placed on this plan. It will then be approved by the Board, which may not be until at least May 2008. Following the hearing VDOT representatives will meet with anyone wishes to speak with them. Mr. Buston had with him, Mr. Robert Hurt, Doug Bowling - over the Marion area, and Jeff Jones - who is currently filling in a vacant position over the Chilhowie/Bradford area.

At 7:20 p.m. the Chairman called the public hearing to order. There were approximately 4 citizens present. Mr. Carter read the following advertisement as ran in the Smyth County News and Messenger on Saturday, October 27 and Saturday, November 3, 2007. After the advertisement, Mr. Carter read the rules for public hearings.

**NOTICE OF PUBLIC HEARING**

*The Virginia Department of Transportation and the Smyth County Board of Supervisors, in accordance with section 33.1-70.01 of the Code of Virginia, will conduct a joint public hearing on Wednesday, November 14, 2007, at 7:00 p.m., or soon there after, in the Board of Supervisors meeting room at 121 Bagley Circle, Smyth County Office Building.*

*The purpose of this public hearing will be to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2008/2009 through 2013/2014, for Smyth County, and on the Secondary System Construction Budget for Fiscal Year July 1, 2008 to June 30, 2009. Copies of the proposed plan and budget may be reviewed at the Abingdon Residency of the Virginia Department of Transportation, located at 700 East Main Street, Abingdon, Virginia, or at the Smyth County Administrator's Office at 121 Bagley Circle, Suite 100, Marion, Virginia.*

*All projects in the Secondary Six-Year Plan that are eligible for the federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate federal transportation funds.*

*Persons requiring special assistance to attend and participate in this hearing should contact the Virginia Department of Transportation at 276-676-5503. Persons wishing to speak at this public hearing should contact the Smyth County Board of Supervisors at 276-783-3298.*

*Done by order of the Smyth County Board of Supervisors  
Edwin B.J. Whitmore, III, County Administrator*

**11-14-2007**

The first citizen to speak was Mr. Roy Stevenson on Route 624. He thanked VDOT for the new bridge on Route 624. Mr. Stevenson explained that the "Sally Moore Hill" portion of Route 624 is narrow for two cars to pass. He also mentioned that paving would help the condition of Route 624. He requested that this Route be placed on the Six Year Plan.

The only other citizen to speak was Mr. Bill Tilson of Tilson Hollow Road. He mentioned that the road is gravel and narrow but isn't interested in requested in having it upgraded.

The Chairman closed the hearing at 7:29 p.m. and with no other business the meeting was continued until Thursday, November 29 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 29, 2007, at 7:00 p.m.

**Board Members**

**Present:** Mr. Charlie Clark, Chairman Mr. Marvin Perry  
Mrs. Darlene Neitch Mr. Michael Roberts  
Mr. Harold Slep Mr. Todd Dishner

**Board Members**

**Absent:** Mr. Wade Blevins

**Staff Members**

**Present:** Mr. Clegg Williams Mr. Charlie Atkins  
Mrs. Amber Johnson Mr. John Tate  
Mrs. Becca Kirk Mr. Ed Whitmore

**Planning Commission**

**Members Present:** Mr. Dennis Blevins Mr. Wayne Venable  
Mr. Graham Davidson Mr. Karl Kalber  
Mr. Norman Sparks Mr. Don Medley

**Planning Commission**

**Members Absent:** Ms. Amy Tuell

---

At 7:00 p.m. the Chairman of the Board of Supervisors and Chairman of the Planning Commission called the joint public hearing to order.

Mr. Whitmore read the advertisement as run in the Smyth County News and Messenger on November 17 & 24. Mr. Whitmore also read the rules for public hearings. There were approximately 30 citizens present.

***BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS AND  
SMYTH COUNTY PLANNING COMMISSION***

*The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, November 29, 2007, at 7:00 P.M. or as soon after 7:00 P.M. as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application(s) to the Zoning Ordinance of Smyth County, Virginia:*

*An application from Smyth County Community Hospital for an amendment to the zoning map to rezone approximately 32 acres from Agricultural/Rural to Commercial. The property is located between Althea Street and Lee Highway in Marion and is identified by Tax Map No. 47-A-17 and a portion of 154-24-2.*

*At this public hearing, subject to the rules of procedure of the Board of Supervisors and Planning Commission of Smyth County, Virginia, any person may appear and state his/her views thereon.*

*These files are at the Offices of the County Administrator and County Zoning Administrator at the address given above, and may be viewed during regular business hours Monday through Friday.*

*Done by order of the Board of Supervisors and the Planning Commission.  
Edwin B.J. Whitmore III, County Administrator  
Dennis Blevins, Chairman of the Planning Commission*

**11-29-2007**

Mr. Williams explained the application submitted by the Smyth County Community Hospital (SCCH) who is negotiating to purchase approximately 40 acres from Judith Shultz and Kenneth Greer. He explained they propose to develop a medical facility between Hwy. 11 and Althea Street near Marion. The project will cover approximately 32 acres in the County and approximately 8 acres in the Town. Currently, all of the property mentioned above is zoned Agricultural/Rural. SCCH is requesting the property be rezoned to Commercial.

Mr. Williams informed the Board room that rezoning the property is the first of a two part process for SCCH to gain zoning approval for their proposed development. *Medical Care Facility* is a use only found in the Commercial District and then only with the issuance of a special use permit. As a result, SCCH have first applied to have the property rezoned to Commercial. With their application SCCH also submitted an owner's consent form. Mr. Williams also stated that notice was mailed to all adjoining property owners. Mr. Williams acknowledged that he has taken general questions regarding this case but no one requested that he convey their comments at the public hearing. Mr. Williams highlighted §3-4 which contains the district regulation for the Commercial district (the proposed zoning classification for the property), §3-2 the district regulations for the Agricultural/Rural (the current zoning classification for the property), and Article IX which covers amendments to the ordinance and map.

Mr. Williams then introduced Hank Carr of Corridor Properties, LLC. Mr. Carr gave a synopsis of SCCH's intentions to develop the property. He highlighted the hospital's history in the community, the site criteria (commercial visibility, approximately 40 acres and adequate utilities), the site itself and the zoning request presented.

Mr. Williams and Mr. Carr provided the GIS map of the proposed site to the audience which illustrated the present zoning classifications for both the county and town.

Ms. Lindy White, CEO of SCCH spoke on the hospital's wishes to develop this property and answered various questions.

Mr. Gary Peacock, Chairman of the Board of SCCH offered his support for the project. He highlighted that SCCH is in fact a part of the community and they currently

**11-29-2007**

sit in the middle of a residential area.

Judith Schulz, owner of the property, spoke in favor of the development and expressed her care and concerns for the community. She stated that she intended for this transaction to be for the good of the community, the citizens of the Town of Marion and Smyth County.

The following citizens voiced their opinions and concerns to the development:

Phil Martin	Charlie Wassum
Tina Graham	Jim Gates
Tom Burkett	Mary Martin
Seth Martin	Pat Martin
Alice Freeman	

The citizens spoke about essentially the same concerns including noise and light levels, elevation and placement of buildings, time frame of construction, and the entrances and access roads (mainly Althea Street and Water Mill Road). Another common concern among those that spoke was about the future of the property should the hospital's proposed plan not develop. The citizen's requested that the decision be postponed until more specific plans can be produced or that the zoning be made conditional.

Mr. Williams addressed the citizen's request for a postponement of the decision. He explained that this hearing is only for the map amendment and the Planning Commission is not authorized to impose any restrictions on a map amendment. He reiterated that SCCH would still have to apply for a Special Use Permit for a medical care facility after the map amendment and that the Planning Commission could recommend restrictions to the Board for the Special Use Permit. The Board would then have the right to impose restrictions on the developers. He explained that if the Planning Commission and Board decide to approve the map amendment and the hospital did not develop the property as proposed, the property's zoning classification would remain Commercial until one of three things took place: the property owner applied to have the property rezoned to A/R, the Planning Commission, or the Board of Supervisors initiate the rezoning of the property back to A/R.

No one else spoke on this application.

Chairmen Clark and Chairman Blevins closed the joint public hearing at 7:57 p.m.

11-29-2007

---

The Board then continued their meeting in the Board room on the fourth floor.

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved a budget amendment in the amount of \$783,000 to allow for the East Hungry Mother Water Project. This is a revenue neutral project.

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

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved an appropriation in the amount of \$511,958.35 for the East Hungry Mother Water Project.

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

---

Mr. Whitmore requested the Board consider an alternate gasoline supply other than at the county jail house. That pump has been damaged and will cost a good amount to repair. In light of the courthouse renovations he felt it would be best to go elsewhere for gasoline.

Following discussion, upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board gave Mr. Whitmore the Authority to find a gasoline supply, on an emergency basis, for up to 90 days until a more permanent supply is found, at that time the Board will reevaluate the options.

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

The following notice was posted the next morning:

**NOTICE**  
***Under §2.2-4303 (F) - DETERMINATION FOR EMERGENCY  
PROCUREMENT SERVICES***

*At a continued meeting of the Smyth County Board of Supervisors held Thursday, November 29, 2007, upon a presentation by Edwin B.J. Whitmore, III, County Administrator, the Board determines that there are only two sole sources, and no other source is practicably available for gasoline supply service to Smyth County employees due to 24 hour service requirements.*

*The Board has agreed to procure temporary (90 days) gasoline services from two 24-hour Chevron service stations in Marion. These Chevron service stations will directly bill the County monthly. In using these stations, the county will be exempt from applicable state and road taxes.*

*This action was taken because no other source is practicably available for this needed resource. The Board of Supervisors announced its decision to award this contract last evening, Thursday, November 29, 2007, and this notice is posted in the designated public area of the Smyth County Courthouse, 109 West Main Street, Marion, VA, and the Smyth County Office Building, 121 Bagley Circle, Marion, VA.*



**11-29-2007**

*Signed this day, Friday, November 30, 2007*

*Edwin B.J. Whitmore, III, County Administrator*

---

Mr. Whitmore asked that a request for the Board to consider farmers relief for hay be placed on the agenda. At the meeting he asked that the Board table this issue. After further explanation, the Board agreed to let this request die until a proper request is presented to the Board.

---

Mr. Tate distributed the draft agreement to the Board with the Town of Marion on the old school and the parking facility. The Town of Marion will be meeting soon to discuss this document and will return with their comments. The Board can then make any comments and changes.

---

Mrs. Johnson listed the following reminders and information:

- APPOINTMENTS - Appointment Committee will be meeting again Wednesday, December 5 at 9:00 a.m. Please turn in any suggestions for nominations for those that expire December 31, 2007 by this meeting.

*Mr. Roberts turned in an appointment nomination for the Virginia Highlands Community College Board following the meeting.*

- VACo/VML Legislative Day, February 7, 2008, information is attached. Please let Amber know by December 17, if you wish to attend.

*Mr. Roberts stated that he would go to the VACo/VML Legislative Day.*

- VACo County Supervisors Forum, January 4-6, 2008, information is also attached. Those wishing to attend should let Amber know AS SOON AS POSSIBLE.

---

The Chairman closed the meeting at approximately 8:20 p.m.

---

C.C. Clark, Jr., Chairman



*Note from the Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.*

**Virginia:** The regular meeting of the Smyth County Board of Supervisors was held at the County Office Building on Tuesday, December 11, 2007 at 12:00 noon.

**Board Members**

<b>Present:</b>	Mr. Charlie Clark	Mr. Harold Slempp
	Mr. Wade Blevins	Mr. Michael Roberts
	Mrs. Darlene R. Neitch	Mr. Marvin Perry
	Mr. Todd Dishner	

**Staff Members**

<b>Present:</b>	Mr. Mike Carter	Mr. Charlie Atkins
	Mr. John H. Tate, Jr.	Mrs. Amber Johnson
	Mr. Ed Whitmore	

Mr. Clark called the meeting to order at approximately 12:00 p.m.

Mr. Pat Arnold led invocation and Mrs. Pam Testerman led the pledge of allegiance.

\_\_\_\_\_  
Upon motion of Mr. Blevins, seconded by Mr. Slempp, and unanimously carried, the agenda was adopted along with the additional agenda. Two items were added: Mr. Whitmore added a Certificate of Need for the Hospital and Mr. Roberts added a report from Emergency Management.

Vote:	7	yea
	0	nay

\_\_\_\_\_  
After a correction to the motion made concerning the courthouse order, upon motion of Mr. Dishner, seconded by Mr. Blevins, and unanimously carried, the minutes of November 14, and 29, 2007 were approved.

Vote:	7	yea
	0	nay

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

General County		\$1,040,000
Animal Control (office supplies)		\$227.40
Department of Social Services (December 12-31, 2007)		\$300,000
(January 1-8, 2008)		\$65,000
Schools	Operating Fund	\$4,000,000

Vote:	7	yea
	0	nay

12-11-2007

---

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the accounts payable listing in the amount of \$444,064.39 was approved. This accounts payable includes a payment to Closed Networks, Fredrick G. Griffin Engineering for the radio system project in the amount of \$5,175. It also includes a payment to Mosley Architects for the Courthouse Renovation in the amount of \$40,125.

Vote: 7      yea  
0      nay

---

#### **CITIZEN'S TIME**

Hunter Trivett, Marion Senior High School Wrestling Coach spoke before the Board explaining a wrestling tournament to be held December 21 and 22 at Marion High School. This tournament will host many wrestlers from all over; a premier tournament they hope will grow to be nationwide. Mr. Trivett requested that the Board aid in the tournament by sponsoring \$1,500 needed. This tournament will bring visitors from all over to the area.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board donated \$1,500 to Marion Wrestling for the Brutal Clash tournament to be held the weekend of December 21 - 22, 2007, at Marion Senior High School.

These funds are appropriated from the Board of Supervisors Supplemental Appropriations (#001-011010-8888).

Vote: 7      yea  
0      nay

Mr. Edward Pennington of Cedar Bluff Baptist Church spoke before the Board inquiring on the Church's recent request for water on Churchland Drive in Atkins. Mr. Scott Simpson briefly updated Mr. Pennington on the request that is in the hands of the Water and Sewer Committee. Mr. Simpson is currently seeking other customers that may be interested in the water if installed.

Pastor, Eddie Beck, and Keith Clark a resident of Churchland Drive spoke of the need for the water line. Mr. Beck explained that the church is in need of the water for a new residence for a youth pastor. Mr. Clark spoke on the population growth in the area and that he would do anything he could to get more interest in the water.

**12-11-2007**

William Hunt of 1082 Riverside Road spoke before the Board again, reiterating his problems with run off he expressed at the Board meeting on November 14. He again requested that the Board make the funds available to fix this problem that makes the roadway hazardous.

Joe Copenhaver, current Secretary of the Smyth Wythe Airport Commission gave a brief update on the status of the Airport and the Commission in the past year. He also requested that the Board reappoint him as the Secretary for another four year term. Mr. Copenhaver's term on the Commission expires December 31, 2007.

Earl McClure commended the County for the completion of the Beasley Lane water line. He mentioned chemicals that could help those customers with metal lines. Mr. McClure also mentioned the user availability fee that the County does not enforce.

Tim White, Executive Director of the Song of the Mountains along with Smyth County Celebration and the President and Co-Founder of the Appalachian Cultural Music Association was the last to speak during citizens time.

Mr. White first spoke on behalf of the Smyth County Celebration and the Song of the Mountains. The 2008 festival is scheduled for the last weekend of June. The Celebration requests \$5,000 to secure deposits for singing acts (this requests was acted later in the meeting, under old business).

Mr. White then spoke on behalf of the Appalachian Cultural Music Association which is currently remodeling the old Baldwins building in downtown Marion. He requested \$10,000 over a period of two (2) years to aid in the rehab of the building. Mr. White showcased 2 artifacts that would be on display in the museum once open in Marion. The museum will spotlight local and regional musicians.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, this request was referred to the Budget Committee (this motion was made during old business discussion).

Vote: 7      yea  
0      nay

Mr. Slemp introduced his successor from the Atkins District, Mrs. Brenda Waddell.

12-11-2007

---

The Board then considered the Mutual Aid agreement with the three Town as submitted by the Commonwealth Attorney. The current agreement expires December 31, 2007. Mr. Tate made a couple grammatical changes to the agreement and requested that a date line be added to each signature line.

**Note:** Mr. Roberts stated that he was an employee of the Town of Marion and could vote impartially.

The Board then considered the Mutual Aid agreement with Washington County as submitted by Mr. Tate. This agreement also expires December 31, 2007. Mr. Tate stated that the effective date would be the same as the term of the Sheriff through December 31, 2011, not 2010 as stated in the agreement distributed. Mr. Roberts mentioned making the three towns party to the agreement. Mr. Tate stated that a paragraph could be added to that effect.

After discussion among the Board, upon motion of Mr. Slemp, and seconded by the Board, the above agreements were approved subject to the discussed changes.

Vote: 7      yea  
0      nay

---

The Board then considered Mutual Aid agreements with Russell and Wythe Counties as submitted by the Commonwealth Attorney. Mr. Tate expressed his concerns with each of the agreements. The Wythe County agreement had no territory boundaries. The Russell County agreement has drug deputies which are prohibited by the Compensation Board. After discussion the following motion was made:

Mr. Perry moved to approve the Mutual Aid agreements with Russell and Wythe Counties, with Mr. Tate's revisions and authorize them to be signed. Mrs. Neitch seconded this motion. The motion failed to carry.

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

These being new to the County and with some outstanding questions, upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Mutual Aid agreements with Wythe and Russell Counties were continued to allow time for Mr. Tate and Mr. Roy Evans, Commonwealth Attorney to discuss the agreements.

Vote: 7      yea  
0      nay

12-11-2007

---

The Board then considered the district specific appointments below.

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. Those two remaining (Mavis Williams - Atkins District and Debbie Ogle - North Fork District) were continued.

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

Phyllis Griffith - Rye Valley District  
Alice Freeman - Park District  
Norma Marsh - Saltville District  
Gay Hart - Royal Oak District  
Sandy Davenport - Chilhowie District

Vote: 7      yea  
      0      nay

Mr. Roberts nominated Mrs. Dreama Neal to the Board of Zoning Appeals contingent upon her acceptance. This will be continued for follow up.

Mrs. Neitch's term on the Department of Social Services Board for the Rye Valley District expires December 31, 2007. This vacancy was continued.

Mrs. Neitch raised the option of allowing Mrs. Waddell to make the appointment to the Planning Commission. The Atkins District appointment expires December 31, 2007. Discussion was held then the following motion was made:

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and duly carried, the Board reappointed Mr. Dennis Blevins to the Smyth County Planning Commission, as the Atkins District representative. Mr. Blevins' four (4) year term will begin January 1, 2008 and will expire December 31, 2011.

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

Upon motion of Mr. Dishner, seconded by Mr. Slemp, and unanimously carried, the Board reappointed Mr. Karl Kalber to the Smyth County Planning Commission, as the Park District representative. Mr. Kalber's four (4) year term will begin January 1, 2008 and will expire December 31, 2011.

Vote: 7      yea  
      0      nay

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board re-appointed Mr. Dick Ryan to the Smyth-Bland Regional Library Board, as

12-11-2007

the Chilhowie District representative. This four year term will begin January 1, 2008 and will expire December 31, 2011.

Vote: 7      yea  
0      nay

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board appointed Ms. Margaret McKinnon to the Smyth-Bland Regional Library Board, as the Rye Valley District representative. This four year term will begin January 1, 2008 and will expire December 31, 2011. Ms. McKinnon replaces Vickie Stamper who was not eligible for reappointment.

Vote: 7      yea  
0      nay

With the recommendation of the Appointment Committee, the Board duly removed the following:

Local Transportation Safety Commission (4 year term, district specific)  
Saltville District - Frank E. Lewis  
North Fork District - C. P. Brickey  
Chilhowie District - Robert E. Cochran  
Park District - Ed Whitmore  
Atkins District - James Parlier  
Royal Oak District - Eddie D. Foster  
Rye Valley District - Sidney Blankenbeckler

This Commission has been inactive for sometime. It can be reappointed if needed.

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

---

The Board then considered the non-district specific appointments below which were recommendations from the Appointment Committee.

Upon motion of Mr. Perry, seconded by Mr. Slemp and with the recommendation of the Appointment Committee, the Board unanimously agreed to remove the Allison Gap Sewer Committee (County's members). The project is complete but not closed out. The County has designated its left over funds elsewhere and the Town of Saltville has exhausted the remaining portion of their funds. Any outstanding issues can be addressed by the Water and Sewer Committee.

Allison Gap Sewer (until the project is closed out)  
Charlie Clark  
Michael Roberts

Vote: 7      yea  
0      nay



12-11-2007

Upon motion of Mr. Dishner, seconded by Mr. Slemp, and unanimously carried, the Board reappointed Mr. Les Whitt to the Board of Appeals to the Virginia Uniform Statewide Building Code. This four (4) year term will begin January 1, 2008 and will expire December 31, 2011.

The vacancy by Don Martin and Brian Reynolds was continued.

Board of Appeals to the Virginia Uniform Statewide Building Code (4 year term)  
Les Whitt  
Don Martin

Alternates:  
Brian Reynolds

Vote: 7      yea  
0      nay

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and duly carried, the Board nominated Mr. Ron Thomason and Mr. Robert Shults for another term to the Smyth County Board of Zoning Appeals as alternates. If approved by the Judge of Circuit Court, their five (5) year terms will begin January 1, 2008 and expire December 31, 2012.

The vacancy of Jackie French was continued (as an alternate). The nomination for the Saltville District BZA member and these nominations for alternates will be held until all nominations are made by the Board so that one submission can be made to the Judge of Circuit Court.

Board of Zoning Appeals (5 year term, district specific, recommendations by Smyth County Board of Supervisors, Appointed by Judge of Circuit Court)

Alternates: *Expired October 7, 2007*  
Ron Thomason  
Robert Shults  
Jackie French

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

With the recommendation of the Appointment Committee, the Board unanimously reappointed Mr. Marvin Perry to the District Three Governmental Cooperative Board of Commissioners and Mr. Todd Dishner as the alternate. Their one (1) year terms will expire December 31, 2008.

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

12-11-2007

The Appointment Committee unanimously recommended to the Board that the County Administrator (Ed Whitmore) be appointed as the Emergency Services Director.

This motion failed with the following vote:

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

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and duly carried, the Board reappointed Mr. Michael Roberts as the Emergency Services Director. His one (1) year term will expire December 31, 2008.

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

With the recommendation of the Appointment Committee the Board unanimously removed the Historian appointment.

Historian (4 year term)  
Betsy L. Sayers

Vote: 7	yea
0	nay

With the recommendation of the Appointment Committee, the Board unanimously reappointed Mrs. Darlene Neitch to the Konnarock Neighborhood Facility Authority for another 4 year term, beginning January 1, 2008 and expiring December 31, 2011.

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

With the recommendation of the Appointment Committee, the Board unanimously agreed NOT to appoint a Board member in Mr. Slemp's place on the Lincoln Theatre Board. A Board of Supervisor is not necessary on that Board.

Vote: 7	yea
0	nay

With the recommendation of the Appointment Committee, the Board unanimously appointed Mr. Todd Dishner as the Board member representative to fill Mr. Slemp's term on the Marion Downtown Revitalization Committee. This term will expire June 30, 2008.

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

With the recommendation of the Appointment Committee, the Board unanimously nominated Melinda Duncan to the New River/Mount Rogers Workforce Investment Board. If appointed, Ms. Duncan will be filling Ms. Rhonda Taylor's term, this will be

12-11-2007

from February 1, 2008 through March 31, 2010.

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

With the recommendation of the Appointment Committee, the Board unanimously agreed to reappoint Mr. Marvin Perry to the Smyth-Washington Regional Industrial Facilities Authority for another 4 year term, January 1, 2008 and expiring December 31, 2011.

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

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and duly carried, the Board appointed Mr. Tom Hill to the Smyth-Wythe Joint Airport Commission. This Smyth County representative's four year term will begin January 1, 2008 and will expire January 31, 2011.

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

No action was taken on the following and therefore it was continued:

Transportation Citizen's Participation Committee (Mt. Rogers P.D.C., 1year term)  
Ron Thomason

Alternate:  
James D. Parlier

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, 2008.

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

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried the Board appointed Mrs. Kimberly Clark to the Virginia Highlands Community College Board. Mrs. Clark will be filling Mr. James Bonham's term, her term will begin as of December 11, 2007 and will expire June 30, 2011.

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

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, the Board appointed the following members to the Emergency Services

12-11-2007

Communications Committee. This committee now consists of three Board of Supervisors who are voting members and five non-voting advisory members.

Voting Members (Board of Supervisors)  
Brenda Waddell - Chairman  
Emergency Services Director (currently Michael Roberts)  
Wade Blevins

Non-Voting Members  
David Bradley (Sheriff)  
David Haynes (Chilhowie Fire Department, Chief)  
Eddie Louthian (Saltville Rescue Squad)

Shannon Williams (E-911 Coordinator)  
Charlie Harrington (Emergency Services Coordinator)

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

With the recommendation of the Appointment Committee, the Board unanimously nominated Mr. Michael Roberts for another term to the Highlands Juvenile Detention Center Commission. If approved by the Juvenile and Domestic Relations Court Judge, his four (4) year term would be from January 1, 2008 through December 31, 2011.

Vote: 7	yea
0	nay

With the recommendation of the Appointment Committee, the Board unanimously approved the reappointment of Ms. Tuell to the Mount Rogers Planning District Commission, as the Smyth County Planning Commission representative. Her term on the MRPDC would expire when her term as a Smyth County Planning Commission member expires, January 1, 2008 through December 31, 2010. (The Smyth County Planning Commission recommended to the Board that she be reappointed).

With this motion the Board also approves a recommendation from the Appointment Committee to reappoint Mr. Michael Roberts to the Mount Rogers Planning District Commission, as the Smyth County Board of Supervisor representative. His term on the MRPDC will expire when his term as Board of Supervisor expires, January 1, 2008 through December 31, 2009.

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

With the recommendation of the Appointment Committee, the Board unanimously appointed Barbara DeBord, Tourism Director as Smyth County's representative to the

12-11-2007

Ninth District Development Financing Incorporated Board of Directors and Mrs. Sally Morgan as the alternate. Their two year terms will begin January 1, 2008 and will expire December 31, 2009.

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

The following was referred to the Appointment Committee at the regular Board meeting on October 9, 2007:

*The Board decided to continue designating a liaison to the local sesquicentennial committee. The Appointment Committee will discuss this appointment at their next meeting which will allow Mr. Whitmore more time to obtain information on the program.*

The Committee reported that they have discussed a couple suggestions for this appointment. No definite decision has been made. This appointment will continue to be discussed in the Appointment Committee.

---

Mr. Whitmore distributed copies of the agreement with the Town of Marion for the parking facility and the old school building. After a brief discussion, the Board agreed to allow the Courthouse Committee to review this agreement closely before taking action.

---

Upon motion of Mr. Slemp, seconded by Mr. Perry, and duly carried, the Board would support the following Letter of Interest.

**LETTER OF INTEREST**

*The Marion Historic District Enhancement/Smyth County Schoolhouse Adaptive Reuse Planning Grant*

*The Town of Marion ("Town") and Smyth County ("County") are interested in partnering to apply for a Planning Grant from the Department of Housing and Community Development "Community Development Block Grant" Program.*

*This application would be for the amount of \$40,000, and would provide basic studies, analyses, and community workproducts designed to assist the community with the adaptive reuse of the historic 1908 schoolhouse, located at 105 East Strother Street in downtown Marion, Virginia.*

*The Marion Historic District Enhancement/Smyth County Schoolhouse Adaptive Reuse Planning Grant would provide, at a minimum:*

- 1) Complete Structural Analysis of the building;*
- 2) Preliminary Engineering and Architectural Analysis to provide information necessary to stabilize the structure and ensure compliance with all current buildings codes and to preserve and restore the historic facade;*
- 3) Cost estimates for all construction to be done related to items #1 and #2;*
- 4) A facilitated community program to solicit and evaluate alternative proposals for reuse of the building based on financial feasibility, including building improvements and*

12-11-2007

ongoing operation and maintenance costs, and overall community impact for the reuse of the building.

5) If determined to be feasible, the recommended reuse plan for the building will include a plan for ownership, management, and funding.

6) A comprehensive study of the adjacent areas, from North Church to Broad to Lee to Main, which will include parking, streetscape improvements, pedestrian walkways, facades, signage, etc. to enhance connectivity and continuity of the project to the existing character of the downtown district.

This Letter of Interest is to indicate the Town's and the County's interest in submitting a planning grant application in the amount of \$40,000. The Town and County are ready to proceed immediately upon notification, with an anticipated start date of January 2008.

The Town of Marion and Smyth County agree to each provide \$2,500 as local match to this Planning Grant.

---

David P. Helms, Mayor  
Town of Marion

---

Charlie Clark, Chair  
Smyth County Board of Supervisors

---

(date)

---

(date)

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

---

With the recommendation of the Insurance Committee, the Board duly approved the following renewal rates from Anthem, summarized by Mr. Atkins (if no lower rate can be obtained from Anthem):

Employee only	\$419.58
Employee & one child	\$629.41
Employee & children	\$965.08
Employee & spouse	\$881.25
Employee & family	\$1,342.73
Medicare carve out	\$427.97

The above proposal is an 8% increase from the current rate (Medicare rate is a greater increase). It makes no change in the current program and the employer/employee ratio will stay the same. Mr. Perry requested that Anthem be contacted as to whether Medicare participants could elect not to participate in the drug program at a reduced premium.

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

---

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved the renewal of the Wilkinson Mill Convenience station lease. This lease is identical to the past lease.

Vote: 7      yea  
      0      nay

12-11-2007

---

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried,  
the Board approved the following letter of support:

*Robert B. Stroube, MD, MPH  
State Health Commissioner  
Virginia Department of Health  
Madison Building  
109 Governor Street, 13<sup>th</sup> Floor  
Richmond, Virginia 23219*

*Re: COPN Request NO: VA-7527 to Replace and Relocate Smyth County Community  
Hospital*

*Dear Dr. Stroube:*

*We would like to express our support of Mountain States Health Alliance's  
request for the relocation and construction of a replacement hospital for Smyth County  
Community Hospital in Marion, Virginia. As a private, not-for-profit organization, all  
income generated by MSHA goes back into the organization for services to the  
community. Projects such as the replacement and relocation of Smyth County  
Community Hospital are funded internally in order to benefit the community. It is  
important that hospitals in our more rural region keep up with the latest technologies  
and maintain the ability to reinvest in their facilities and the community.*

*Today, our Board of Supervisors voted unanimously to support this application  
and we are hopeful it will be approved.*

*Sincerely,*

*Edwin B.J. Whitmore, III  
County Administrator*

Vote: 7      yea  
      0      nay

---

Mr. Roberts, Emergency Services Director updated the Board on the Annual  
Emergency Services training drill held Sunday evening, December 9 on the grounds of  
the Southwestern State Hospital. Mr. Roberts reported that the drill went well with many  
of local fire, EMS and law enforcement participating and with the E-911 Coordinator  
present. He stated that the only problems were wrong phone numbers in the  
Emergency Operations Plan for the Administrators which are now in the process of  
being changed.

---

Mr. Steve Buston of the Virginia Department of Transportation distributed a list of  
requests that came out of the hearing held on November 14 for the Six-Year Plan.  
Clarifications were made to road names on the list.

Mr. Buston and Mr. Robert Hurt, both of VDOT answered brief questions from the  
Board. Route 622 (Nicks Creek Road) is in the advertisement phase. Mr. Buston also  
briefly replied to Mr. Hunt's request (citizens time). Mr. Buston has been in contact with

12-11-2007

Mr. Hunt to help his problem.

The Board thanked Mr. Buston and Mr. Hurt of VDOT for the past years help to Smyth County.

---

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved a recommendation from the Planning Commission, on the request of Smyth County Community Hospital for a map amendment. The property is currently zoned Agricultural/Rural and is recommended to be rezoned Commercial. The property is identified by all of Tax Map No. 47-A-17 and a portion of Tax Map No. 154-24-2.

Vote: 7      yea  
0      nay

---

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to grant Ms. Reva Presley (500 Riverside Road, Chilhowie) until April 15, 2008 to get her structure destroyed by fire cleaned up. Virginia Cares (a non-profit organization) submitted a letter on Ms. Presley's behalf. In that letter, they offered their assistance in cleaning the site. This motion also waives tipping fees, in the event that debris is taken to the Smyth County landfill for disposal.

Vote: 7      yea  
0      nay

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board gave Mr. Williams the authority to proceed with the necessary legal action against Mr. Sanders Jackson of 1005 Shuler Hollow Road, Chilhowie, for the removal of a structure destroyed by fire.

Vote: 7      yea  
0      nay

---

The Board then proceeded with the following public hearing at approximately 3:05 p.m. Mr. Whitmore read the ad as ran in the Smyth County News and Messenger on November 24 and December 1, 2007, both Saturday editions. There were no citizens present, therefore the rules for public hearings were not read.

#### ***Notice of Public Hearing***

*The Smyth County Board of Supervisors in accordance with section 15.2-1427 (F) of the Code of Virginia, will hold a public hearing on Tuesday, December 11 at 3:00 p.m., or soon there after, in the Board of Supervisors Meeting Room at the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia.*



12-11-2007

*The purpose of the hearing is to receive comments on proposed changes to the Smyth County Code - Article VII – Enterprise Zone Exemptions. These proposed changes are contained in Section 34-206 through Section 34-211, and relate primarily to the definitions, eligibility requirements, and application process for Rehabilitated Real Estate Tax Exemption.*

*The text of the proposed amendments is on file and can be viewed at the County Administrator's Office at 121 Bagley Circle, Marion, Virginia. Any questions regarding the proposed changes can be directed to Sally Morgan at 276-783-7000, Ext. 206 or smorgan@smythcounty.org*

*Done by order of the Smyth County Board of Supervisors  
Edwin B.J. Whitmore, III, County Administrator*

Mrs. Sally Morgan answered questions and clarified concerns of the Board.

Following the public hearing, upon motion of Mr. Slemp, seconded by Mr. Perry, and duly carried, the Board approved proposed changes to the Smyth County Code - Article VII – Enterprise Zone Exemptions. These changes are contained in Section 34-206 through Section 34-211, and relate primarily to the definitions, eligibility requirements, and application process for Rehabilitated Real Estate Tax Exemption. These changes are effective this day, Tuesday, December 11, 2007 (changes included in official minutes).

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

---

The Board then proceeded with the following public hearing at approximately 3:31 p.m. Mr. Carter read the ad as ran in the Smyth County News and Messenger on November 24 and December 1, 2007, both Saturday editions. There was one citizen present, therefore upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the rules for public hearings were not read.

Vote: 7      yea  
      0      nay

### **Notice of Public Hearing**

*The Smyth County Board of Supervisors in accordance with section 15.2-1427 (F) of the Code of Virginia, will hold a public hearing on Tuesday, December 11 at 3:30 p.m., or soon there after, in the Board of Supervisors Meeting Room at the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia.*

*The purpose of the hearing is to receive comments on proposed changes to the Smyth County Zoning Ordinance and the Smyth County Manufactured Home Park Ordinance.*

*The first proposed change is to amend Section 10-45 of the Zoning Ordinance, the definition of a manufactured home park as: a site, lot, or tract of land equipped to accommodate four or more manufactured homes for dwelling purposes.*

*The second proposed change is to remove Section 50-8 of the Manufactured Home Park Ordinance which addresses the installation of a manufactured home on individual lots with three or less manufactured homes.*

12-11-2007

*Text of the proposed amendments is on file and can be viewed at the County Administrator's Office at 121 Bagley Circle, Marion, Virginia. Any questions regarding the proposed changes can be directed to Clegg Williams, Building and Zoning Department Administrator at 276-783-3298, Ext. 227 or [buildingandzoning@smythcounty.org](mailto:buildingandzoning@smythcounty.org).*

*Done by order of the Smyth County Board of Supervisors  
Edwin B.J. Whitmore, III, County Administrator*

Mr. William Hunt of Riverside Road was the only citizen to speak on the above proposed amendments. He voiced his concerned against the changes to accommodate four or more manufactured homes for dwelling purposes.

Mr. Clegg Williams, Zoning Administrator briefly addressed Mr. Hunt's concerns.

Following the public hearing, with the recommendation of the Ordinance Committee, the Board unanimously approved the amendment to Section 10-45 of the Zoning Ordinance, the definition of a manufactured home park as: a site, lot, or tract of land equipped to accommodate four or more manufactured homes for dwelling purposes.

Vote: 7      yea  
      0      nay

Following the public hearing, with the recommendation of the Ordinance Committee, the Board unanimously approved the proposed change to **remove** Section 50-8 of the Manufactured Home Park Ordinance which addresses the installation of a manufactured home on individual lots with three or less manufactured homes.

Vote: 7      yea  
      0      nay

---

## OLD BUSINESS

1. Collection of delinquent taxes **(8-10-04)**.
2. Marevine Slep, request for water service on Fox Valley Road **(5-11-04)**.
3. Request for tax relief status on building improvements **(12-5-2006)**
4. Re-codifying of the Smyth County Code **(1-10-2006)**.
5. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee **6-13-2006**).
6.
  - 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).
7. Request the Board appropriate \$15,120 to pay Wythe County their portion of taxes collected on aircraft at the Smyth Wythe Airport for 2006 **(6-12-2007)**.

12-11-2007

8. Appropriation request in the amount of \$5,000 for the Smyth County Celebration **(7-10-2007)**.

---

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and duly carried, the Board appropriated \$5,000 to the Smyth County Celebration. These funds are appropriated from the Smyth County Celebration line, account #001-056000-6022.

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

- 
9. Invoice from the Town of Marion for the County's 17.65% of the refinanced Virginia Resource Authority (VRA) bond on the Regional Sewer Treatment Plant **(8-14-2007)**.

---

Mr. Tate briefly discussed verbal changes to the above agreement with the Town Of Marion.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board approved the agreement with the mentioned (verbal) changes by Mr. Tate.

Vote: 7      yea  
0      nay

- 
10. Request from the Smyth County Museum for a 3 month extension on the evacuation of the building **(11-14-2007)**.

---

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board agreed to grant the Smyth County Museum's request to allow for a 3 month extension. This would make the museum's deadline to vacate the building on or before Tuesday, April 1, 2008. The Board reaffirmed a previous decision not to repair any further major heating problems should they arise.

Vote: 7      yea  
0      nay

- 
11. A request for a letter of support from Isle of Wright County to ban the use of plastic bags, it was continued until Mr. Whitmore is present to explain more on this request **(11-14-2007)**.

---

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board, removed item number 11 from old business. Mr. Whitmore explained that it should be at the State Legislature to be a statewide ban.

Vote: 7      yea  
0      nay

---

Jeff Richardson, Commissioner of Revenue distributed information in the Board packet concerning American Highwall Systems 2007 Abatement of Machinery and

12-11-2007

Tools. Mr. Tate stated that he would research this information further due to the amount of the abatement (\$43,200) and return to the Board with further information in the further.

---

The following Reminders and Information was listed on the agenda:

- VACo/VML Legislative Day, February 7, 2008. Please notify Amber by December 17, if you wish to attend.
- The County's Quarterly meeting will be hosted on Tuesday, January 15, 2008 at 6:30 p.m. at the Smyth Career and Technology Center. Food will be provided by the Culinary Arts Department.

---

At this time (approximately 5:00 p.m.) Mr. Slemp excused himself. He thanked the Board for the past four years and wished them the best of luck in the future.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board commended Mr. Slemp and recognized him for his years of service on the Board of Supervisors as the Atkins District Representative, January 1, 2004 through December 31, 2007.

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

---

Note: Mr. Blevins left during closed session.

### **CLOSED SESSION**

Upon motion of Mr. Blevins, seconded by Mr. Perry, and unanimously carried, at 5:25 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A)

- (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
- (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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

At 5:42 p.m. the Chairman ended the closed session.

---

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

12-11-2007

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 (Roberts, Dishner, Clark, Neitch, Perry)  
2      absent (Slomp, Blevins)

---

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board gave Mr. Williams the authority to proceed with the necessary legal action against Ms. Ethal Berger of 190 Churchland Drive, Atkins, for the removal of a junkyard/automobile graveyard.

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

---

At approximately 5:43 p.m., upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried, the meeting was adjourned.

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



