

Virginia: The regular meeting of the Smyth County Board of Supervisors was held at the County Office Building on Tuesday, January 8, 2008 at 12:00 noon.

Board Members

Present: Mr. Charlie Clark Mrs. Brenda Waddell
Mr. Wade Blevins Mr. Michael Roberts
Mrs. Darlene R. Neitch Mr. Marvin Perry
Mr. Todd Dishner

Staff Members

Present: Mr. Mike Carter Mr. Charlie Atkins
Mr. John H. Tate, Jr. Mrs. Amber Johnson
Mr. Ed Whitmore

Mr. Whitmore, Clerk called the meeting to order at approximately 12:00 p.m.

Mr. Mark Blevins, Sheriff Department Chaplin led invocation and Chief Deputy Kenny Lewis led the pledge of allegiance.

At this time Mr. Whitmore opened the floor for nominations for Chairman for calendar year 2008.

Mr. Perry was recognized and made a statement on the past year and how Mr. Clark has led the Board. With that said, he nominated Mr. Charlie Clark for Chairman for calendar year 2008. Mr. Dishner seconded that nomination.

Mr. Blevins then nominated Mrs. Darlene Neitch as Chairperson, Mrs. Waddell seconded that nomination.

With no other nominations, Mr. Blevins made a motion to close nominations for Chairman, which was seconded by Mrs. Neitch.

The following vote was taken for the first nomination, for Mr. Clark as Chairman:

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

The following vote was then taken for the second nomination for Mrs. Neitch as Chairperson:

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

With that vote Mrs. Darlene Neitch was determined as chairperson and assumed the seat as so.

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

Vote: 7 yea
0 nay

Mr. Perry, Mr. Clark, and Mr. Dishner offered their support to the new chairperson.

Mrs. Neitch then opened the floor for nominations for Vice-Chairman.

Mr. Roberts nominated Mr. Wade Blevins as the Vice-Chairman for calendar year 2008. That nomination was seconded by Mrs. Waddell.

With no other nominations made, Mr. Clark motioned to close nominations for Vice-Chairman. It was seconded by Mr. Dishner.

Vote: 7 yea
 0 nay

The following vote was taken for the only nomination for Vice-Chairman:

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

Mr. Blevins then assumed the position of Vice-Chairman.

Mrs. Neitch then opened the floor for nominations of Clerk.

Mr. Clark nominated Mr. Ed Whitmore. That nomination was seconded by Mr. Perry and was duly carried with the following vote:

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

Mrs. Neitch then opened the floor for nominations of Deputy Clerk.

Mr. Blevins nominated Mr. Michael Carter. That nomination was seconded by Mr. Dishner and unanimously carried.

Vote: 7 yea
 0 nay

The Board then considered the adoption of rules and procedures. Mr. Perry mentioned amending the section (4.10-2) concerning budget requests not budgeted. He asked that the Board consider setting a threshold that does not have to go to the Budget Committee.

Upon motion of Mr. Perry the Rules of Procedures was adopted except for section 4.10-2. This motion was seconded by Mr. Clark and unanimously carried. This section was continued for further review.

Vote: 7 yea
 0 nay

1-8-2008

Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the minutes of December 11, 2007 were approved.

Vote: 7 yea
 0 nay

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

General County	\$1,320,000
Animal Control (office supplies)	\$158.00
Allison Gap Sewer Project	\$13,617.82
East Hungry Mother Water Project	\$154,805.77
Department of Social Services (January 9-31, 2008)	\$300,000
(February 1-12, 2008)	\$65,000
Schools Operating Fund	\$3,900,000
Debt and Capitol Outlay	\$70,000

Vote: 7 yea
 0 nay

The Board unanimously approved the accounts payable listing in the amount of \$695,418.93. This accounts payable includes a payment to Closed Networks, Fredrick G. Griffin Engineering for the radio system project in the amount of \$9,278.43.

Vote: 7 yea
 0 nay

CITIZEN'S TIME

Shirley Starkey of 712 Mulberry Lane, Atkins expressed the need for public water in that area. Mr. Neitch informed her that this request would be reviewed by the Water and Sewer Committee.

Earl McClure spoke before the Board requesting that the Board adopt a resolution that the Planning Commission must approve variances when pertaining to Big Horn Estates. When applicants are denied by the Planning Commission they do not always appeal that decision to the Board.

Mr. and Mrs. Glen Muncy requested that the Board consider a leash law for the county. They are currently having problems with dogs in their area. Mrs. Neitch informed them that this is an issue being studied by the Ordinance Committee. They also asked how they could go about getting their road paved, Shortly Stone Road. Mrs.

1-8-2008

Neitch informed them of the time Virginia Department of Transportation would be present for the meeting and that they could speak to them then if they wished.

Mr. Charlie Atkins distributed the June 30, 2006 audit for both the county and the IDA, for review. He also answered brief questions from the Board.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board appropriated \$140,000 from the IDA budget (Incentive Fund #001-081030-8888-1) for the American Wood Fibers project. Virginia Economic Development Partnership is funding \$100,000 of this project; \$40,000 is local funds as stated in the Performance Agreement.

Vote: 7 yea
 0 nay

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board scheduled a public hearing for the regular meeting on February 12, 2008 at 3:00 p.m. for the Community Development Block Grant program. This public hearing is required if the County wishes to make any applications for those funds this year.

Vote: 7 yea
 0 nay

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 Mr. Blevins, and unanimously carried, the Board approved a local match for the Edward Bryne Memorial Justice Assistance Grant Program. Total grant award is \$67,736 with a local match of \$16,934. The local match is divided by the three towns and the county. The County's total contribution is \$4,211. This motion appropriates the total local match; the County will be reimbursed for the other localities portions.

Vote: 7 yea
 0 nay

Shannon Williams, E-911 Coordinator gave an update on the Emergency Medical Services (EMS) response concerns with Mount Rogers Rescue. Washington County has received complaints that the Mount Rogers EMS response time is not adequate during normal day time working hours. Therefore they have taken intermediate steps with Abingdon Ambulance Service to assist them, only on the

1-8-2008

Washington County side. This could have an effect on citizens in Smyth County served by the Mount Rogers EMS. The Board suggested that Mr. Williams speak with the Mount Rogers EMS for ideas and solutions to this issue.

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board reappointed Mr. Doug Testerman to the Southwest Virginia Emergency Medical Services Council, as the Smyth County representative. This three (3) year term will expire December 31, 2010.

Vote: 7 yea
 0 nay

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, according to Court Order dated November 13, 2007, and at the request of the Commissioner of Revenue, the Board authorized the issuance of a tax refund in the amount of \$10,849.86 for overpayment of taxes paid December 6, 2006 by Ernest P. and Carol R. Sullins.

Vote: 7 yea
 0 nay

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, according to Court Order dated December 17, 2007, and at the request of the Commissioner of Revenue, the Board authorized the issuance of a tax refund in the amount of \$258.93 for overpayment of taxes paid in 2004, 2005, and 2006 to Harold P. and Wilma M. Epperson.

Vote: 7 yea
 0 nay

With the recommendation of Legal Counsel and the Commissioner of Revenue, upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the Board approved a 2007 Personal Property tax refund request to Cary Heath in the amount of \$118.80.

Vote: 7 yea
 0 nay

Upon motion of Mr. Perry, seconded by Mr. Clark, the Board unanimously appropriated \$50 to be contributed to help support the Upper Tennessee River Roundtable Inc. This is in addition to the contribution made in June 2007 (\$100). The extra funds are for their Keep America Beautiful affiliation. This will be funded from the

1-8-2008

Board of Supervisors, Supplemental Appropriations (#001-011010-8888).

Vote: 7 yea
 0 nay

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved reimbursement to the Adwolfe Volunteer Fire Department for the consumer utility tax paid from July 2006 through June 2007. Total amount to refund is \$324.26.

Vote: 7 yea
 0 nay

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the following resolution pertaining to the designation of a driving route entitled The Wilderness Road:

Vote: 7 yea
 0 nay

1-8-2008

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board appropriated \$40,594.89 from the IDA Incentive Fund (001-081030-8888-1) in order to disburse Tobacco Commission Funds to TEDS, Inc (drawdown #2).

Vote: 7 yea
 0 nay

Mrs. Morgan answered a brief question from Mr. Dishner concerning the Enterprise Zone.

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

**RESOLUTION IN SUPPORT OF A DEPARTMENT
OF HOUSING AND COMMUNITY DEVELOPMENT
GRANT APPLICATION FOR THE SMYTH COUNTY
LUCKY LANE SEWER PROJECT**

WHEREAS, pursuant to a Board of Supervisors meeting held January 8, 2008 Smyth County wishes to apply for \$ 410,000 of Southern Rivers Watershed Enhancement Program Funds for the Smyth County Lucky Lane Sewer Project; and,

WHEREAS, total project is estimated at \$ 1,100,000 and the balance of the project funds are currently secured by Federal and State Grants, and local County funds as indicated in the application package; and,

WHEREAS, it is projected that the Smyth County Lucky Lane Sewer Project will include 5,600 linear feet of gravity sewage collection line, two pumping stations, a metering manhole, and all other appurtenances to accommodate 35 households in Smyth County. The project will greatly benefit the residents of Smyth County as well as the area surrounding Hungry Mother Park.

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

Mr. Roberts mentioned grants provided by Mount Rogers Planning District Commission (MRPDC) and briefly discussed the status of those. Mr. Roberts is the County's representative to the MRPDC.

Mr. Robert Hurt of the Virginia Department of Transportation briefly discussed the fiscal year 2009 Revenue Sharing Program. This program allows for the state to pay half of the project while residents fund the remainder.

Board members turned in maintenance concerns to Mr. Hurt. Mr. Clark mentioned the Highway 11 bridges project and discussed the Highway 107 extension into Russell County.

1-8-2008

Mrs. Neitch also informed Mr. Hurt of the request heard at citizen's time.

OLD BUSINESS

1. Collection of delinquent taxes (**8-10-04**).
2. Marevine Slemp, request for water service on Fox Valley Road (**5-11-04**).
3. Request for tax relief status on building improvements for the Lincoln Theatre (**12-5-2006**).
4. Re-codifying of the Smyth County Code (**1-10-2006**).

Mr. Carter briefly updated the Board on the code recodifying. It is still in process. Staff is forwarding any changes made since the original submittal so that the updated version will be through 2006. Mr. Perry mentioned that this process should take place more often.

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

Mr. Perry stated that the Ordinance Committee has been in the process of reviewing these changes. Mrs. Neitch set the new Ordinance Committee for calendar year to consist of: Mr. Roberts, Chair, Mrs. Waddell and Mr. Perry.

-
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 air craft at the Smyth Wythe Airport for 2006 (**6-12-2007**).

Mr. Atkins clarified number 7 which is on taxes. The County's annual contribution made to the airport was paid in this month's accounts payable.

Mrs. Neitch took this time to introduce Mrs. Brenda Waddell and welcome her to the Board. She is the newest member representing the Atkins District.

-
8. 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 stated that he had been in contact with the attorney for the Town of Marion. Their attorney should be working on the agreement concerning the treatment plant.

-
9. Appointments (**12-11-2007**):

- Area Beautification Committee Judges (Smyth County Chamber of Commerce)
Atkins District - Mavis Williams-821 Dogwood Lane, Marion (783-7167)

1-8-2008

North Fork District - Debbie Ogle-290 North Drive, Marion (783-2606)

Upon motion of Mrs. Waddell, seconded by Mr. Dishner, and unanimously carried, the Board reappointed Mavis Williams to the Area Beautification Committee Judges for the Smyth County Chamber of Commerce, representing the Atkins District. This is a one year term expiring December 31, 2008.

Vote: 7 yea
 0 nay

-
- Board of Zoning Appeals (5 year term, district specific, recommendations by Smyth County Board of Supervisors, Appointed by Judge of Circuit Court)
Saltville District

Alternates: Expired October 7, 2007
ONE VACANCY

Upon motion of Mr. Roberts, seconded by Mr. Clark, and unanimously carried, the Board nominated Mr. John DeBusk III, as the Saltville District representative to the Smyth County Board of Zoning Appeals. If approved by the Judge of the Circuit Court, his five (5) year term will be from January 1, 2008 and expire December 31, 2012.

Vote: 7 yea
 0 nay

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board nominated Ms. Emily Hutchins as the third alternate to the Smyth County Board of Zoning Appeals. If approved by the Judge of Circuit Court, her five (5) year term will be from January 1, 2008 and expire December 31, 2012.

Vote: 7 yea
 0 nay

-
- Department of Social Services Board (4 year term, district specific)
Rye Valley District - Darlene Neitch

Upon motion of Mrs. Waddell, seconded by Mr. Blevins, and unanimously carried, the Board appointed Ms. Jo Ann Bennett to the Smyth County Department of Social Services Board as the Rye Valley District representative. Her four year term will expire December 31, 2011.

Vote: 7 yea
 0 nay

-
- Board of Appeals to the Virginia Uniform Statewide Building Code (4 year term)
ONE VACANCY

1-8-2008

Alternates:

Brian Reynolds

Upon motion of Mr. Dishner, seconded by Mr. Blevins, and unanimously carried, the Board appointed Mr. Brian Reynolds (former alternate) to the Board of Appeals to the Virginia Uniform Statewide Building Code. His four (4) year term will be from January 1, 2008 and will expire December 31, 2011.

Vote: 7 yea
 0 nay

Upon motion of Mr. Dishner, seconded by Mr. Blevins, and unanimously carried, the Board appointed Mr. Charles Greer, as an ALTERNATE, to the Board of Appeals to the Virginia Uniform Statewide Building Code. His four (4) year term will be from January 1, 2008 and will expire December 31, 2011.

Vote: 7 yea
 0 nay

-
- Transportation Citizen’s Participation Committee (Mt. Rogers P.D.C., 1year term)
Ron Thomason –581 South Meadowlark Lane, Marion, 24354 (783-2930)

Alternate:

James D. Parlier–114 Glade Mountain Road, Atkins, 24311 (783-7056)

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board reappointed Mr. Ron Thomason to the Mount Rogers Planning District Commission Transportation Citizen’s Participation Committee. His term will expire December 31, 2008.

Vote: 7 yea
 0 nay

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board reappointed Mr. James Parlier as the ALTERNATE to the Mount Rogers Planning District Commission Transportation Citizen’s Participation Committee. His term will expire December 31, 2008.

Vote: 7 yea
 0 nay

-
- The Board referred designating a liaison to the local sesquicentennial committee to the Appointment Committee at the regular meeting October 9, 2007. The Committee reported they are discussing appointees (12-11-2007).

Mrs. Neitch read over the following reminders and information:

- VACo/VML Legislative Day, February 7, 2008. Please notify Amber as soon as possible if you wish to attend.

1-8-2008

- 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.

Note: Mr. Perry left during closed session at approximately 2:25 p.m.

CLOSED SESSION

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, at 2:14 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: 7 yea
 0 nay

At 2:43 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.

1-8-2008

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

Mrs. Neitch set the Courthouse Committee existing of Mr. Clark, Chair, herself, and Mr. Blevins.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, regular Board meetings for 2008, 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 12, 2008 due to the Virginia Association of Counties Annual meeting which will be held Sunday, November 9 -Tuesday, November 11, 2008.

At approximately 2:48 p.m., upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the meeting was continued until Thursday, January 24, 2008 at 7:00 p.m. for a joint public hearing with the Planning Commission and any other issues that may arise.

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

Darlene Neitch, Chairperson

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, January 24, 2008, at 7:00 p.m.

Board Members

Present: Mrs. Darlene Neitch, Chairperson Mr. Marvin Perry
Mr. Charlie Clark Mr. Wade Blevins
Mrs. Brenda Waddell
Mr. Michael Roberts (arrived at approximately 7:30 p.m.)

Board Members

Absent: Mr. Todd Dishner

Staff Members

Present: Mr. Clegg Williams Mr. Kenny Lewis
Mrs. Amber Johnson Mr. John Tate
Mrs. Becca Kirk Mr. Ed Whitmore

Planning Commission

Members Present: Mr. Karl Kalber Mr. Wayne Venable
Mr. Graham Davidson Mr. Dennis Blevins
Mr. Norman Sparks Mr. Don Medley

Planning Commission

Members Absent: Ms. Amy Tuell

At 7:00 p.m. the Chairperson, Neitch and Chairman, Kalber (voted as new chairman of the Planning Commission at their 6:00 p.m. meeting) called the joint public hearing to order.

Mr. Whitmore read the advertisement as run in the Smyth County News and Messenger on January 12 and 19, 2008, both Saturday editions. Mr. Whitmore also read the rules for public hearings. There were approximately 8 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, January 24, 2008, 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 a Special Use Permit to establish a Medical Care Facility as defined by Section 10-45.1 on a tract of land owned by Judith Schulz and Kenneth Greer. The property is located between Althea Street and Lee Highway in Marion, is zoned Commercial, and is identified as all of Tax Map No. 47-A-17 and a portion of Tax Map No. 154-24-2.

An application from Sheridan Ridge Private Reserve LLC for an amendment to the zoning map to rezone approximately 240 acres from Agricultural/Rural to Residential. The property is described as being from the ridge of Little Brushy Mountain north to Hungry Mother Creek and is a portion of Tax Map No. 35-A-12 12C. This request excludes the portion which is zoned Commercial.

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. Williams summarized an application submitted by Smyth County Community Hospital (SCCH) for a special use permit. SCCH's request for a map amendment was recently approved by the Board of Supervisors. The request is for property SCCH is negotiating to purchase from Judith Schultz and Kenneth Greer. The site is approximately 32 acres in size and is located between Althea Street and Route 11. The request for a special use permit is for the establishment of a Medical Care Facility. Mr. Williams mailed notice to all adjoining property owners. He received a letter on this application from Ms. Judith Schulz which he read into the record. He also received the Town of Marion's Planning Commission's minutes of their meeting held on January 14, 2008, which he received from Mr. Cecil Hicks, the Town of Marion's engineer, which he summarized. He also pointed out the following sections of the ordinance: Section 3-4.2 m) which allows Medical Care Facility in the Commercial District by issuance of a Special Use Permit, and Article VI which contains the provisions for Special Use Permits.

Ms. Lindy White, CEO of SCCH spoke on the process which the hospital must go through to obtain the various licenses in order to proceed with establishing a new hospital once all of the zoning and special use permit processes are finalized in both the County and Town. Ms. White informed the Board and Commission that SCCH held a public meeting which they invited all of the adjoining property owners to attend. It was held at SCCH and they addressed many of the citizen's concerns announced at the joint public hearing in November.

Mr. Hank Carr of Corridor Properties, LLC presented the site plan to the audience. He highlighted the large amount of undisturbed land and two areas designated for future development. He reviewed the various sections of the hospital and addressed questions regarding the parking areas.

1-24-2008

Both Ms. White and Mr. Carr addressed Mr. Perry's concern of the "old" hospital building being left abandoned, becoming an eyesore, and burden to the County and Town. Ms. White assured the room that SCCH is committed to and has budgeted money for demolition of the building if a suitable use could not be found.

Mr. Phillip Martin of Water Mill Road addressed the Board and Commission with his concerns about the process of recommending and approving a special use permit. Mr. Williams clarified the process for him and Mr. Martin had no further questions.

Mr. Earl McClure inquired as to why the County would not hook on to the Town's water line.

No one else spoke on this application.

Mr. Williams informed the Board and Commission that Sheridan Ridge Private Reserve LLC withdrew their application for a map amendment on Tuesday, January 15, 2008. He read a letter from Mr. Mark Martin, CEO of Sheridan Ridge Private Reserve, LLC which explained that they have had a couple of questions arise that require more research and evaluation by their team of consultants. They hope to resubmit their application in the near future.

No one else spoke on this application.

Chairperson Neitch and Chairman Kalber closed the joint public hearing at 7:46 p.m.

Upon motion of Mr. Clark, seconded by Mr. Blevins, the Board unanimously approved a \$31,000 budget amendment and appropriated that amount for a replacement road deputy vehicle. Of those funds, \$14,063.14 is insurance recovery money and the remainder; (\$16,936.86) will come from the Police Activity fund (#744).

Vote: 6 yea
 1 absent (Dishner)

Mr. Roberts made brief remarks concerning the public hearing.

As information, the committees for calendar year 2008 were attached to the agenda.

With a motion by Mr. Clark, and seconded by Mr. Blevins and unanimously carried, the meeting was adjourned at approximately 7:55 p.m.

Darlene Neitch, Chairperson

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, January 24, 2008, at 7:00 p.m.

Board Members

Present: Mrs. Darlene Neitch, Chairperson Mr. Marvin Perry
Mr. Charlie Clark Mr. Wade Blevins
Mrs. Brenda Waddell
Mr. Michael Roberts (arrived at approximately 7:30 p.m.)

Board Members

Absent: Mr. Todd Dishner

Staff Members

Present: Mr. Clegg Williams Mr. Kenny Lewis
Mrs. Amber Johnson Mr. John Tate
Mrs. Becca Kirk Mr. Ed Whitmore

Planning Commission

Members Present: Mr. Karl Kalber Mr. Wayne Venable
Mr. Graham Davidson Mr. Dennis Blevins
Mr. Norman Sparks Mr. Don Medley

Planning Commission

Members Absent: Ms. Amy Tuell

At 7:00 p.m. the Chairperson, Neitch and Chairman, Kalber (voted as new chairman of the Planning Commission at their 6:00 p.m. meeting) called the joint public hearing to order.

Mr. Whitmore read the advertisement as run in the Smyth County News and Messenger on January 12 and 19, 2008, both Saturday editions. Mr. Whitmore also read the rules for public hearings. There were approximately 8 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, January 24, 2008, 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 a Special Use Permit to establish a Medical Care Facility as defined by Section 10-45.1 on a tract of land owned by Judith Schulz and Kenneth Greer. The property is located between Althea Street and Lee Highway in Marion, is zoned Commercial, and is identified as all of Tax Map No. 47-A-17 and a portion of Tax Map No. 154-24-2.

An application from Sheridan Ridge Private Reserve LLC for an amendment to the zoning map to rezone approximately 240 acres from Agricultural/Rural to Residential. The property is described as being from the ridge of Little Brushy Mountain north to Hungry Mother Creek and is a portion of Tax Map No. 35-A-12 12C. This request excludes the portion which is zoned Commercial.

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. Williams summarized an application submitted by Smyth County Community Hospital (SCCH) for a special use permit. SCCH's request for a map amendment was recently approved by the Board of Supervisors. The request is for property SCCH is negotiating to purchase from Judith Schultz and Kenneth Greer. The site is approximately 32 acres in size and is located between Althea Street and Route 11. The request for a special use permit is for the establishment of a Medical Care Facility. Mr. Williams mailed notice to all adjoining property owners. He received a letter on this application from Ms. Judith Schulz which he read into the record. He also received the Town of Marion's Planning Commission's minutes of their meeting held on January 14, 2008, which he received from Mr. Cecil Hicks, the Town of Marion's engineer, which he summarized. He also pointed out the following sections of the ordinance: Section 3-4.2 m) which allows Medical Care Facility in the Commercial District by issuance of a Special Use Permit, and Article VI which contains the provisions for Special Use Permits.

Ms. Lindy White, CEO of SCCH spoke on the process which the hospital must go through to obtain the various licenses in order to proceed with establishing a new hospital once all of the zoning and special use permit processes are finalized in both the County and Town. Ms. White informed the Board and Commission that SCCH held a public meeting which they invited all of the adjoining property owners to attend. It was held at SCCH and they addressed many of the citizen's concerns announced at the joint public hearing in November.

Mr. Hank Carr of Corridor Properties, LLC presented the site plan to the audience. He highlighted the large amount of undisturbed land and two areas designated for future development. He reviewed the various sections of the hospital and addressed questions regarding the parking areas.

1-24-2008

Both Ms. White and Mr. Carr addressed Mr. Perry's concern of the "old" hospital building being left abandoned, becoming an eyesore, and burden to the County and Town. Ms. White assured the room that SCCH is committed to and has budgeted money for demolition of the building if a suitable use could not be found.

Mr. Phillip Martin of Water Mill Road addressed the Board and Commission with his concerns about the process of recommending and approving a special use permit. Mr. Williams clarified the process for him and Mr. Martin had no further questions.

Mr. Earl McClure inquired as to why the County would not hook on to the Town's water line.

No one else spoke on this application.

Mr. Williams informed the Board and Commission that Sheridan Ridge Private Reserve LLC withdrew their application for a map amendment on Tuesday, January 15, 2008. He read a letter from Mr. Mark Martin, CEO of Sheridan Ridge Private Reserve, LLC which explained that they have had a couple of questions arise that require more research and evaluation by their team of consultants. They hope to resubmit their application in the near future.

No one else spoke on this application.

Chairperson Neitch and Chairman Kalber closed the joint public hearing at 7:46 p.m.

Upon motion of Mr. Clark, seconded by Mr. Blevins, the Board unanimously approved a \$31,000 budget amendment and appropriated that amount for a replacement road deputy vehicle. Of those funds, \$14,063.14 is insurance recovery money and the remainder; (\$16,936.86) will come from the Police Activity fund (#744).

Vote: 6 yea
 1 absent (Dishner)

Mr. Roberts made brief remarks concerning the public hearing.

As information, the committees for calendar year 2008 were attached to the agenda.

With a motion by Mr. Clark, and seconded by Mr. Blevins and unanimously carried, the meeting was adjourned at approximately 7:55 p.m.

Darlene Neitch, Chairperson

Virginia: The regular meeting of the Smyth County Board of Supervisors was held at the County Office Building on Tuesday, February 12, 2008 at 12:00 noon.

Board Members

Present: Mr. Charlie Clark Mrs. Brenda Waddell
Mr. Wade Blevins Mr. Michael Roberts
Mrs. Darlene R. Neitch Mr. Marvin Perry
Mr. Todd Dishner (arrived at approximately 12:51)

Staff Members

Present: Mr. Mike Carter Mr. Charlie Atkins
Mr. John H. Tate, Jr. Mrs. Amber Johnson
Mr. Ed Whitmore

Chairperson, Neitch called the meeting to order at approximately 12:00 p.m.

Mr. Walter Robinson gave invocation and Pam Testerman led the pledge of allegiance.

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

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

Upon motion of Mr. Perry, seconded by Mrs. Waddell, and unanimously carried, the following resolution was adopted. Mr. Perry presented the resolution below to Mr. Bobby Evans, Mrs. Mary Ann Evans' husband, in honor of long service to the county. Mr. Perry and Mr. Roberts remarked on the life of Mrs. Evans as a County employee.

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

WHEREAS, Mary Ann Evans was a dedicated employee of Smyth County with 30 years of full time service and 3 years of part time service; and

WHEREAS, Mrs. Evans served as the Assistant County Administrator and as the County Administrator for a short period of time while employed by Smyth County; and

WHEREAS, Mrs. Evans served the County with confidence and pride throughout her many years with Smyth County; and

THEREFORE BE IT RESOLVED, that the Smyth County Board of Supervisors celebrates the life of Mrs. Mary Ann Evans and recognizes her years of service to this County, both as an employee and as a citizen; and

BE IT FURTHER RESOLVED, that the Smyth County Board of Supervisors joins many, in expressing its sympathies to her family in the loss of Mrs. Mary Ann Evans.

Upon motion of Mr. Blevins, seconded by Mrs. Waddell, and unanimously carried, the minutes of January 8 and 24, 2008 were approved with a couple of notations made.

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

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

General County		\$1,720,000
Animal Control (office supplies)		\$152.81
Department of Social Services (February 13-29, 2008)		\$300,000
(March 1-11, 2008)		\$65,000
Schools	Operating Fund	\$3,900,000
	Debt and Capitol Outlay	\$70,000

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

Upon motion of Mr. Blevins, seconded by Mrs. Waddell, the Board unanimously approved the accounts payable listing in the amount of \$1,031,697.54. This accounts payable includes a payment to Closed Networks, Fredrick G. Griffin Engineering for the radio system project in the amount of \$9,000.

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

CITIZEN'S TIME

Mr. Wes Collins of 223 Sparks Lane appeared before the Board to explain his encounter with rabies. Mr. Collins inquired if there was a public notice currently in effect when a rabies case is known in the County. The Virginia Department of Health was mentioned and how they would play a role in these situations.

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried this issue was referred to the Ordinance Committee for further study. The Committee is to speak with the Virginia Department of Health on this public concern.

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

Mr. Walter Robinson, representing the Chilhowie Church of God requested to be relieved of tipping fees for debris of a demolished a building.

Pastor Adam Blackwell also spoke in relation to this concern. Larry Taylor, another church member signed up to speak but did not do so.

Upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried, this issue was referred to the Solid Waste Committee; the Committee is to return with a recommendation to the Board.

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

Mr. Earl McClure initially signed up to speak during citizen's time. He requested that he be allowed to speak during Zoning time since his concern related to that issue.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board would allow Mr. McClure to speak during Zoning time.

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

Upon motion of Mr. Roberts, seconded by Mr. Clark, and unanimously carried, the Board appointed Mr. Marvin Perry to the Smyth County Department of Social Services Board as the Royal Oak District representative (and Board of Supervisor representative). His four year term will expire February 6, 2012.

Mr. Roberts included in his motion to send a letter of thanks to Rev. Eddie Foster the Royal Oak District representative and J.E. "Gene" Buchanan the North Fork District representative for their years of service on the Department of Social Services Board, both of which were not eligible for reappointment. Rev. Foster's term expired February 6, 2008. Mr. Buchanan's term expires February 29, 2008.

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

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board continued the appointment of the North Fork district representative to the Social Services Board. Mr. Clark motioned to appoint Mr. Mike Carter, further information is needed as to whether this is a conflict of interest.

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

With the recommendation of the Water and Sewer Committee, the Board unanimously agreed that a balance of \$2238.63 be written off the books, due to the Sheriff Department unable to locate 10 customers to serve warrant in debt claims. This debt can be collected in the event they request new water service.

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

With recommendations of the Budget Committee, the Board unanimously approved the following two grants:

1. Rescue Squad Assistance Fund Grant (RSAF): Smyth County was awarded \$108,398.00 for replacement of radios and pagers. The County must provide a 20% local match of \$21,679.60 in order for the grant to be approved. This local match will be funded from the Fire and Rescue Association line (#001-032020-5604-8).
2. Virginia Wireless Services Board Grant: Smyth County was awarded \$145,989.00 for replacement of computers, monitors, servers, and networking equipment. The County must provide a 20% local match of \$29,198.00 in order for the Grant to be approved. This local match will be funded from the 911 Relocation Cost Center line (#001-070000-8888-55).

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

With the recommendation of the Budget Committee, the Board unanimously appropriated \$2,000 from the Contingency Fund (#001-056000-5827) to the 2008 Miss Mountain Empire Scholarship Pageant to be held at the Lincoln Theatre on February 22 and 23, 2008.

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

With the recommendation of the Budget Committee, the Board unanimously, amended the Rules of Procedures, Section 4.10 (2) – Identify \$2,000.00 as request amount that can be approved by Board without being on agenda or going through Budget Committee. Over \$2,000.00 would continue under current Rules and Regulations.

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

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board agreed to donate \$1,000 to Chilhowie High School for Project Graduation 2008. The same amount will be donated to Northwood High School and Marion Senior High School for After Prom 2008 activities, upon receipt of their requests. This appropriation will come from the Board's Supplemental Appropriations fund (#4-001-011010-8888).

Mail to: Chilhowie High School
 ATTN: Project Graduation
 PO Box 2280
 Chilhowie VA 24319

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

Mutual Aid agreements with the Town and Washington County update:

Mr. Tate inquired on the status of the Mutual Aid Agreements with the three Towns and with Washington County that were approved at the December 2007 Board

meeting. Mr. Carter stated that he had spoken with Sheriff Bradley who informed him that the agreement with the Towns is currently at the Town of Saltville awaiting approval signatures. Sheriff Bradley also informed Mr. Carter that the agreement with Washington County is with Sheriff Fred Newman, waiting their approval and signatures. After discussion with the Board and with Chief Deputy Kenny Lewis, on the status of these agreements the following motion was made:

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board instructed Mr. Tate and Mr. Lewis to work together on obtaining concrete status of the Mutual Aid Agreement with the three towns and the Mutual Aid Agreement with Washington County. Mr. Tate and Mr. Lewis are to work toward getting these agreements executed.

Vote: 7 yea
 0 nay

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the following deed, a sale of Route 622 easement to Virginia Department of Transportation for \$1,000.

Vote: 7 yea
 0 nay

Upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried, the Board appointed Ms. Lynn McKinney to the Upper Tennessee River Roundtable Board as the Smyth County representative. Ms. McKinney's two year term is effective immediately and will expire January 31, 2010.

Vote: 7 yea
 0 nay

Mr. Carter informed the Board that a letter had been received from Judge Lincoln confirming Mr. Roberts' reappointment to the Appalachian Juvenile Commission for another four year term.

Chairperson Neitch read the invitation from the Evergreen Soil & Water Conservation District to the annual brunch informational meeting. This will be held on Tuesday, March 11, 2008 at 10:30 a.m. at the New Pioneer Restaurant. Those interested in attending should RSVP by March 3.

Mr. Steve Buston, Mr. Robert Hurt and Mrs. Rachel Brown all of the Virginia Department of Transportation distributed a handout (and presented a slide) of Exit 47. This detailed the new traffic pattern due to the development off that exit. VDOT representatives reviewed the changes in detail and answered questions from the Board.

Mr. Hurt then commented on the status of construction of the bridge at exit 44 (over I-81). He stated that it would be open with in the next week. He also took comments and maintenance concerns.

Mr. Earl McClure was permitted to speak at this time.

He expressed his concerns that the Planning Commission had not followed the requirements of the Zoning Ordinance when recommending approval of the hospital's application for a special use permit.

Upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried, the Board approved the Planning Commission's recommendation to grant the Smyth County Community Hospital's application for a special use permit to establish a Medical Care Facility.

Vote: 7 yea
 0 nay

Mr. Clegg Williams, Zoning Administrator, briefly updated the Board on the pending case against Mr. Bobby Haga.

Mr. Williams also stated that the Assign-A-Highway program in Smyth County has begun. Probationers are now being assigned roadways to pick up by the judge. The program seems to be working well so far.

Mr. Tate also informed the Board that the Judge would not consider their nomination of Mrs. Emily Hutchins to the Board of Zoning Appeals as an alternate, because she is not a real estate owner. The Board will need come up with a new nomination.

At 3:00 p.m. the Board proceeded with the following public hearing. Mr. Carter read the advertisement below as ran in the Smyth County News and Messenger on Wednesday, January 30, 2008. There were no citizens present to speak therefore upon motion of Mr. Clark, seconded by Mr. Blevins; the rules for public hearings are forgone.

NOTICE OF PUBLIC HEARING

Smyth County will hold a public hearing on Tuesday, February 12, 2008 at 3:00 p.m. to solicit public input on local community development and housing needs in relationship to the Community Development Block Grant (CDBG) funding. The public hearing will be held in the Board of Supervisors Meeting Room at the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia.

Information on the amount of funding available, the requirements on benefit to low and moderate-income persons, eligible activities, and plans to minimize displacement and provide displacement assistance as necessary will be available. Citizens also will be the given the opportunity to comment on Smyth County's past use of CDBG funds. All interested citizens are urged to attend. For additional information, please contact Sally Morgan at 783-3298, Ext. 206. If you plan to attend and you have special needs requirements, please call the number listed above.

Mrs. Sally Morgan briefly explained the Community Development Block Grant (CDBG) funding, and then hearing was closed at approximately 3:04 p.m.

Following the hearing Mrs. Morgan explained that the Groseclose Sewer project was a possible candidate for the project as a residential sewer area.

Upon motion of Mr. Roberts, seconded by Mrs. Waddell, and unanimously carried, the Board scheduled a public hearing for the next regular meeting on March 11, 2008 at 3:00 p.m. to solicit public input on the proposed Community Development Block Grant (CDBG) application to be submitted to the Virginia Department of Housing and Community Development for the proposed Groseclose Sewer Project.

Mr. Peter Cassan, Spectra Energy representative spoke before the Board and clarified the request below.

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board approved the Spectra Energy easement request. This easement is

for the work site on Route 107 for an extended 8 month period. The current 24 month easement expires February 16, 2008.

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. Request for tax relief status on building improvements for the Lincoln Theatre **(12-5-2006)**.

Upon motion of Mr. Blevins, seconded by Mrs. Waddell, and unanimously carried, the Board removed item #3 from old business.

Vote: 7 yea
 0 nay

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

Mr. Carter and Mr. Tate stated that the changes to the code are still being incorporated and are in the hands of the attorney in Florida.

-
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 air craft at the Smyth Wythe Airport for 2006 **(6-12-2007)**.
 8. 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)**.

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 Mr. Blevins, and unanimously carried, the Board approved the following agreement.

Vote: 7 yea
 0 nay

Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, the Board removed item #8 from old business.

Vote: 7 yea
 0 nay

9. Appointments (**12-11-2007**):

- Area Beautification Committee Judges (Smyth County Chamber of Commerce)
 North Fork District - Debbie Ogle-290 North Drive, Marion (783-2606)
- The Board referred designating a liaison to the local sesquicentennial committee to the Appointment Committee at the regular meeting October 9, 2007. The Committee reported they are discussing appointees (**12-11-2007**).

Mr. Whitmore requested suggestions for the appointment to the local sesquicentennial committee. Mr. John Clark was suggested for Mr. Whitmore to contact to see if he would be interested.

10. Mutual Aid Agreements with Russell and Wythe Counties (**12-11-2007**).

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board ratified the following Mutual Aid Agreement with Wythe County.

Vote: 7 yea
 0 nay

CLOSED SESSION

Upon motion of Mr. Dishner, seconded by Mrs. Waddell, and unanimously carried, at 3:16 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 3:29 p.m. the Chairman ended the closed session.

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

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

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

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

Vote: 7 yea
 0 nay

Mr. Whitmore distributed the County's monthly financial statement.

The Board also briefly discussed upcoming meetings with the Town of Marion on February 13 and 25 concerning the disposition of the old school house.

Mrs. Morgan briefly reviewed information on the following upcoming meetings:

1. March 13, 2008 - Entrepreneur Express: Moving Your Business Forward

2. March 14, 2008 - The Knowledge Economy Roadshow

Mr. Whitmore informed the Board of a meeting on March 13 at 2:00 p.m. in Chilhowie hosted by Sheridan Ridge.

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried, at 3:59 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) as detailed below. Mr. John Politis and Mr. Jeff Mitchell were permitted to participate in closed session discussions.

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 (Roberts, Dishner, Waddell, Neitch, Clark, Perry)
 1 absent (Blevins, out of the room)

At 5:21 p.m. the Chairman ended the closed session.

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

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

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law; public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies,

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 and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 7 yea
 0 nay

Upon motion of Mr. Blevins, seconded by Mr. Roberts, and unanimously carried, the Board authorized the Ordinance Committee to consider a Community Development

Authority (CDA) and review tax revenues of the county and tax revenues of the Town of Marion from Wal-Mart.

Vote: 7 yea
 0 nay

At approximately 5:28 p.m., upon motion of Mr. Dishner, seconded by Mr. Clark, and unanimously carried, the meeting was continued until Thursday, February 28, 2008 at 7:00 p.m., in the event the meeting is not needed, Madam Chairman will cancel.

Vote: 7 yea
 0 nay

Virginia: The regular meeting of the Smyth County Board of Supervisors was held at the County Office Building on Tuesday, March 11, 2008 at 12:00 noon.

Board Members

Present: Mr. Charlie Clark Mr. Michael Roberts
Mr. Wade Blevins
Mr. Todd Dishner

Board Members

Absent: Mrs. Brenda Waddell Mrs. Darlene R. Neitch
Mr. Marvin Perry

Staff Members

Present: Mr. Mike Carter Mr. Charlie Atkins
Mr. John H. Tate, Jr. Mrs. Amber Johnson
Mr. Ed Whitmore

Vice-Chairman, Blevins called the meeting to order at approximately 12:05 p.m.

Sandy Elswick led the pledge of allegiance.

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

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

Upon motion of Mr. Roberts, seconded by Mr. Clark, and unanimously carried, the minutes of February 12, 2008 were approved.

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

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

General County		\$1,000,000
Animal Control (office supplies)		\$357
Department of Social Services (March 12-31, 2008)		\$300,000
(April 1-8, 2008)		\$65,000
Schools	Operating Fund	\$4,500,000
	Debt and Capitol Outlay	\$150,000

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

Upon motion of Mr. Roberts, seconded by Mr. Dishner, the Board unanimously approved the accounts payable listing in the amount of \$524,761.12.

3-11-2008

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

CITIZEN'S TIME

Tim White spoke on behalf of the Song of the Mountains requesting additional funding for season 4. Joe Ellis was also present. Mr. White also presented a DVD slideshow. The organization requests an additional \$20,000 for the upcoming season.

Upon motion of Mr. Clark, seconded by Mr. Dishner, this issue was referred to the Budget Committee to review during the upcoming budget process.

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

NEW BUSINESS

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board appointed Mr. Charlie Atkins as Mr. Wade Blevins' designee to the Community Policy Management Team. Mr. Atkins' term will expire along with Mr. Blevins, June 30, 2008.

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

The following appointment was continued:

- Industrial Development Authority
Park District - Vacant

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board appropriated \$1,000 (from line #001-035010-9005) to Norfolk Southern Railway Company. This is for general liability insurance related to the sewer pipe under the railway bridge on Fox Valley Road in Chilhowie.

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

Upon motion of Mr. Roberts, seconded by Mr. Dishner, Mr. Simpson is authorized to execute the appropriate documents with Norfolk Southern Railway Company.

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

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board appropriated \$1,037.97 (from line # 001-081030-8888-1) for rebate of Building Permit Fee (\$337.97) and sewer tap fee (\$700) for A-1 Storage Solutions, LLC (Car Wash near Exit 50).

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

The Board then reviewed an Enterprise Zone request for real estate rehab tax exemption from the General Francis Marion Hotel. This was reviewed by the Economic Development Committee and was brought back to the full Board for input.

The Board reviewed the information provided in the packet and with discussion, upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board voted to accept the Intent to Apply for Enterprise Zone Incentives for the General Francis Marion Hotel to be permissible under the earlier County code section. (The Board did not specifically approve the exemption, nor were they presented with a dollar amount of the requested exemption. This would require subsequent action.)

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

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried (along with the recommendation of the Animal Control Committee), the Board appropriated \$390 from the Animal Control, Claims & Bounties (#003-91060-5802) to pay the following three (3) claims.

	<u>NAME</u>	<u>APPROVED</u>
1)	Harry Bane 1 jersey steer	\$200
2)	William & Julie Palmer 1 goat	\$80
3)	William & Julie Palmer 1 goat	\$110
	TOTAL:	\$390

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

With the recommendation of the Solid Waste Committee the Board approved advertisement of the Solid Waste Disposal and Transportation Request for Proposals.

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

Upon motion of Mr. Clark, seconded by Mr. Dishner, and duly carried, the Board agreed to waive tipping fees for Chilhowie Church of God, for Monday February 4, 2008, only. This amounts to 59.85 tons = \$2693.25.

Vote: 3 yea (Roberts, Dishner, Clark)
 1 nay (Blevins)
 3 absent (Neitch, Perry, Waddell)

The Solid Waste Committee recommended to the Board that up to 5 tons, annually is a standard amount for free tipping. The Board discussed this recommendation in depth. It was continued.

Upon motion of Mr. Roberts, seconded by Mr. Clark, the following resolution was approved:

*RESOLUTION
IN SUPPORT OF A
SOUTHERN RIVERS WATERSHED ENHANCEMENT PROGRAM
APPLICATION FOR THE
CRUSENBERRY/HAYDEN HOLLOW COMPREHENSIVE
COMMUNITY DEVELOPMENT PROJECT*

WHEREAS, Smyth County wishes to apply for \$425,446 of Southern Rivers Watershed Enhancement Program fund for the Crusenberry Road/Hayden Hollow Comprehensive Community Development Project; and,

WHEREAS, \$851,550 of other funding (state: \$816,550; local: \$20,000; other/SERCAP: \$15,000) will also be expended on this project, and,

WHEREAS, it is anticipated that the Crusenberry Road/Hayden Hollow Project will construct an adequate public wastewater collection system that will connect 24 homes and 2 church dwellings thereby eliminating their discharge of wastewater into septic systems and subsequent ground absorption.

NOW THEREFORE BE IT RESOLVED that the Smyth County Administrator is hereby authorized to sign and to submit the appropriate documents for this grant application on behalf of the Smyth County Board of Supervisors.

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

3-11-2008

With the recommendation of the Water and Sewer Committee, the Board unanimously agreed that a balance of \$244.08, belonging to Marie Thomas be written off.

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

Mr. Tate updated the Board that the advertisement for the consideration for the creation of a Community Development Authority has been run for Saturday March 8 and 15. The hearing is scheduled for Thursday, March 27 at 7:30 p.m.

Steve Buston of the Virginia Department of Transportation briefed the Board on the following items:

- Resurfacing schedule
- Exit 47 public hearing
- Route 622 road closing for construction
- Bridge at old Pepsi Plant over I-81 is now open, other bridge will be open by May 1
- Reduction in construction allocation

Mr. Robert Hurt returned one maintenance concern.

At 3:00 p.m. the Board proceeded with a scheduled public hearing. Mr. Whitmore read the following advertisement as ran in the Smyth County News and Messenger on Saturday, March 1, 2008. There was one citizen present. Upon motion of Mr. Roberts, seconded by Mr. Dishner and unanimously carried, reading of the rules were forgone.

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

Public Hearing Notice

The Smyth County Board of Supervisors will hold a public hearing to solicit public input on the proposed Community Development Block Grant (CDBG) application to be submitted to the Virginia Department of Housing and Community Development for the proposed Groseclose Sewer Project. The public hearing will be held on Tuesday, March 11, 2008 at 3:00 p.m. in the Board of Supervisors Meeting Room at the Smyth County Office Building, 121 Bagley Circle, Marion. Residents of the project area are encouraged to attend.

The draft CDBG application will be presented for comment along with information on projected beneficiaries, number of low and moderate-income residents to benefit from the project, and plans to minimize displacement. Citizens also will be given an opportunity to comment on Smyth County's past use of CDBG funds.

A fact sheet on the proposed project and the draft application is available at the Smyth County Administrator's office at the Smyth County Office Building, 121 Bagley Circle, Suite 100, Marion, VA. Complaints or questions can be submitted in writing to the Smyth County Administrator's office at the address above or by email to

3-11-2008

ptesterman@smythcounty.org by March 10. If you plan to attend the public hearing and have any special needs requirements, please call 276-783-7000, Ext. 204.

Mrs. Morgan distributed the following information and explained the project.

GROSECLOSE SEWER PROJECT
Community Development Block Grant (CDBG) Public Hearing

Project Description:

- Project will provide sanitary sewer collection to the community located along U.S. Route 11 between Atkins and Groseclose
- Presently, this neighborhood suffers from the lack of adequate sewage disposal due to failing septic systems
- The only feasible solution is the installation of public sewer lines to the area
- The lines will all be gravity flow lines which will take the sewer flow to the existing Marion Regional Water Reclamation Facility for treatment

Project Beneficiaries:

- There are approximately 110 structures in the designated project service area, but only 54 occupied housing units (does not include 5 houses on Churchland Drive).
- Of these homes, 33 households (72 persons) are estimated to be low to moderate income (LMI), based on the results of a updated door-to-door survey completed in February and March 2008. The percentage of LMI persons is estimated to be at least 56 percent of the total.
- All 54 households benefit from the project by having a safe and sanitary means of sewage disposal
- The 33 LMI households will benefit by having no costs to connect to the system.

Proposed Project Cost:

Construction	3,007,965
Engineering Costs, including inspection and additional	95,000
Other Non-Construction Costs (Legal, Interest, Land Acquisition)	58,000
Interest	50,000
Contingency	<u>300,797</u>
Total Cost for Collection System	\$3,511,762

Proposed Funding:

Rural Development Agency (USDA) Loan	996,162
Community Development Block Grant (CDBG)	675,000
Southern Rivers Watershed Enhancement Program	1,000,000
Department of Environmental Quality	240,600
Left-over funds from RD (Allison Gap)	500,000
Virginia Tobacco Commission	<u>100,000</u>
	\$3,511,762

Plans to Minimize Displacement:

- There will be no displacement of residents in the project area

Mr. J.W. Cumbow spoke in favor of sewer in the Groseclose community.

The hearing was closed at 3:15 p.m.

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the Board adopted the following resolution in support of the project. This motion authorizes Mrs. Morgan to adjust the highlighted sections should the results of the area survey show better odds for funding.

3-11-2008

RESOLUTION

WHEREAS, the Virginia Department of Housing and Community Development is soliciting applications for the 2008 Community Development Block Grant (CDBG) program to fund local community facilities, housing, and economic development projects, and

WHEREAS, the Smyth County Board of Supervisors has determined that there is a need and a demand for public sewer in the Groseclose area of the County based on information from community residents and the local Health Department, and

WHEREAS, the Board of Supervisors has met the citizen participation requirements of the program by conducting two public hearings that were properly advertised in the newspaper and at least one other public notice, as required by the CDBG program guidelines,

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors wishes to apply for **\$ 675,000** in Virginia Community Development Block Grant funds for the proposed **Groseclose Sewer Project** under the Community Facilities project type, and

BE IT FURTHER RESOLVED that an estimated \$2.8 million in other funds will be spent on this project for the sewer collection system, and that the project will benefit a projected 54 households (129 persons), of which an estimated 56 % (72 persons) are low-to-moderate income, and

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors has a mandatory hook-up ordinance that will be enforced for this project, and

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors authorizes the County Administrator to sign and submit all appropriate documents for submittal of this Community Development Block Grant application.

Adopted by the Board of Supervisors
March 11, 2008

Edwin B. J. Whitmore, III

County Administrator

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

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. Re-codifying of the Smyth County Code (1-10-2006).
4. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee 6-13-2006).
5.
 - 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).

Mr. Clark briefly updated the Board on the Town of Marion's progress in working on a solution for the former school on East Strother Street.

3-11-2008

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, item 5 (b) was removed from old business.

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

6. 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).

Item 6 was briefly discussed and again continued.

7. Appointments:

- Area Beautification Committee Judges (12-11-2007)
(Smyth County Chamber of Commerce)
North Fork District - Debbie Ogle-290 North Drive, Marion (783-2606)
 - The Board referred designating a liaison to the local sesquicentennial committee to the Appointment Committee at the regular meeting October 9, 2007. The Committee reported they are discussing appointees (12-11-2007).
-

Upon motion of Mr. Roberts, seconded by Mr. Clark, and unanimously carried, the Board unanimously appointed Mr. John Clark as Smyth County's liaison to the Virginia Sesquicentennial of the American Civil War Commission.

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

- Department of Social Services Board (2-12-2008)
North Fork District - VACANT
- Board of Zoning Appeals (2-12-2008)
One Alternate - VACANT

8. Mutual Aid Agreement with Russell County (12-11-2007).

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, item 8 was removed from old business. The Sheriff no longer wishes to pursue this agreement.

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

CLOSED SESSION

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, at 3:16 p.m., the Board agreed to enter into closed session as allowed by the Code of

3-11-2008

Virginia, Section 2.2-3711 (A) (5) and (7) as described below:

- (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: 4 yea (Roberts, Dishner, Clark, Blevins)
 3 absent (Neitch, Perry, Waddell)

At 3:59 p.m. the Chairman ended the closed session.

Upon motion of Mr. Clark, 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: 4 yea (Roberts, Dishner, Clark, Blevins)
 3 absent (Neitch, Perry, Waddell)

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the Board approved hiring Davenport and Company. Staff is authorized to negotiate a consulting agreement not to exceed \$250/hour plus expenses.

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

3-11-2008

Mr. Blevins read information to the Board on the Quarterly Meeting to be hosted by the Town of Chilhowie Tuesday, March 25 at 6:00 p.m. Town House Grill. Those who wish to attend should RSVP by March 20 at 2:00 p.m.

CONTINUE THE MEETING

The Board discussed continuing the meeting until 5:00 p.m. on Thursday, March 27 for a work session to review the audit with the accountants.

Upon motion of Mr. Clark, seconded by Mr. Dishner, the Board continued the meeting until Thursday, March 27, 2008 for the following issues:

- 7:00 p.m. for a joint public hearing with the Planning Commission
- 7:30 p.m. public hearing on the proposal for an ordinance authorizing accepting petitions for the creation of Community Development Authorities (CDA)
- any other issues that may come up

Meeting at 5:00 p.m. will be confirmed once Jim Fern, CPA has been contacted to meet with the Board.

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

Darlene Neitch, Chairperson

Virginia: Continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, March 27, 2008.

The first meeting began at 5:00 p.m. and was held in the board room on the fourth floor.

Board Members

Present: Mrs. Darlene Neitch, Chairperson Mr. Michael Roberts
Mr. Charlie Clark
Mr. Marvin Perry (arrived at approximately 5:50 p.m.)

Board Members

Absent: Mr. Todd Dishner Mr. Wade Blevins
Mrs. Brenda Waddell

Staff Members

Present: Mr. Charlie Atkins Mr. Mike Carter
Mrs. Amber Johnson Mrs. Lisa Richardson
Mr. Ed Whitmore

Mr. Jim Fern of Hicok, Fern and Brown met with the Board to review the 2006 audit and those findings and how those will be remedied. Mr. Fern answered questions from the Board to help clarify the audit.

This portion of the meeting ended at approximately 6:20 p.m.

At 7:00 p.m. the Board reconvened in the Board of Supervisors meeting room for a joint public hearing with the Planning Commission.

Board Members

Present: Mrs. Darlene Neitch, Chairperson Mr. Michael Roberts
Mr. Charlie Clark Mr. Wade Blevins
Mr. Marvin Perry
Mr. Todd Dishner (arrived at approximately 7:05 p.m.)

Board Members

Absent: Mrs. Brenda Waddell

Staff Members

Present: Mr. Charlie Atkins Mr. Mike Carter
Mrs. Amber Johnson Mrs. Sally Morgan
Mr. Ed Whitmore Mr. Clegg Williams
Mrs. Becca Kirk

Planning Commission

Members Present: Mr. Karl Kalber Ms. Amy Tuell
Mr. Graham Davidson Mr. Dennis Blevins
Mr. Norman Sparks Mr. Don Medley

Planning Commission

Members Absent: Mr. Wayne Venable

At 7:00 p.m. the Chairperson, Neitch and Chairman, Kalber called the joint public hearing to order.

Mr. Whitmore read the advertisement as ran in the Smyth County News and

3-27-2008

Messenger on March 15 and 22, 2008, both Saturday editions. The only citizen present was the applicant.

Upon motion of Mr. Perry, seconded by Mr. Blevins, reading of the rules for public hearings was forgone.

Vote: 5 yea
 2 absent (Waddell, 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, March 27, 2008, 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 Howard Aistrop for a Special Use Permit to establish a Recycling Convenience Station on a tract of land owned by T. O. Blevins. The property is located at 854 St. Clair's Creek Road in Chilhowie, is zoned Agricultural/Rural, and is identified by Tax Map No. 76-A-158.

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
Karl A. Kalber, Chairman of the Planning Commission*

Mr. Williams summarized Mr. Howard Aistrop's application for a special use permit to establish a Recycling Center inside a building that was once a Convenience Store. Mr. Williams mailed notice of the public hearing to all adjoining property owners. He stated that he received no comments on the application. He pointed out the following sections of the ordinance: Section 3-2.2 (s) which allows a Recycling Facility in the Agricultural/Rural District by issuance of a Special Use Permit, and Article VI which contains the provisions for Special Use Permits. Upon Mr. Perry's request Mr. Williams read the requirements that must be met before a special use permit may be approved.

Mr. Aistrop was present and addressed questions from the Commissioners and Board Members. He stated that he would only be accepting scrap metals and would only be open on Fridays and Saturdays while starting out. Due to the increased theft of copper, Mr. Aistrop informed the room that he was required by law to obtain a copy of a

3-27-2008

driver's license for anyone selling copper to a recycling center. He stated that he and Mr. Blevins (the property owner) have a signed agreement that all materials stored at the recycling business would be kept inside of the building.

With no one else wishing to speak on this application, Chairperson Neitch and Chairman Kalber closed the joint public hearing at 7:10 p.m.

At 7:30 p.m., the Board then proceeded with the following public hearing. Mr. Whitmore read the advertisement as ran in the Smyth County News and Messenger on March 8 and 15, 2008, both Saturday editions. There were no citizens present to speak, therefore the rules for public hearings were forgone.

NOTICE OF PUBLIC HEARING

Proposal for an Ordinance authorizing accepting petitions for the creation of Community Development Authorities under §15.2-5152, et seq, of the Code of Virginia.

After proper advertising, the County proposes to consider the adoption of the following ordinance to permit the acceptance, by the County, or jointly with any town in Smyth County, Virginia, an ordinance with the following concepts and proposed conditions.

ORDINANCE - Electing to Assume the Power to Consider Petitions for the Creation of Community Development Authorities:

WHEREAS, state law was amended in 2005 to require any county that wishes to consider petitions for the creation of Community Development Authorities to elect to do so by ordinance and to hold a public hearing on the ordinance; and

WHEREAS, having had a duly advertised public hearing on this subject, the County of Smyth, Virginia (the "County"), wishes to assume the power to consider such petitions;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SMYTH, VIRGINIA:

1. *The County elects to assume the power to consider petitions for the creation of community development authorities in accordance with the provisions of Section 15.2-5152 of the Code of Virginia of 1950, as amended.*

2. *Upon receipt of such a petition, the County Administrator will review and evaluate its merits in accordance with the provisions of state law and with written criteria to be approved by the County Administrator and the Board.*

3. *After the County Administrator's review and evaluation is complete, and consultation with legal counsel if required, the County Administrator shall advise the Board of Supervisors of his recommendation with respect to the petition.*

4. *This ordinance shall be in full force and effect on and after its passage.*

The advertisement of this proposed ordinance was approved by the Board of Supervisors.

3-27-2008

A public hearing will be held at the office of the Board of Supervisors, 121 Bagley Circle, Suite 100, Marion, Virginia on Thursday, March 27, 2008 at 7:30 P.M. or soon

there after. At this hearing, and subject to the Rules of Procedure of the Smyth County Board of Supervisors, any interested citizen may appear and state his or her views thereon.

*Done by order of the Board of Supervisors
Edwin B.J. Whitmore, III, County Administrator*

Mr. Whitmore explained that adopting the ordinance; gives the Board the right to accept a petition for the creation of a Community Development Authority. After only a brief discussion, the hearing was closed at 7:31 p.m.

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board continued the adoption of the above ordinance until the next regular meeting on Tuesday, April 8, 2008.

Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the Board approved a Law Enforcement Terrorism Prevention Program Grant in the amount of \$4,906. Local funds are not involved.

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

Mrs. Neitch thanked the Board for the flowers and kind words during the recent loss of her brother.

Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, the meeting was adjourned at 7:32 p.m.

Darlene Neitch, Chairperson

Virginia: The regular meeting of the Smyth County Board of Supervisors was held at the County Office Building on Tuesday, April 8, 2008 at 12:00 noon.

Board Members

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

Board Members

Absent: Mrs. Brenda Waddell

Staff Members

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

Chairperson, Neitch called the meeting to order at noon. Mr. Perry gave the invocation and Becca Kirk led the pledge of allegiance.

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

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

Upon motion of Mr. Blevins, seconded by Mr. Perry, and unanimously carried, the minutes of March 11 and 27, 2008 were approved.

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

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

General County	\$1,450,000
Animal Control (office supplies)	\$6,080.98
Department of Social Services (April 9-30, 2008)	\$300,000
(May 1-13, 2008)	\$65,000
Schools Operating Fund	\$4,200,000

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

Upon motion of Mr. Perry, seconded by Mr. Blevins, the Board unanimously approved the accounts payable listing in the amount of \$894,680.93. This listing includes two (2) invoices totaling \$11,280 to Closed Networks, Fredrick G. Griffin Engineering for the radio system project.

4-8-2008

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

CITIZEN'S TIME

- Jim Baldwin and Pam Hall, of Brain Injury Services of Southwest Virginia spoke before the Board and briefly commented on how their services benefit those in this area. They thanked the Board for the support in the past and request that they continue their support this year. They have requested \$3,496.
- Cynthia Harris voiced her concerns on how the Smyth County Museum and Historical Society is run and how the artifacts are preserved and handled. She was a volunteer at the museum a few years back. She also referred to a recent article in the Bristol Herald Courier. She hoped to bring these issues to the Board with hopes that they may be able to help the situation. The Board referred this issued to the Building and Grounds Committee so that it can meet with the Museum to discuss the issues raised.
- Shelia Glenn and another sponsor of the Destination Imagination team for Marion Senior High School appeared requesting assistance for the team to travel and compete in the global competition at the University of Tennessee. There are a total of 19 students competing (including the team from Northwood Middle School).

Upon motion of Mr. Perry, seconded by Mr. Blevins, the Board waived the rules of section 4.10-2 of the Rules of Procedures which states that: *Request for funds that is \$2,000 or less that is not budgeted may be considered and granted by the Board, upon request. Such requests for funds that are \$2,000 or more shall first be referred to the Budget Committee for recommendation before action by the full Board.*

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

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board appropriated \$7,500 (from account #001-056000-5827, Contingency) to donate \$2,500 each to Destination Imagination Virginia (DIVA) teams of Marion Senior High School (2 teams) and Northwood Middle School (1 team) for their trips to the national competitions to be held in Knoxville, Tennessee.

4-8-2008

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

- John Long and Jim Owens of the VFW Post 4667 spoke before the Board and thanked them for the support last year of the Memorial Celebration. He requested that the Board continue their support this year.

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board appropriated \$1,500 (from account #001-056000-5827, Contingency) to donate to VFW Post 4667 of Marion, to aid in the 2008 Memorial Day Celebration.

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

NEW BUSINESS

Tim White and Brian Cregger, representatives of the Song of the Mountains distributed information and answered questions pertaining to the following request.

Upon motion of Mr. Dishner, seconded by Mr. Clark, and duly carried, the Board appropriated the remaining \$15,000 in the current budget (from account #001-056000-6022, Smyth County Celebration) to Smyth County Celebration Association, Inc. for the Song of the Mountains Festival & Smyth County Celebration to be held June 26 - 28, 2008.

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

The Board considered and discussed the following recommendation from the Water and Sewer Committee at great length:

Upon motion of Mr. Clark and seconded by Mrs. Neitch, the committee recommends to the Board that the Water and Sewer Department policy be amended to make the property owner the account holder and accountable for water and sewer bills.

Following that discussion, the Board duly approved the above recommendation from the Water and Sewer Committee.

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

Then, later in the meeting, the Board discussed this issue further with the staff, as to when the policy would take effect. The following motion below was made.

4-8-2008

Mr. Roberts motioned to reconsider the above recommendation from the Water and Sewer Committee. Mr. Blevins seconded the motion. This motion tied, therefore the above motion approving the recommendation from the committee stands.

Vote: 3 yea (Roberts, Blevins, Dishner)
 3 nay (Clark, Neitch, Perry)
 1 absent (Waddell)

With the recommendation of the Water and Sewer Committee the Board agreed that the request for water on Mulberry Lane by Shirley Starkey (referred to the committee by the Board on 1-8-2008) would be considered in the next appropriate funding package that would cover that area. This request falls close to the Hutton Branch Phase II Project. This item is now removed from the Water and Sewer Committee agenda. Mr. Simpson will notify Ms. Starkey of the Board's decision.

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

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

WHEREAS, Smyth County has suffered from economic distress due to numerous plant closings and job lay-offs; and

WHEREAS, Smyth County has worked in partnership with Washington County through the Smyth-Washington Regional Industrial Facilities Authority (SWIFA) in efforts to create jobs and investment in the area; and

WHEREAS, Smyth County provided a substantial amount of funds to SWIFA in 2007 to pay expenses incurred in a concentrated effort to attract a major automotive production facility to the area; and

WHEREAS, the funds were used to undertake a complete investigation of the proposed site for the project, including appraisals, engineering design, aerial photography and mapping, geotechnical investigation, environmental studies, and legal services.

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors requests financial assistance from the Tobacco Indemnification and Community Revitalization Commission for \$102,933.59 to cover these expenditures.

THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors supports the application to the Tobacco Indemnification and Community Revitalization Commission and authorizes the County Administrator to sign the necessary application forms, and accept responsibility for the accuracy of the application and appropriate use of the funds, if granted.

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

4-8-2008

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the resolution in support of the Tennessee Valley Authority 75th Anniversary was continued.

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

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the Board authorized the execution of the following Route 622 deed between the Board and the Virginia Department of Transportation (this deed is included in the official minutes.

Vote: 5 yea (Dishner, Clark, Blevins, Neitch, Perry)
 2 absent (Waddell, Roberts-out of the room)

Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the Board appropriated \$35,000 out of the current budget (from account #501-085060-0013, I-81 Bore, TOM Pepsi Plant).

Vote: 5 yea (Dishner, Clark, Blevins, Neitch, Perry)
 2 absent (Waddell, Roberts-out of the room)

Following that motion, upon motion of Mr. Dishner, seconded by Mr. Blevins, and unanimously carried the Board amended the budget (line #501-085060-0013, I-81 Bore, TOM Pepsi Plant) in the amount of \$5,370. This appropriates a total of \$40,370, so that the County's share can be paid to the Town of Marion for the Washington Avenue Waterline Replacement.

Vote: 5 yea (Dishner, Clark, Blevins, Neitch, Perry)
 2 absent (Waddell, Roberts-out of the room)

Upon motion of Mr. Roberts, seconded by Mr. Clark, and unanimously carried the Board adopted the following ordinance to be added to the Smyth county Code:

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

ORDINANCE - Electing to Assume the Power to Consider Petitions for the Creation of Community Development Authorities:

1. *The County elects to assume the power to consider petitions for the creation of community development authorities in accordance with the provisions of Section 15.2-5152 of the Code of Virginia of 1950, as amended.*

4-8-2008

2. *Upon receipt of such a petition, the County Administrator will review and evaluate its merits in accordance with the provisions of state law and with written criteria to be approved by the County Administrator and the Board.*

3. *After the County Administrator's review and evaluation is complete, and consultation with legal counsel if required, the County Administrator shall advise the Board of Supervisors of his recommendation with respect to the petition.*

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board declared two (2) large signs, advertising the 35th Annual Hungry Mother Festival, "official signs" to comply with the Virginia Department of Transportation (VDOT) regulations. Festival will be held July 18-20, 2008.

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

Steve Buston of the Virginia Department of Transportation briefly mentioned that transportation funding from the state has not been settled. Once that has been determined for each locality, Mr. Buston will reevaluate the situation for Smyth County and make a recommendation to the Board.

He also stated that the two (2) bridges over I-81 that are being reconstructed will be open by May 1. At that time the bridge over the railroad in Adwolfe will be open. He briefly discussed the condition of the railroad bridge with the Board.

Upon motion of Mr. Blevins, seconded by Mr. Perry, and unanimously carried, the Board approved the Planning Commission's recommendation to grant Howard Aistrop's application for a special use permit to establish a Recycling Center with two stipulations: 1. There be no outside storage on the lot (Mr. Williams will resolve this issue with T. O. Blevins, landowner). 2. The property will be secured during non-business hours.

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

Mr. Clegg Williams, Zoning Administrator, presented updated photographs taken Monday, April 7, 2008 of the Prince residence at 5528 Bonham Drive, Sugar Grove.

After discussion and review of the photos, upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the Board agreed that the owners have taken the

4-8-2008

proper steps to clean the property and improve its appearance, therefore it is no longer considered a nuisance at this time.

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

Mr. Con Smith, Smyth County's representative of the Smyth Washington Regional Industrial Facilities Authority highlighted their 2007 annual report (distributed at the continued Board meeting Thursday, March 27).

Mr. Clark briefly mentioned the success of the expanded museum in Saltville.

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. Re-codifying of the Smyth County Code (**1-10-2006**).
 4. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee **6-13-2006**).
 5. Disposal of former school building at 105 East Strother Street (**7-11-2006**)
 6. 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**).
 7. Solid Waste Committee recommends to the Board that up to 5 tons/annually is a standard amount for free tipping (**3-11-2008**).
-

With the recommendation of the Solid Waste Committee, the Board duly approved up to 5 tons/annually (calendar year) is a standard amount for free of charge tipping for recognized groups.

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

8. Appointments:
 - Area Beautification Committee Judges (12-11-2007)
(Smyth County Chamber of Commerce)
North Fork District - Debbie Ogle-290 North Drive, Marion (783-2606)
-

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board reappointed Debbie Ogle to the Area Beautification Committee Judges for the Smyth County Chamber of Commerce, representing the North Fork District. This is a

4-8-2008

one year term expiring December 31, 2008.

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

- Department of Social Services Board (2-12-2008)
North Fork District - VACANT
-

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board appointed Mr. Thomas R. Buchanan to the Smyth County Department of Social Services Board as the North Fork District representative. His four year term will expire April 8, 2012.

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

- Board of Zoning Appeals (2-12-2008)
One Alternate - VACANT
 - Industrial Development Authority (3-11-2008)
Park District - VACANT
-

Upon motion of Mr. Dishner, seconded by Mr. Blevins, the Board appointed Mr. Kris Ratliff to the Smyth County Industrial Development Authority as the Park District representative. Mr. Ratliff will fill the term of Mr. Larry Davis, who resigned in February 2008. This term will expire June 30, 2011.

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

CLOSED SESSION

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, at 3:08 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) as described below:

- (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, Blevins, Neitch, Perry)
1 absent (Waddell)

At 4:01 p.m. the Chairperson ended the closed session.

4-8-2008

Upon motion of Mr. Clark, 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: 5	yea (Dishner, Clark, Blevins, Neitch, Perry)
2	absent (Waddell, Roberts-out of the room)

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the County Administrator is directed to mail a letter of concern to the Town of Marion on the bidding process of the old school.

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

Mr. Tate briefly stated that the Ordinance Committee has completed the review of the by laws of the Nebo Community Club. The Board approved deeding the building to the Club approximately a year ago. The deed has been prepared and is ready to be handed over to the Club which will be done at the next Committee meeting or regular Board meeting.

CONTINUE THE MEETING

At approximately 4:05 p.m., upon motion of Mr. Clark, seconded by Mr. Dishner, the Board continued the meeting until Thursday, April 24, 2008 at 7:00 p.m. for a joint public hearing with the Planning Commission and any other issues that may come up.

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

Darlene Neitch, Chairperson

Virginia: Continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, April 24, 2008, 7:00 p.m.

Board Members

Present: Mrs. Darlene Neitch, Chairperson Mr. Michael Roberts
Mr. Charlie Clark Mrs. Brenda Waddell
Mr. Marvin Perry Mr. Wade Blevins
Mr. Todd Dishner (arrived at 7:15 p.m.)

Staff Members

Present: Mr. Charlie Atkins Mr. Michael Carter
Mrs. Amber Johnson Mrs. Becca Kirk
Mr. John Tate Mr. Clegg Williams
Mrs. Sally Morgan Mr. Scott Simpson
Mr. Matthew Rowe (Intern)

Planning Commission

Members Present: Mr. Dennis Blevins Mr. Norman Sparks
Mr. Graham Davidson Mr. Wayne Venable

Planning Commission

Members Absent: Mr. Don Medley Ms. Amy Tuell
Mr. Karl Kalber

At 7:00 p.m. the Chairperson of the Board of Supervisors and Vice Chairman of the Planning Commission called the joint public hearing to order. Michael Carter, Assistant County Administrator, read the following legal advertisement as ran in the Smyth County News and Messenger on April 12 and 19, 2008. Mr. Carter also read the rules of procedures for public hearings. There were approximately 5 citizens present interested in the following application.

**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, April 24, 2008, 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:

An application from Sherry Atkins for a Special Use Permit to establish a Childcare Center on a tract of land owned by John G. Gillespie Jr. The property is located on Trio Lane in Atkins, is zoned Agricultural/Rural, and is identified by Tax Map Nos. 47B-2-35 and 47B-2-35B.

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
Karl A. Kalber, Chairman of the Planning Commission

4-24-2008

Mr. Williams summarized the application from Sherry Atkins for a Special Use Permit for a Childcare Center. Ms. Atkins is negotiating to purchase approximately 3 acres from John Gillespie. The property is located off Trio Lane in Atkins and is numbered as Tax Map No. 47B-2-35 and 47B-2-35B and zoned Agricultural/Rural. Additionally, she is negotiating with Sarah Graham, a daycare owner, to construct and operate a 5,000 square foot facility. They are anticipating approximately 150 children. With her application, she submitted the required affidavit, owner's consent form, site plan, and paid the required fee. Mr. Williams stated that notification was mailed to all of the adjoining property owners. Mr. Williams also stated that no one had contacted him regarding the application. Mr. Williams pointed out the following sections of the ordinance: Section 3-2.2 (a), which allows a Childcare Center in the A/R district by issuance of a special use permit and Article VI which cover the requirements that must be met before a special use permit may be approved.

Ms. Sarah Graham, Ms. Atkins' proposed tenant, was present to address the Board and Commission about the operation of the Childcare Center and the requirements they must meet through the Department of Social Services (DSS). She stated that the hours of operation would be from 3:30 a.m. to 6:00 p.m. and the facility would be equipped for children 0 months to 12 years.

Mr. Colin Lincoln, business partner with Sherry Atkins, was present to speak to the Board and Commission on behalf of Ms. Sherry Atkins. He stated that the building would be sized to meet Department of Social Service requirements. He produced a Commercial Entrance Permit obtained from Virginia Department of Transportation for the entrance off Trio Drive. He indicated that Ms. Atkins was willing to upgrade Trio Drive if required. He also pointed out that the property has plenty of road frontage along Route 11 and could install a separate entrance if necessary. Mr. Lincoln stated that the property has access to public water and is waiting approval for a private septic from a soil consultant.

No one else spoke on the application.

Chairperson Neitch and Vice Chairman Blevins closed the joint public hearing at 7:12 p.m.

Other Business:

Dr. Michael Robinson, School Superintendant gave a brief overview of the fiscal year 2008-2009 School Board budget. He answered a few questions from the Board then the motion below was made.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board scheduled a public hearing to take comments on the proposed fiscal year 2008-2009 school board budget. This hearing is scheduled for the next regular meeting on Tuesday, May 13 at 3:00 p.m. The advertisement will run in the Smyth County News and Messenger on Wednesday, April 30, 2008.

Vote: 7 yea
 0 nay

Following discussion and clarification by Mr. Scott Simpson, with the recommendation of the Water and Sewer Committee the Board agreed to proceed in the direction that the County furnish Water and Sewer to the new proposed hospital and Exit 47 development.

Vote: 7 yea
 0 nay

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board authorized advertisement of Request for Proposals for services from qualified firms to perform a market study for the Allison Gap Elderly Housing project. (No county funds involved). The state has allowed this contract to be extended until September, so the rest of the planning grant can be used.

Vote: 7 yea
 0 nay

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

WHEREAS, Governor Timothy M. Kaine has recognized May 11-17, 2008 as **BUSINESS APPRECIATION WEEK** in the **COMMONWEALTH OF VIRGINIA**, and called this observance to the attention of all citizens; and,

WHEREAS, Smyth County businesses play a vital role in strengthening our County by providing jobs, enhancing the tax base, and increasing income to the community; and

4-24-2008

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

WHEREAS, Smyth County joins the Commonwealth in recognizing the accomplishments of our businesses, including our many small businesses that contribute greatly to the economic diversity of the County; 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 11-17, 2008 as **BUSINESS APPRECIATION WEEK** in Smyth County and call this observance to the attention of all our citizens.

Other information: (these were briefly reviewed)

- New information directories have been distributed. Please make yourself aware of those appointments that will expire June 30, 2008. These will appear on your agenda in the coming months.
- New updated Rules of Procedures have been placed in each desk in the Board room.
- Information on the Mount Rogers Community Mental Health & Mental Retardation Services Board meeting on April 28, 2008 is in the office.
- Regional VACo Courthouse meeting invite is also distributed.

Mr. Tate briefly mentioned the status of the Courthouse renovation. Mr. Clark mentioned the broadband study currently being conducted in the area.

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried, the meeting was adjourned at 8:15 p.m.

Darlene Neitch, Chairperson

Virginia: The regular meeting of the Smyth County Board of Supervisors was held at the County Office Building on Tuesday, May 13, 2008 at 12:00 noon.

Board Members

Present: Mr. Charlie Clark Mr. Michael Roberts
Mr. Wade Blevins Mrs. Darlene R. Neitch
Mr. Todd Dishner Mr. Marvin Perry
Mrs. Brenda Waddell

Staff Members

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

Chairperson, Neitch called the meeting to order at noon. Mr. Mark Haga gave the invocation and Sally Morgan led the pledge of allegiance.

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

Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, the minutes of April 8 and 24, 2008 were approved.

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

General County	\$1,650,000
Animal Control (office supplies)	\$540.64
Department of Social Services (May 14-31, 2008)	\$425,000
(June 1-10, 2008)	\$65,000
Schools Operating Fund	\$5,000,000

Upon motion of Mr. Blevins, seconded by Mrs. Waddell, the Board unanimously approved the accounts payable listing in the amount of \$1,040,903.62. This listing includes an invoice to Closed Networks, Fredrick G. Griffin Engineering for the radio system project in the amount of \$10,305.

Mr. Clark presented the deed of the old school in the North Fork District to Debra Kegley, President of the Nebo Community Club. On behalf of the Club, Ms. Kegley thanked the Board for the deed. She explained that the building is used by many in the community from wedding showers to reunions. The Club will have the deed executed and will return a copy to the Administrator's office for the file (this deed will be included

in the official minutes).

CITIZEN'S TIME

Jay Overbay spoke in reference to the recent change to the Water and Sewer policy. Mr. Overbay is a property owner who rents and has a concern that not allowing renters to place water accounts in their names will only cause more problems such as higher rent, water usage will rise, and leaks will go undetected. He stated that putting the problem of unpaid water bills in the hands of landlords is not the answer to the problem. Mr. Carter responded and explained how the Water and Sewer Committee made this recommendation to the Board after conversing with staff and the water and sewer attorney.

James R. Frank spoke on 2 issues. He commented on the possible lighting that will be created in the Exit 47 development and how it would affect the night sky. If projected up, this will waste light and will create a glare. He stated that this may be of concern for those who neighbor the development. Secondly, he spoke on the placement of County stickers on windshields. He noted with the center of the window placement how difficult it is to remove stickers and replace new one. He suggested moving them to either side of the window or doing away with the sticker and charging the \$15 to taxes.

Stacy OQuinn of Mountain States Health Alliance invited the Board to the second annual Free Clinic benefit to be held Saturday, June 7 at 6:00 p.m. - 9:00 p.m. at the Holston Hill Country Club.

NEW BUSINESS

Upon motion of Mr. Clark, seconded by Mr. Roberts, and unanimously carried, the Board approved a letter of support for a grant application for the Nebo Volunteer Fire Department, Inc. being processed by Rural Development. The application is for a \$50,000 grant for a brush truck. The Fire Department will be required to match this with \$16,666. The Department has committed to this from their own funds. This area is 75/25 eligible. The letter reads as follows:

The Smyth County Board of Supervisors supports the Nebo Fire Department, Inc. in its application for USDA Rural Development financing for a Brush Truck Grant Application. This community facility project will provide needed services to the

community and will have no adverse impact on other community facilities providing similar services.

Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the Board approved the following power line easement for the hospital helipad (this easement will be included in the official minutes).

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board approved a Bryne Justice Assistance Grant in the amount of \$2,306 in federal funds with a local match of \$256, totaling \$2,562. This grant is awarded annually to the Sheriff's Department and will be utilized in the narcotics division for vests and drug kits.

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

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board referred the request from the Mountain Empire Pilots Association to assist with the Mountain Empire Airport Annual Fly-In to the Budget Committee. More information is need on exactly who and what the organization is.

Upon motion of Mr. Clark, seconded by Mr. Blevins, the Board approved the payment of bills twice in the month of June, to ease in the closing of the books at the end of the fiscal year.

With the recommendation of the Water and Sewer Committee, the Board agreed to write off a total of \$3,969.32 due to the fact that warrants cannot be served. This includes 29 former water and/or sewer customers that cannot be found. These monies can be collected should these customers request service once again.

With the recommendation of the Water and Sewer Committee, the Board agreed that the water customers should be notified that a water shortage is possible. The Board directs the Water and Sewer Department to add an additional page to the yearly Consumer Confidence Reports (CCR) mailed each year, requesting customers to conserve water when possible.

With the recommendation of the Water and Sewer Committee, the Board unanimously decided to continue this meeting until Thursday, May 22 at 4:00 p.m. to

meet with the Water and Sewer Committee for a two hour work session with Draper Aden to discuss proposed rate changes.

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board scheduled a public hearing for the next regular meeting on Tuesday, June 10 at 3:00 p.m. This hearing will be to take comment on the proposed changes to the county's erosion and sediment control ordinance. These changes are a reflection of the state code and are recommended by the Department of Conservation and Recreation. This public hearing is also a recommendation of the Ordinance Committee.

Chairperson Neitch continued a recommendation from the Budget Committee that a letter be drafted to the Treasurer requesting monthly bank statements, reconciliations, and listing of cd's, including special assessment information on Harris Lane, Deerfield, and Clarkcrest.

With the Budget Committee's recommendation, the Board unanimously approved the following second allocation of fiscal year 2008 Four-For-Life funds for Emergency Services in the total amount of \$17,854.20. Funds will be disbursed as follows:

Chilhowie FD/EMS \$4,463.55
Marion Life Saving Crew \$4,463.55
Saltville Rescue \$4,463.55
Sugar Grove Rescue \$4,463.55

After discussion and explanation from Mr. Shannon Williams, E-911 Coordinator, and Mr. Tate the Board unanimously approved a recommendation from the Budget Committee that the bid from Advance Wireless Solution in the amount of \$871,397 be accepted for the tower and shelter Request for Bid's for the radio project.

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board increased fund 744 (Police Expense) of the budget in the amount of \$26,000.

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board approved a recommendation from the Budget Committee and appropriated \$26,000 (from above) to purchase a replacement vehicle for the Sheriff Department using funds from the radar/police activity fund.

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

With the recommendation of the Budget Committee, the Board unanimously appropriated \$1,000 (from account #001-056000-5827, Contingency) to the Town of Marion for the upcoming 2008 Independence Day Celebration.

Mrs. Morgan gave a report on the Economic Development Committee and their proposed revisions to the local Enterprise Zone incentives. Mrs. Morgan noted that changes to the local EZ incentives will require an amendment application to the state.

They are as follows:

1. Change the building permit rebate from 100% to 50%, and require that new construction be at least \$250,000 in value. (The rebate would still apply to all rehabilitation projects regardless of size).
2. Eliminate the rebate of monthly water and sewer usage fees, but retain the hook up fee rebate.
3. Approve the real estate rehabilitation tax exemption for the Francis Marion Hotel.

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board agreed to proceed with changes 1 and 2. The third concern (with the Hotel) was again continued for the committee to discuss further.

Upon motion of Mr. Perry, seconded by Mr. Clark and unanimously carried, the Board approved a letter of agreement from the Tobacco Commission for \$102,993.59 for Exit 32 project. This authorized Mrs. Morgan to execute the final drawdown request which will be signed by Mr. Whitmore.

Upon motion of Mr. Perry, seconded by Mrs. Waddell, and unanimously carried, the Board adopted the following resolution to re-submit Groseclose sewer in the grant proposal for the 2008 Economic Development Funds.

WHEREAS, Smyth County has continually suffered from economic distress due to numerous plant closings and job lay-offs; and

WHEREAS, the Smyth County Board of Supervisors recognizes economic growth and development as the number one priority for the county, and is focused on pursuing strategies to diversify the local economy; and

WHEREAS, the provision of basic utility infrastructure for water and sewer is a critical requirement to spur that economic development effort; and

WHEREAS, the Groseclose/Exit 54 area has suffered for many years due to the lack of a public wastewater collection system; causing businesses to close, preventing

businesses from opening, keeping existing businesses from growing, and stymying overall development of the community; and

WHEREAS, the Groseclose/Exit 54 Area Sewer Project is the number one priority for wastewater needs in the county, and is a high priority for the region; and

WHEREAS, the County is focusing its efforts on putting together a funding package to make the project happen and needs assistance from several state and federal resources to make the project feasible.

THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors supports a grant application to the Tobacco Indemnification and Community Revitalization Commission for \$250,000 and authorizes the County Administrator sign the necessary application forms.

Mrs. Morgan briefly covered the following information in honor of Business Appreciation week:

2007-2008 Business Highlights for Smyth County

New Company Locations and Company Expansions

- American Wood Fibers began construction of a new facility in the Seven Mile Ford area of Smyth County, renovating the former Springford Knitting building. Total investment anticipated to be \$ 9 million and creation of 30 new jobs
- United Salt Corporation bought the former Virginia Gas/Duke Energy salt evaporation plant in Saltville and will invest \$8.5 million in construction of a new bagging facility and warehouse, along with the creation of 18 new jobs

Economic Trends

- Unemployment for 2007 was 5.4% (down from 9.6% in 2003), as compared to 3.1% statewide. Latest monthly unemployment rate is 6.1% for March 2008, a slight increase from 5.9% in March 2007 (*Virginia Employment Commission - VEC*).
- Increase in retail sales from \$173.6 million in 2004 to \$190.5 million in 2007. Smyth County is well below Washington County and Wythe County in retail sales per capita and rate of growth of retail sales. (*VA Department of Taxation*).
- Per capita personal income increased by 14.4 % from 2003 to 2006, not quite keeping pace with the state growth of 16.2% over that period. Per capita personal income in Smyth is 63% of the state PCPI. (*U.S. Bureau of Economic Analysis - 2006*)
- Manufacturing continues to be the county's largest employment sector at 31.7% and that sector has the third highest average weekly wage (\$701) behind only Transportation & Warehousing and the Federal Government
- 612 of Smyth County's 704 (almost 87%) businesses employ less than 20 people, and almost 94% employ less than 50 people
- Almost one-third of all employment in Smyth County (32%) is from employers with less than 50 employees.
- There was a substantial increase in 2007 in new start-up businesses in Smyth County, going from 14 in 2006 to 55 just in the first three quarters of 2007. (*VEC- Quarterly Census of Employment and Wages*).

Other Developments

- Since 2004, Smyth County has had three new subdivisions approved with a total of 77 lots and there are another 7 subdivision plans under development which will result in an additional 184 building lots. (This does not include numerous other smaller lot divisions approved as subdivision exceptions).

- The proposed upscale second home development in eastern Smyth County (Sheridan Ridge) was officially announced by both its developers and prominent NASCAR drivers, and construction will begin in the near future
 - VDOT has approved modifications of the Exit 47 interchange to allow for the development of a new shopping center on the south side of I-81 which is proposed for construction by 2009.
-

Upon motion of Mr. Blevins, seconded by Mrs. Waddell, and unanimously carried the Board appropriated \$4,906 from the Sheriff's Terrorism Grant line (#001-021070-8888-77) for federal funds received from a Law Enforcement Terrorism Prevention Program Grant.

After a detailed explanation from Scott Simpson, County Engineer, the motion below was made.

Upon motion of Mr. Perry, seconded by Mr. Roberts, and unanimously carried the Board approved the concept of an automated meter reading system. The Board authorized Mr. Simpson to issue a purchase order to Atlantic Utility Solutions, Inc. which will be paid with the monthly payables in June, \$35,200. This is the first phase to begin replacing meters and equipment; this will take place over a period of 7-9 years.

At this time Jeff Mitchell of Leclair Ryan spoke before the Board on the Community Development Authority, in regards to the Exit 47 development. He stated that a petition will be filled with the County administrator in the very near future.

Steve Buston, Robert Hurt, and Rachel Brown of the Virginia Department of Transportation was present.

Mr. Hurt first explained two (2) necessary road closings which were approved below.

Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby authorizes the Department of Transportation to close State Route 622, from 1.925 kilometers south intersection Route 686 to south intersection Route 686, for the time necessary to complete construction of the road way.

Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby authorizes the Department of Transportation to close State Route 633, .06 miles north of intersection

of Route 91, for the length of time necessary to complete construction of bridge repairs.

Mr. Buston briefed the Board on emergency crossovers being built on Interstate 81 due to weight limits being placed on bridges over I-81. There will be 8 crossovers between mile marker 31 and mile marker 57. He also mentioned the Six Year Plan and that they hope to return with final numbers in June for approval by a resolution.

Upon motion of Mr. Blevins, seconded by Mr. Perry, and unanimously carried, the Board approved the Planning Commission's recommendation to grant Howard Aistrop's application for a special use permit to establish a Recycling Center with two stipulations: 1. There be no outside storage on the lot (Mr. Williams will resolve this issue with T. O. Blevins, landowner). 2. The property will be secured during non-business hours.

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

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board approved the recommendation from the Planning Commission on the request from Sherry Atkins for a Special Use Permit for a Childcare Center. Contingent on approval by Department of Social Services, Virginia Department of Transportation, and Smyth County Health Department. The property is zoned Agricultural/Rural and is identified as Tax Map No. 47B-2-35 and 47B-2-35B.

Rachel Brown of VDOT helped clarify questions on the entrance.

After consultation with Mr. Clegg Williams and Mr. Tate, upon motion of Mr. Blevins, seconded by Mrs. Waddell, the Board authorized Mr. Williams to proceed with legal action against the Reva Presley fire damaged property located at 500 Riverside Road, Chilhowie, destroyed by fire. Mr. Williams explained to the Board that he has made numerous attempts with the property owner to get the property cleaned up.

Mr. Williams answered brief questions on other pending site complaints.

At approximately 3:00 p.m. the Board proceeded with a public hearing on the proposed Smyth County School budget for fiscal year commencing July 1, 2008 - June 30, 2009. Mr. Whitmore read the advertisement as run in the Smyth County News and Messenger on Wednesday, April 30, 2008.

Upon motion of Mr. Perry, seconded by Mr. Clark, the Board agreed to forgo the reading of the rules due to the number of citizens present. There were two members present from the School Board office and three members of the School Board along with one citizen that signed up to speak.

Betty Webb spoke in favor of the proposed budget. Her only concern was the time of the public hearing. She wished it could be later in the evening so more would be able to attend.

Dr. Michael Robinson, School Superintendent made him self available to answer any questions.

The hearing was closed at approximately 3:09 p.m.

Mr. Bruce Kravtiz gave a presentation on the Southwest Virginia Alliance for Manufacturing. He highlighted the Dream it! Do it! campaign and the workforce development progress report.

Don Blevins of Marion Mold and Tool and Steven Bowman of Woodgrain Millwork spoke on behalf of the Alliance. They explained how the program has helped their companies and continues to do so.

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. Re-codifying of the Smyth County Code **(1-10-2006)**.
 4. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee **6-13-2006**).
 5. Disposal of former school building at 105 East Strother Street **(7-11-2006)**
 6. 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)**.
-

Short discussion with Mr. Tate was held concerning item number 6.

7. Appointments:
 - Board of Zoning Appeals **(2-12-2008)**
One Alternate - VACANT
 8. Request the Board consider a resolution in support of the Tennessee Valley Authority 75th anniversary **(4-8-2008)**.
-

CLOSED SESSION

Upon motion of Mr. Perry, seconded by Mr. Clark, 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) (5) and (7) as described below:

- (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 4:20 p.m. the Chairperson ended the closed session.

Note: Mr. Perry left during closed session

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

WHEREAS, the Smyth County Board of Supervisors has convened 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 (Dishner, Clark, Blevins, Neitch, Waddell, Roberts)
 1 absent (Perry)

OTHER BUSINESS

The Board decided to take up donations until Thursday, May 22 to be donated to the Smyth County Humane Society in memory of Cheryl Warren, Jimmy Warren's Daughter.

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board authorized Mr. Whitmore to schedule a public hearing on the creation of a CDA in the event he receives a petition.

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

Madam Chairman heard updates from each district. Mr. Clark from the North Fork District mentioned that he is working on the funds for building at the Rich Valley Fair grounds.

CONTINUE THE MEETING

At approximately 4:26 p.m., the meeting was continued until Thursday, May 22, 2008 at 4:00 p.m. for a work session with the Water and Sewer Committee on the proposed rate changes then at 7:00 p.m. a joint public hearing with the Planning Commission and any other issues that may come up.

Virginia: Continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, May 22, 2008.

Board Members

Present: Charlie Clark
Brenda Waddell
Darlene Neitch
Michael Roberts

Board Members

Absent: Marvin Perry
Todd Dishner
Wade Blevins

Staff Members

Present: Charlie Atkins
Amber Johnson
Scott Simpson
Mike Carter
Mike Neal
John Tate

This meeting was called to order at approximately 4:00 p.m. This Water and Sewer Committee meeting was utilized as joint meeting with the Board of Supervisors as a work session to cover the proposed rates changes. This was also a continued meeting of the Board of Supervisors.

There was no one present to speak for citizens time of the committee meeting.

Sheryl Stephens of Draper Aden explained their study of proposed rate changes. She discussed this proposal and answered general questions from the Board and staff. Draper Aden has met with staff to review and study current rates. That presentation is attached. It includes changes and suggestions made by the committee from their review with Mr. Simpson at the April committee meeting. Since these changes have now been presented to the full Board, the committee will study them closer to make a recommendation to the Board.

The meeting was recessed at approximately 5:05 p.m. until 7:00 p.m. for a joint public hearing with the Planning Commission.

At 7:00 p.m. both Mrs. Neitch, Chairperson of the Board and Mr. Karl Kalber, Chairman of The Planning Commission called the joint public hearing to order. The following are the list of those present.

Board Members

Present: Charlie Clark
Brenda Waddell
Wade Blevins
Darlene Neitch
Michael Roberts

Board Members

Absent: Marvin Perry
Todd Dishner

Staff Members

Present: Ed Whitmore
Amber Johnson
Scott Simpson
Becca Kirk
Mike Carter
Charlie Atkins
Clegg Williams
John Tate

5-22-2008

Planning Commission

Members Present: Karl Kalber Dennis Blevins
Norman Sparks Amy Tuell
Graham Davidson Wayne Venable

Planning Commission

Members Absent: Don Medley

Mr. Whitmore, County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger on May 10 and 17, 2008. Mr. Whitmore also read the rules of procedures for public hearings. There were approximately 18 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, May 22, 2008, 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 Barbara T. Hall for an amendment to the zoning map to rezone approximately 3.2 acres from Agricultural/Rural to Residential. The property is located on Old Ebenezer Road and is identified as a portion of Tax Map No. 56-A-89.

An application from Cranston R. Tickle for an amendment to the zoning map to rezone approximately one-half (1/2) an acre from Agricultural/Rural to Commercial. The property is located at 1732 Hwy. 107, in Chilhowie, and is identified as a portion of Tax Map No. 52-1-7.

An application from Bill Rush for an amendment to the zoning map to rezone approximately 6.2 acres from Agricultural/Rural to Residential. The property is located on Scratch Gravel Road and is identified as Tax Map Nos. 56-A-48L & 56-A-48M.

An application from Sheridan Ridge Private Reserve for an amendment to the zoning map to rezone approximately 240 acres from Agricultural/Rural to Residential. The property is located on Walker Mountain and Little Brushy Mountain and is identified as being a portion of Tax Map No. 35-A-12 12 C.

An application from Sheridan Ridge Private Reserve for a Special Use Permit to construct Townhouses. The property is located on Walker Mountain and Little Brushy Mountain, is zoned Agricultural/Rural & Residential, and is identified by being a portion of Tax Map No. 35-A-12 12C and all of Tax Map No. 35-A-11C.

An application from Sheridan Ridge Private Reserve for a Special Use Permit to construct Two-Family and/or Multi-Family Dwelling Units. The property is located on Walker Mountain and Little Brushy Mountain, is zoned Agricultural/Rural & Residential, and is identified by being a portion of Tax Map No. 35-A-12 12C and all of Tax Map No. 35-A-11C.

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.

5-22-2008

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
Karl A. Kalber, Chairman of the Planning Commission

Barbara T. Hall—Application to Amend the Zoning Map: Mr. Williams summarized the first application from Barbara Hall to amend the zoning map. Mrs. Hall requested that approximately 3.2 acres of a tract of land she owns on Old Ebenezer Road be rezoned from A/R to R to develop six lots consisting of approximately 20,000 to 25,000 sq. ft. each. The property is identified by Tax Map No. 56-A-89. Mr. Williams pointed out the pertinent sections of the ordinance for each of the applications presented. Additionally, adjoining property owners for each application were notified of this hearing by mail. Mr. Ken Hall was present along with Mrs. Hall to address questions and reiterated Mr. Williams' explanation of their application.

Mr. Charles Walker first spoke on the application. He stated that he did not oppose their request but wanted to state for the record that he owns the property adjoining the proposed Lot No. 1. His property has an active well approximately eight (8) feet from the property line. He stated his concern the impact a septic system may have on his well.

Mr. Earl McClure spoke on this application and Bill Rush's application yet to be heard. He stated that he is not in opposition of the applications but objects to the process.

Mr. Dempsey Odham spoke on the application objecting to the request for fear of the development's runoff impacting his property. He also discussed fencing issues which Mr. Williams suggested he contact the Extension Office for advice.

Mr. Williams explained that Mr. and Mrs. Hall would have to comply with the Erosion and Sediment Control Ordinance once ground disturbing begins. He also stated that he would relay Mr. Walker's concerns about the proximity of his well and the property lines to the Health Department.

No one else spoke on the first application.

Cranston R. Tickle—Application to Amend the Zoning Map: At approximately 7:16 p.m. Mr. Williams stated that Mr. Tickle made a request for his application to be withdrawn.

5-22-2008

Bill Rush—Application to Amend the Zoning Map: At approximately 7:17 p.m., Mr. Williams explained Mr. Rush's application to rezone approximately 6.2 acres of land located on Scratch Gravel Road from A/R to R for the development of 4 lots for the construction of a single family dwelling on each lot. The property is identified as Tax Map Nos. 56-A-48L and 56-A-48M. Mr. Williams informed the panel that Mr. Rush had prior commitments and stated that he would be arriving for the meeting around 7:30 p.m. Chairperson Neitch agreed to allow the persons requesting to speak on Mr. Rush's application proceed.

Mr. Tony Costigan stated his opposition to single wifes and apartment complexes being constructed. His wife, Julia, spoke in opposition on the same basis. Mr. Williams explained that should this rezoning be approved, single wifes are not permitted in the residential zoning district and Mr. Rush would have to go through the process of applying and being approved for a Special Use Permit to construct an apartment complex.

At approximately 7:20 p.m. Mr. Williams explained that Mr. Rush had not yet arrived and requested the meeting proceed to the next application.

At approximately 7:46 p.m. Mr. Rush was available for questions concerning his application. He stated the lots would be restricted against manufactured homes. He has obtained highway entrance permits from VDOT and is waiting on septic approval.

Mr. John Bise commented on his concerns about the entrances for each of these lots.

Sheridan Ridge Private Reserve LLC—Application to Amend the Zoning Map and Two Special Use Applications:

1. Townhouses

2. Two and/or Multi Family Dwelling Units:

Mr. Williams explained Sheridan Ridge's three applications together:

1. request to amend the zoning map from A/R to R for approximately 240 acres of land located on Walker and Little Brushy Mountains;
2. request for a Special Use Permit to construct Townhouses on Tax Map No. 35-A-12 12C and Tax Map No. 35-A-11C; and
3. request for a special use permit to construct Two-Family and/or Multi-Family Dwelling Units on Tax Map No. 35-A-12 12C and Tax Map No. 35-A-11C

Mr. Steve Semones of Balzer & Associates was present on behalf of Sheridan Ridge Private Reserve LLC. Mr. Semones opened with a slide presentation

5-22-2008

representing Sheridan Ridge's future design. He summarized Sheridan Ridge's request for the map amendment and two special use permits, one for Townhouses and one for Two and/or Multi-Family Dwelling Units. He clarified that only a portion of Sheridan Ridge's final development will be gated for privacy; otherwise, the rest of the development will be open to the public. He said that Sheridan Ridge will also be conducting a traffic study, etc.

Mr. Earl McClure spoke reiterating his previous comments about Sheridan Ridge Private Reserve.

No one else spoke on this application.

Chairperson Neitch and Chairman Kalber closed the joint public hearing at approximately 7:55 p.m.

(the Board continued their meeting in the forth floor board room for this portion of the meeting)

Other Business:

With the recommendation of the Damage Stamp Committee, the Board voted unanimously to discontinue the Damage Stamp program. Claims approved by the committee will be recommended to the Board at the regular meeting in June. Once those are paid the Damage Stamp fund will be closed.

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

Upon motion of Mr. Roberts, seconded by Mr. Blevins, the Board unanimously approved the following requests from Scott Simpson, County Engineer:

- a. Execution of the letter from Virginia Water Supply Revolving Fund acknowledging funding of an interest free loan in the amount of \$473,000, for a term of twenty (20) years. This loan will be used to finance improvements to the water system in the North Holston area of the County.

- b. Accept Webster Day as bond counsel in connection with proposed issuance of general obligation bond in the amount of \$473,000 (improvements to the water system in the North Holston area) to the Virginia Resources Authority, as Administrator of the Virginia Water Supply Revolving Loan Fund. Fee as bond counsel will not to exceed \$4,500.

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

5-22-2008

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 2008-2009 which was brought before a public hearing Tuesday, May 13 at 3:00 p.m.

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board approved the school's 2008-2009 budget as follows:

Smyth County School Board			
Proposed Operations Budget For the Year Ending June 30, 2009			
Revenue Summary for Operations Budget			
	2007-2008	2008-2009 Proposed	Difference
State Funds	\$29,661,046	\$31,544,177	\$1,883,131
Federal Funds	\$5,305,120	\$4,662,522	(\$642,598)
County Funds	\$10,713,942	\$8,832,233	(\$1,881,709)
Sales Tax	\$4,352,358	\$4,325,228	(\$27,130)
Other Funds	\$1,379,101	\$1,445,751	\$66,650
Total Operations Budget	\$51,411,567	\$50,809,911	(\$601,656)

Expenditure Summary for Operations Budget			
	2007-2008	2008-2009 Proposed	Difference
61000: Instruction	\$37,556,811	\$37,488,347	(\$68,464)
62000: Administration, Attendance and Health	\$1,884,117	\$1,865,929	(\$18,188)
63000: Pupil Transportation Services	\$2,193,182	\$2,456,317	\$263,135
64000: Operating and Maintenance Services	\$5,970,755	\$5,173,127	(\$797,628)
65000: School Food Services	\$2,234,709	\$2,230,539	(\$4,170)
68000: Technology	\$1,571,993	\$1,595,652	\$23,659
Total Operations Budget	\$51,411,567	\$50,809,911	\$ (601,656)

Smyth County School Board			
Proposed Capital Outlay and Debt Service Budget For the Year Ending June 30, 2009			
Revenue Summary for Capital Outlay and Debt Service Budget			
	2007-2008	2008-2009 Proposed	Difference
County Funds Debt Service	\$670,001	\$625,672	(\$44,329)
County Funds Capital Outlay	\$185,138	\$185,138	\$0
State Funds School Construction	\$180,143	\$179,774	(\$369)
State Funds Lottery	\$429,223	\$459,218	\$29,995
Total Capital Outlay Budget	\$1,464,505	\$1,449,802	(\$14,703)

Expenditure Summary for Capital Outlay and Debt Service Budget			
	2007-2008	2008-2009 Proposed	Difference
Capital Outlay Facilities	\$185,138	\$185,138	\$0
Capital Outlay Debt Service	\$1,279,367	\$1,264,664	(\$14,703)
Total Capital Outlay Budget	\$1,464,505	\$1,449,802	(\$14,703)

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

5-22-2008

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

With the recommendation of the Budget Committee (committee meeting, May 20, 2008), the following two (2) categorical budget transfer requests from the school board, were unanimously approved by the Board. These are within the current fiscal year, 2007-2008 budget:

1. Transfer \$55,000 from 62000: Administration, Attendance and Health to 63000: Transportation.
2. Transfer \$6,200 from 62000: Administration, Attendance, and Health to 67000: Debt Service.

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

Other information:

- The Appointment Committee requested that each Board member make themselves aware of district specific appointments that expire June 30, 2008 and make contact with those appointments so these can be addressed at the next regular Board meeting (June 10).
-

Upon motion of Mr. Blevins, seconded by Mr. Roberts, and unanimously carried, the meeting was adjourned at 8:10 p.m.

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

Virginia: The regular meeting of the Smyth County Board of Supervisors was held at the County Office Building on Tuesday, June 10, 2008 at 12:00 noon.

Board Members

Present: Mr. Charlie Clark Mr. Michael Roberts
Mr. Wade Blevins Mrs. Darlene R. Neitch
Mr. Marvin Perry Mrs. Brenda Waddell
Mr. Todd Dishner (arrived at 12:15 p.m.)

Staff Members

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

Chairperson, Neitch called the meeting to order at noon. Mr. Mark Blevins, Sheriff Department Chaplin gave the invocation and Kim Vanhoy led the pledge of allegiance.

Upon motion of Mr. Blevins, seconded by Mrs. Waddell, 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 Mrs. Waddell, and unanimously carried, the minutes of May 13 and 22, 2008 were approved.

Vote: 6 yea
1 absent (Dishner)

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

General County	\$1,075,000
Animal Control (office supplies)	\$6,103.61
Department of Social Services (June 11-30, 2008)	\$300,000
(July 1-8, 2008)	\$65,000
Schools Operating Fund	\$9,605,367
Debt & Capital Outlay	\$180,705

Vote: 6 yea
1 absent (Dishner)

Upon motion of Mr. Blevins, seconded by Mr. Roberts, the Board unanimously approved the accounts payable listing in the amount of \$430,194.97.

Vote: 6 yea
1 absent (Dishner)

CITIZEN'S TIME

Mary Untiedt spoke on behalf of the Smyth County Lady Wizards AAU Girls Basketball and presented a letter for donation to aid in their trip to the state championship competition. This will be held in New Haven, Connecticut and will begin June 22 for approximately 8 days. Mrs. Untiedt answered brief questions from the Board then the following motion was made.

Upon motion of Mr. Perry, seconded by Mr. Clark, the Board unanimously appropriated \$1,000 (from account #001-056000-5827, Contingency) to donate to the Smyth County Lady Wizards AAU Girls Basketball, to aid in their trip to the nationals in New Haven, Connecticut at the end of June.

NEW BUSINESS

With the recommendation of the Damage Stamp Committee, the Board agreed that the full balance of \$4,827.36 in the Damage Stamp Expenses, Claims & Bounties (#010-091050-5802) fund be appropriated and the following claims be paid for the amount prorated. The approved claims were damage to various gardens, vegetables, corn, beans, potatoes, etc., by deer.

1)	Bob Coulthard	\$89.21
2)	Bryan Jones	\$892.10
3)	Barbara Kegley	\$2,107.58
4)	Early Robinson	\$267.63
5)	Fred Buck	\$44.60
6)	Eugene Buck	\$178.42
7)	Jerry Buck	\$22.31
8)	Evelyn Buck	\$223.02
9)	Joe Hall	\$89.21
10)	Mark Myers	\$913.28
TOTAL:		\$4,827.36

With the recommendation of the Budget Committee, the Board duly decided to take the option of allowing the state to bill the county for the 3.9% reduction of the budget in January 2009. At that time the County will pay its portion back to the state.

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

6-10-2008

With the recommendation of the Budget Committee, *BE IT RESOLVED* that the Smyth County Board of Supervisors hereby unanimously names Shannon Williams, E-911 Coordinator the project administrator for the Public Safety Interoperability Communication grant (PSIC). Mr. Williams is the most knowledgeable of the radio system project. This will allow Mr. Williams to perform drawdowns from the grant.

Due to the fact that the consultant for the radio system has terminated his contract and left the company. The Budget Committee made the recommendation to declare this situation an emergency and that staff find a new consultant as soon as possible. Therefore the following motion was made and was posted on June 10, 2008.

Upon a request of the Budget Committee which was unanimously carried, pursuant to Section 2.2-4303 (F), of the Code of Virginia, the Board of Supervisors hereby declares an emergency to secure professional services for addressing issues in the pending radio system project. This procurement will provide engineering and consulting services in a construction contract, to replace Fredrick Griffin Engineering, a Division of ClosedNetworks, Inc., the previous consultant and engineer who resigned without notice on June 3, 2008. The County Administrator is authorized to secure these services and to approve a budget for submission to the Board. This action was taken at a regular meeting of the Board on Tuesday June 10, 2008 and this notice is posted at the Smyth County Office Building and the Smyth County Courthouse as required by Section 2.2-4303 (F). By order of the Board of Supervisors, June 10, 2008,

At the request of Mr. Dishner the following appointment to the Department of Social Services was continued:

	Park District
	Kelly M. Blevins
	677 Fowler Street
	Marion VA 24354
	Expires 6-30-2008

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board appointed Mrs. Judy Hess to the Smyth County Department of Social Services Board as the Saltville District representative. This four year term will expire June 30, 2012.

6-10-2008

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board re-appointed Mr. Harry Dean to the Smyth County Industrial Development Authority as the Royal Oak District representative. This four (4) year term will expire June 30, 2012.

Upon motion of Mrs. Waddell, seconded by Mr. Clark, and unanimously carried, the Board re-appointed Mr. Montie Fleshman to the Smyth County Industrial Development Authority as the Rye Valley District representative. This four (4) year term will expire June 30, 2012.

Upon motion of Mr. Dishner, seconded by Mr. Clark, and with the Appointment Committee's recommendation, the Board unanimously appointed Brenda Waddell to the Community Policy Management Team as the Board of Supervisor representative. This is a one year term will expire June 30, 2009

Vote: 6 yea
 1 abstention (Waddell)

Upon motion of Mr. Dishner, seconded by Mr. Blevins, and with the recommendation of the Appointment Committee, Sabrina Rose was reappointed to the Community Policy Management Team (CPMT) as the parent representative. This one year term will expire June 30, 2008.

The appointment for the Private Provider Representative to the Community Policy Management Team was continued.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and along with the recommendation of the Appointment Committee, the Board unanimously reappointed Mr. Todd Dishner as the Board member representative to the Marion Downtown Revitalization Committee. This one year term will expire June 30, 2009.

Vote: 6 yea
 1 abstention (Dishner)

With the recommendation of the Appointment Committee, the Board unanimously approved the reappointment of Mr. Sam Burkett to the Mount Rogers Planning District Commission, as the Board of Supervisors, member-at-large, representative. This four (4) year term on the MRPDC will expire, June 30, 2012.

6-10-2008

Upon motion of Mr. Perry, seconded by Mr. Blevins, and along with the Appointment Committee's recommendation, the Board unanimously reappointed the following members to the Rye Valley Water Authority. These are all four (4) year terms and will expire June 30, 2012.

W. Frank Cox
5332 Sugar Grove Highway
Sugar Grove VA 24375

Robert Medley
242 Slemp Creek Road
Sugar Grove VA 24375

William F. Farmer
636 Cedar Springs Road
Sugar Grove VA 24375

Gary Hall
5005 Sugar Grove Highway
Sugar Grove VA 24375

Upon motion of Mr. Dishner, seconded by Mr. Blevins, and along with the Appointment Committee's recommendation, the Board unanimously nominated Sheriff, David Bradley to the Southwest Virginia Community Corrections Community Criminal Justice Board (CCJB) as the region's sheriff representative. Michael Roberts was also reappointed to the CCJB as the Smyth County representative. Both of these two (2) year terms will expire June 30, 2010.

Upon motion of Mr. Dishner, seconded by Mr. Blevins, and along with the recommendation of the Appointment Committee, the Board unanimously reappointed Clegg Williams to the Upper Tennessee River Roundtable's Trash and Tourism Committee. Mr. Williams' one year term will expire June 30, 2009.

Upon motion of Mr. Dishner, seconded by Mr. Blevins, and along with the Appointment Committee's recommendation, the Board unanimously reappointed Mr. Gordon Tuell to the Virginia Highlands Community College Board. Mr. Tuell's four (4) year term will expire June 30, 2012.

Upon motion of Mr. Dishner, seconded by Mr. Perry, and along with the Appointment Committee's recommendation, the Board unanimously reappointed Mr. Ron Thomason to the Wytheville Community College Board. Mr. Thomason's four (4) year term will expire June 30, 2012.

6-10-2008

The Board discussed the following topic referred from the Ordinance Committee meeting on May 27, 2008. Mr. Tate presented a draft ordinance pertaining to the dog ordinance.

Mr. Bill Turman, Chief Animal Control Officer was present for this discussion. Mr. Tate reviewed the Virginia State Code on this issue, section 3.1-796.93. The committee discussed this change with Mr. Turman and Mr. Tate. Mr. Tate will draft a change to Section 10-57 - Vicious or destructive dogs running at large; dogs and cats to be inoculated or vaccinated, of the Smyth County Code. The committee asked him to bring this draft to the Board for consideration, at the next regular meeting on June 10, 2008.

After discussion the following motion was made:

Mr. Clark motioned to schedule a public hearing on amending the ordinance with the draft as presented by Mr. Tate along with a couple minor changes. This motion was seconded by Mr. Roberts and failed to pass.

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

The Board and staff then discussed the possibility of a meals tax, another issue referred from the Ordinance Committee meeting on May 27, 2008. Staff clarified that the Board of Supervisors could place this on referendum by resolution.

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, BE IT RESOLVED that pursuant to section 58.1-3833 of the Code of Virginia, the Smyth County Board of Supervisors shall petition the Circuit Court to set a referendum for the November 2008 election for consideration: A tax on food and beverages sold for human consumption, by a restaurant not to exceed four percent (4%).

Upon motion of Mr. Roberts, seconded by Mr. Clark, and unanimously carried, the Board agreed to schedule a public hearing to take public comment on amending Section 34: Finance and Taxation of the Smyth County Code to consider whether or not to impose a Transient Occupancy Tax. This proposed tax would be equivalent to two percent (2%) of the total amount paid for room rental by or for such transient to any hotel or travel campground, and would provide for a payment to the remitter of the tax to the County. This tax would apply to facilities rented out for fewer than thirty (30) consecutive days.

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the above mentioned public hearing is scheduled for the next regular Board meeting on Tuesday, July 8, 2008 at 3:00 p.m.

6-10-2008

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board approved the Davis Valley Winery Festival Permit for two (2) events to be held June 26-28 and July 25-26, 2008, contingent that the owner provides all the necessary requirements as listed on the permit application.

With the recommendation of the Economic Development Committee, and duly carried, the Board approved the suggestion from the Commissioner of Revenue to apply the reduction to the assessed value of the General Francis Marion Hotel.

Vote: 4 yes (Roberts, Dishner, Clark, Perry)
 3 nay (Waddell, Neitch, Blevins)

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board approved an agreement with Allen and Associates for a market study on the Allison Gap School elderly Housing Study. This was approved with a couple of minor changes mentioned.

Steve Buston and Robert Hurt of the Virginia Department of Transportation was present. Mr. Hurt explained the following resolutions that were adopted and returned maintenance concerns.

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

WHEREAS, the Virginia Department of Transportation has constructed Whitetop Road on a new alignment under Project. 0600-086-176, C503, B637, and

WHEREAS, the project sketch and VDOT Forms AM4.3, attached and incorporated herein as a part of this resolution, define adjustments required in the secondary system of state highways as a result of that construction, and

WHEREAS, the new road serves the same citizens as served by those portions of the old road identified in the project sketch to be abandoned, which portions no longer serve a public need,

NOW, THEREFORE, BE IT RESOLVED, this Board hereby abandons Sections 1-11, 13, and 15-17 from the secondary system of state highways, pursuant to §33.1-155 of the Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add Sections 18-29 and 31-38 to the secondary system of state highways, pursuant to §33.1-229 of the Code of Virginia, for which sections this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage, and

6-10-2008

BE IT FURTHER RESOLVED, this Board requests that Sections 14 and 30 be accordingly renumbered as part of the secondary system of state highways, and

BE IT FINALLY RESOLVED, this Board orders that a certified copy of this resolution be forwarded to the Resident Administrator for the Virginia Department of Transportation.

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

WHEREAS, the Virginia Department of Transportation has constructed Nicks Creek Road on a new alignment under Project. 0622-086-232, C501, B646, and

WHEREAS, the project sketch and VDOT Forms AM4.3, attached and incorporated herein as a part of this resolution, define adjustments required in the secondary system of state highways as a result of that construction, and

WHEREAS, the new road serves the same citizens as served by those portions of the old road identified in the project sketch to be abandoned, which portions no longer serve a public need,

NOW, THEREFORE, BE IT RESOLVED, this Board hereby abandons Sections 1-5 from the secondary system of state highways, pursuant to §33.1-155 of the Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add Sections 6-11 to the secondary system of state highways, pursuant to §33.1-229 of the Code of Virginia, for which sections this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage, and

BE IT FINALLY RESOLVED, this Board orders that a certified copy of this resolution be forwarded to the Resident Administrator for the Virginia Department of Transportation.

Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, *BE IT RESOLVED* that the Smyth County Board of Supervisors adopts the following Six (6) Year Secondary System for the County of Smyth Construction Program and fiscal year 2008-2009 to 2013-2014.

YEAR	2008-2009
NEW SURFACE & TREATMENT	\$80,846
FEDERAL	\$669,589
OTHER	<u>\$334,039</u>
TOTAL	\$1,084,474

And further approves the first year of plan titled Details of Smyth County, Virginia Secondary Construction Budget for July 1, 2008 through June 30, 2009.

Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, the Board approved the recommendation from the Planning Commission on the request from Barbara T. Hall for a zoning map amendment. The property is currently zoned

6-10-2008

agriculture/rural and will be rezoned to residential. The property is identified as approximately 3.2 acres of tax map number 56-A-89.

Vote: 5 yea
 2 abstentions (Neitch, Waddell)

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the Board unanimously approved a recommendation from the Planning Commission on the application from Bill Rush for a map amendment. The property is currently zoned agriculture/rural and will be rezoned to residential. The property is identified as approximately 6.2 acres in total and being all of tax map numbers 56-A-48L & 56-A-48M.

Vote: 6 yea
 1 abstention (Neitch)

Upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried, the Board approved the recommendation from the Planning Commission made on the Sheridan Ridge Private Reserve's applications; approve all three applications as presented:

- (1) Map amendment from agriculture/rural to residential
- (2) Special use permit for townhouses
- (3) Special use permit for two and/or multi family dwelling units:

The property is identified as a portion of Tax Map No. 35-A-12 12C and all of Tax Map No. 35-A-11C.

At 3:00 p.m. the Board proceeded with a public hearing on the proposed changes to the Smyth County Code - Appendix A - Erosion and Sedimentation Control.

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the rules for hearings were forgone due to the lack of citizens present.

Mr. Whitmore read the following publication as advertised in the Smyth County News and Messenger on Saturday, May 24, 2008.

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, June 10, 2008 at 3:00 p.m., or soon thereafter, as it may be convened, in the Board of Supervisors Meeting Room at the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia.

6-10-2008

The purpose of the hearing is to receive comments on proposed changes to the Smyth County Code - Appendix A - Erosion and Sedimentation Control. These proposed changes are a reflection of amendments made to the Code of Virginia.

The full text of the proposed amendments is on file and can be viewed at the County Administrator's Office at 121 Bagley Circle, Marion, Virginia, during business hours, Monday - Friday. Any questions regarding the proposed changes can be directed to Clegg Williams, Zoning Administrator at 276-783-3298, Ext. 277, or zoning@smythcounty.org.

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

Mr. Clegg Williams briefly summarized the amendments and stated that they were only technical amendments.

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, these amendments were approved. These amendments are too lengthy to insert into these minutes however they are available in the Building/Zoning Department. They will be included in the re-codifying of the County Code process.

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. Re-codifying of the Smyth County Code (**1-10-2006**).
4. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee **6-13-2006**).
5. Disposal of former school building at 105 East Strother Street (**7-11-2006**)
6. 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**).

Item six was briefly discussed. It was again continued until it would show in the Smyth Wythe Airport Commission minutes that Wythe County has paid their portion.

-
7. Appointments:
 - Board of Zoning Appeals (**2-12-2008**)
One Alternate - VACANT
 8. Request the Board consider a resolution in support of the Tennessee Valley Authority 75th anniversary (**4-8-2008**).
 9. Recommendation from the Budget Committee to discuss bank reconciliations with the Treasurer (**5-13-2008**).
-

CLOSED SESSION

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, at 3:06 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (1) and (7) as described below:

- (1) Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any 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: 7 yea
 0 nay

At 4:38 p.m. the Chairperson ended the closed session.

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

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

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

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

Vote: 7 yea
 0 nay

Upon motion of Mr. Perry, seconded by Mr. Clark, and duly carried, the Board approved the legal services agreement with Gwyn & Tate (John H. Tate, Jr.) for County

6-10-2008

Attorney Services, as presented. This is for fiscal year 2008-2009, with an option to renew this agreement for two (2) more years. This is at the current rate of \$110/hour., along with a \$1,200 monthly retainer fee.

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

Upon motion of Mr. Perry, and unanimously carried, the Board approved the legal services agreement with Campbell & Associates, P.C. (Jeffery L. Campbell) for Water and Sewer Attorney Services as presented. This is for fiscal year 2008-2009 with an option to renew the agreement for two (2) more years. This is at the rate of \$100/hour.

Upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried, the Board authorized Mr. Clegg Williams and Mr. John Tate to pursue legal action against the owners of a property on Sapwood Drive, Marion. As discussed in closed session, a junkyard/automobile graveyard has been created on the property and cannot be resolved otherwise.

CONTINUE THE MEETING

At approximately 4:46 p.m., upon motion of Mr. Perry, seconded by Mr. Blevins, the meeting was continued until Monday, June 16, 2008 at 7:00 p.m. for the public hearing on the proposed general county budget for fiscal year 2008-2009, along with any other issues that may arise.

Other meetings: Thursday, June 26, 2008 at 5:00 p.m. for a work session on the proposed fiscal year 2008-2009 general county budget followed by a 7:00 p.m. meeting to vote on the fiscal year 08-09 budget, tax levies, and any other issues that may come up.

Darlene Neitch, Chairperson

Virginia: Continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Monday, June 16, 2008.

Board Members

Present: Charlie Clark
Brenda Waddell
Todd Dishner
Darlene Neitch
Marvin Perry

Board Members

Absent: Michael Roberts
Wade Blevins

Staff Members

Present: Ed Whitmore
Charlie Atkins
John Tate
Mike Carter
Amber Johnson

At 7:00 p.m the Board opened the meeting with a public hearing on the proposed county budget for fiscal year 2008-2009. Mr. Whitmore read the following publication as advertised in the Smyth County News and Messenger on Saturday, June 7, 2008. He also read the rules for public hearings (Others present: Sally Morgan and Jeff Richardson).

**NOTICE OF PUBLIC HEARING
ON THE PROPOSED SMYTH COUNTY BUDGET
FOR FISCAL YEAR
July 1, 2008 – June 30, 2009**

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 Monday, June 16, 2008, at 7:00 p.m., or soon thereafter, 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 Monday, June 16, 2008.

A full copy of the proposed Smyth County budget is on file at the Office of the County Administrator, 121 Bagley Circle, Suite 100, Marion, Virginia, and may be viewed during regular business hours 8:00 a.m. – 5:00 p.m., Monday – Friday.

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

SMYTH COUNTY BUDGET

Revenue	FY/2008 Budget	Proposed FY/2009	Inc./Dec.
Revenue From Local Sources	\$ 7,442,710	\$ 7,236,288	\$ (206,422)
Real Property Taxes	7,404,000	7,404,000	-

6-16-2008

Public Services	630,000	550,000	(80,000)
Personal Property	2,459,000	2,495,500	36,500
Machinery & Tools	1,376,250	1,395,250	19,000
Merchants Capital	182,600	186,200	3,600
Penalties & Interest	255,000	220,000	(35,000)
Franchise License Taxes	103,000	-	(103,000)
Motor Vehicle License	290,000	295,000	5,000
Rolling Stocks Tax	28,400	27,437	(963)
Utility Licenses Tax	125,600	97,500	(28,100)
Consumer's Utility Taxes	835,000	1,290,000	455,000
Permits & Other Licenses	72,300	72,125	(175)
Fines & Forfeitures	48,000	48,000	-
Interest on Investments	825,400	800,500	(24,900)
Use of Property	210,918	210,318	(600)
Court Cost	10,076	10,576	500
Charges For Commonwealth Attorney	1,700	1,950	250
Charges Sanitation & Waste	644,000	644,000	-
Expenditure Refunds	911,528	842,268	(69,260)
Miscellaneous	60,000	71,000	11,000
Home Land Security Grant	75,000	75,000	-
Revenue from the Commonwealth	327,495	2,512,016	2,184,521
PPTRA	1,804,316	1,804,316	-
Comprehensive Service Act	1,004,190	872,098	(132,092)
Commonwealth Attorney	495,199	489,890	(5,309)
Sheriff	1,838,553	1,852,544	13,991
Commissioner of Revenue	106,661	111,322	4,661
Treasurer	119,568	124,374	4,806
Registrar/Electoral Board	63,000	71,371	8,371
Clerk & Employee Fringe Benefit	344,518	279,567	(64,951)
Transfer From Local Sales Tax	1,750,000	1,850,000	100,000
Categorical Aid - Other	146,188	342,000	195,812
Payment in Lieu Of Taxes	75,000	75,000	-
Special Assessments	9,515	8,858	(657)
Animal License	7,500	9,500	2,000
IDA Funds	25,000	25,375	375
State School Funds	42,192,624	41,977,678	(214,946)
School Debt & Capital Outlay	609,367	638,992	29,625
Damage Stamp Revenue	5,000	5,000	-
Board Of Welfare -	3,924,126	3,981,374	57,248
School Text Book Revenue	241,300	229,325	(11,975)
Grant Rev. - 911 Wireless	35,010	-	(35,010)
E-911 Fund Revenue	144,300	-	(144,300)
Community Dev. Block Grant Revenue	938	-	(938)
On-Site WasteWater Revenue	1,001	1,001	-
East Hungry Mother Water Project	783,000	-	(783,000)
North Holston Project	-	473,000	473,000
Pioneer Greenwood Project	-	445,500	445,500
Southfork Long Hollow Project	-	1,090,000	1,090,000
Water-Sewer Revenue	1,512,000	1,512,000	-
Connection Fees	22,000	22,000	-
Application Fees	7,000	8,000	1,000
Miscellaneous	1,500	1,500	-
Green Hill/Shuler Hollow	528,700	-	(528,700)
Special Welfare Revenue	225,000	227,168	2,168
Comm. Attorney Drug Asset Revenue	5,008	5,008	-
Sheriff Drug Asset Revenue	2,006	2,006	-
Sheriff Dare Revenue	4,000	6,000	2,000
Courthouse Security Revenue	34,448	60,005	25,557
Asset Forfeiture	26,000	10,000	(16,000)
Revenue From Fines	<u>191,937</u>	<u>195,000</u>	<u>3,063</u>
Total	\$ 82,603,450	\$ 85,291,700	\$ 2,688,250

6-16-2008

FY/2008 Expenditures	Proposed Budget	FY/2009	Inc./Dec.
Board of Supervisors	\$ 1,041,611	\$ 1,202,056	\$ 160,445
County Administrator	461,316	509,653	48,337
Professional Services Other	60,000	-	(60,000)
Commissioner of Revenue	263,781	258,378	(5,403)
Assessor	60,000	90,000	30,000
Treasurer	280,724	295,511	14,787
Information Systems	433,408	337,027	(96,381)
Registrar	158,349	152,394	(5,955)
Circuit Court	74,062	79,629	5,567
General District Court	12,300	16,420	4,120
Juvenile & Domestic	160,150	202,400	42,250
Clerk Of The Circuit Court	504,122	459,889	(44,233)
Sheriff	2,869,065	2,872,483	3,418
Law Library	8,000	11,000	3,000
Commonwealth Attorney	562,456	575,292	12,836
Victim Witness Asst. Program	49,347	49,484	137
Central Dispatch	11,400	11,400	-
Smyth County Basic 911	1,575,160	4,177,046	2,601,886
Volunteer Fire Department	383,500	454,000	70,500
Ambulance & Rescue Service	164,200	174,551	10,351
Forrestry	4,514	4,515	1
Sheriff - Jail	1,108,570	1,222,885	114,315
Building Inspection & Zoning	357,225	466,370	109,145
Animal Control - Dog Warden	370,449	437,348	66,899
Medical Examiner-Coroner	1,000	1,000	-
Emergency Services - Civil Defense	95,876	29,515	(66,361)
Motor Vehicle License	14,754	12,600	(2,154)
Refuse Collection & Disposal	1,421,488	1,418,848	(2,640)
Convenience Stations	361,853	370,330	8,477
Rye Valley Water Co.	81,493	87,789	6,296
Smyth County Tourism Flow-thru	-	85,020	85,020
Courthouse & Old School Building	175,676	163,982	(11,694)
Health Department Building	86,147	97,176	11,029
County Office Building	270,374	283,534	13,160
Local Health Department	487,655	508,564	20,909
Mental Health	140,677	166,022	25,345
Welfare And Social Services	4,200	4,200	-
Other	466,201	435,603	(30,598)
Community College	52,439	51,413	(1,026)
Capital Improvements	1,252,500	1,375,000	122,500
Recreation	44,000	42,650	(1,350)
Library Administration	997,940	1,067,036	69,096
Planning Commission	16,916	16,316	(600)
Community & Economic Development	270,461	280,998	10,537
County Engineer	199,001	196,099	(2,902)
Industrial Development Authority	1,191,550	664,600	(526,950)
Soil & Water Conservation	25,700	30,700	5,000
Cooperative Extension Program	90,704	94,109	3,405
Comprehensive Service Act	1,354,725	1,232,344	(122,381)
Animal Control	9,200	10,000	800
IDA General Expenses	-	2,000	2,000
County School Operation Expense	52,876,072	52,259,713	(616,359)
Damage Stamp Expenses	5,000	5,000	-
Welfare & Social Services Cost	4,617,438	4,675,823	58,385
School Text Book Fund Expenses	241,000	200,000	(41,000)
Special Dispatch Funds	25,836	25,836	-
E-911 Fund Expenses	356,061	-	(356,061)
E-911 Equipment	10,000	-	(10,000)
East Hungry Mother Project	783,000	-	(783,000)
North Holston Project	-	473,000	473,000

6-16-2008

Pioneer Greenwood Project	-	444,500	444,500
Southfork Long Hollow Project	-	1,090,000	1,090,000
Water/Sewer Department	2,957,746	2,875,556	(82,190)
County Funded Projects	180,700	10,000	(170,700)
Special Welfare Fund	225,000	225,000	-
Common. Attorney Drug Asset Expense	5,000	5,000	-
Sheriff Drug Asset Expense	2,000	2,000	-
Sheriff Dare Expense	4,000	4,000	-
Sheriff SS Incentive Exp	-	672	672
Courthouse Security Expense	34,448	34,448	-
Asset Forfeiture	26,000	24,500	(1,500)
Police Expense	<u>167,910</u>	<u>149,473</u>	<u>(18,437)</u>
Total		\$ 82,603,450	\$ 85,291,700
			\$ 2,688,250

Mr. Earl McClure was the only citizen present to speak on the proposed budget. He had attended several budget committee meetings and commended the committee and the staff for their work on the proposed budget. He inquired about the amount of available cash in hand. Mr. Atkins responded to his questions.

The hearing was then closed at 7:12 p.m.

The Board then reconsidered a festival permit from Davis Valley Winery for two (2) events to be held June 26-28 and July 25-26, 2008. There was much discussion.

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and duly carried, the Board suspended the rules of the Smyth County Code, ARTICLE III. Musical or Entertainment Festivals, particularly section 6-79.7 pertaining to written consent of adjacent land owners.

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

Upon motion of Mr. Clark, seconded by Mr. Dishner, and duly carried, the Board approved one festival permit for the Davis Valley Winery for the following dates in 2008:

- Thursday, June 26 - Saturday, June 28, 2008
- Friday, July 25 - Saturday, July 26, 2008

Vote: 3 yea (Clark, Dishner, Neitch)
 1 nay (Perry)
 1 abstention (Waddell)
 2 absent (Blevins, Roberts)

Madam Chairman informed the Board that the Town/County Quarterly Meeting hosted by the Town of Marion, Tuesday, June 24 at 6:00 p.m. at the General Francis Marion Hotel. Those wishing to attend should RSVP by June 19.

6-16-2008

Mr. Whitmore informed the Board that the Community Development Authority petition has been received and distributed a copy to each board member. The public hearing has been scheduled for Thursday, July 24 at 7:30 p.m. Members of the CDA (5 members should be identified by that date.

Madam Chairman read through the following list of upcoming meetings:

Tuesday, June 17 at 11:00 a.m. – Budget Committee

Wednesday, June 18 at 8:30 a.m. – Personnel Committee

9:00 a.m. – Building & Grounds Committee

3:30 p.m. - Industrial Development Authority

Tuesday, June 24 at 2:00 p.m. – Ordinance Committee

Thursday, June 26 at 4:30 p.m. – Water and Sewer Committee

5:00 p.m. – BOS continued meeting (budget work session)

6:00 p.m. – Planning Commission

7:00 p.m. – Board of Supervisors continued meeting (vote on the FY 08-09 county budget and tax levies)

At 7:50 p.m., upon motion of Mr. Clark, seconded by Mr. Dishner, the meeting was continued until Thursday, June 26 at 5:00 p.m. for a budget work session followed by a meeting at 7:00 p.m. to vote on the fiscal year 08-09 county budget and tax levies. This agenda is open for any other issues that may arise.

Darlene Neitch, Chairperson

Virginia: Continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, June 26, 2008.

Board Members

Present: Darlene Neitch Charlie Clark
Brenda Waddell Michael Roberts
Marvin Perry (*left at 6:15 p.m.*)
Todd Dishner (*arrived at 5:20 p.m.*)

Board Members

Absent: Wade Blevins

Staff Members

Present: Mike Carter Charlie Atkins
Amber Johnson
Ed Whitmore (*arrived at 5:40 p.m.*)

Others Present: Jeff Richardson

This continued meeting was held in the Boardroom on the fourth floor of the County Office building and was a work session for the complete Board to cover the proposed fiscal year 2008-2009 county budget.

Madam Chairman turned through each page of the budget and stopped where there were questions. Mr. Atkins and other staff answered those questions and discussed different aspects of the proposed budget. Mr. Atkins pointed out three (3) changes that had been made in the budget by the Budget Committee since the public hearing.

- Supplemental Appropriations reduced from \$164,070 to \$100,000 (001-011010-8888)
- Contingency reduced from \$30,000 to \$15,000 (001-056000-5827)
- 911 Center Relocation Cost increased from \$375,000 to \$490,000 (001-070000-8888-55)

Upon motion of Mr. Perry, seconded by Mr. Clark, and duly carried the budget line for Smyth County Tourism Association (001-056000-6005) was increased from \$45,402 (\$2/capita) back to the original request of \$68,103 (\$3/capita).

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

The Board discussed how in the future funds from food and beverage tax could go toward the tourism association.

Mr. Carter explained that there were no bids received for the gas/diesel services of the county. The current contract is valid until July 12, 2008. In the meantime, Mr. Carter will visit area gas stations to see if there is any interest in the service. He will return with information at the July 8 Board meeting.

After an explanation by Mr. Carter, with the recommendation of the Budget Committee, the Board unanimously accepts the bid from Mid-State Equipment Co. for a Max Pak Compactor (4 cubic yards) in the amount of \$11,926. Freight cost for the compactor is \$1,260.

Vote: 5 yea
 2 absent (Perry, Blevins)

Next Ed Whitmore requested that the Board consider an application form for non-profit organizations requesting funds not in the budget. The form was discussed and put on hold for later in the meeting when all members were present.

The meeting was recessed at approximately 6:45 p.m. until 7:00 p.m. in the Board of Supervisors meeting room on the first floor of the County office building, to complete the continued meeting. The following are the list of those present.

Board Members

Present: Charlie Clark Darlene Neitch
 Brenda Waddell Michael Roberts
 Wade Blevins Todd Dishner
 Marvin Perry

Staff Members

Present: Ed Whitmore Mike Carter
 Amber Johnson Charlie Atkins
 Scott Simpson Shannon Williams
 John Tate

Others Present: Jeff Richardson

Mr. Carter briefly updated the complete Board on the lack of gas bids received.

Shannon Williams spoke before the Board and explained a staff recommendation to accept Federal Engineering of Fairfax County as the replacement consultant of the Tower, Shelter, and Radio System Acquisition Project. Interviews were held the previous week.

After discussion, upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the Board accepted Federal Engineering as the replacement consultant for the Tower, Shelter, and Radio System Acquisition Project, contingent on Mr. Tate's review. This is for the lump sum of \$199,000.

Vote: 7 yea
 0 nay

6-26-2008

Upon motion of Mr. Dishner, seconded by Mr. Clark, and unanimously carried, the Board agreed to reject all bids received for the Health Department project (911 Center relocation) due to the fact that they far exceeded the engineer's estimated cost. Staff is authorized to solicit bids once more. The tentative new bid date is August 15.

Vote: 7 yea
 0 nay

Mr. Carter updated the full Board on the action taken on the compactor for solid waste.

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried, the Board approved the accounts payable listing in the amount of \$406,193.31 (second billing). This accounts payable includes \$162,500 paid to AEP for the Radio system project.

Vote: 7 yea
 0 nay

Mr. Whitmore again discussed the presented application form for those non-profit organizations that request funds that are not in the budget. This will help monitor those requests and how those funds are being utilized.

Upon motion of Mr. Roberts, seconded by Mr. Clark, and unanimously carried, the Board amended the Rules of Procedures, Section 4.10 (2) - *Items not appearing on the agenda*. Request for funds not budgeted must be submitted in writing by filing the appropriate form, completely explaining the request for funds. This form can be obtained in the County Administrator's Office and is to be submitted to the County Administrator for review. The County Administrator will then forward the request to the Budget Committee which will make a recommendation to the Board.

Vote: 7 yea
 0 nay

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the Board adopted the fiscal year 2008-2009 budget in the amount of \$85,314,401.

Vote: 7 yea
 0 nay

6-26-2008

After a discussion with Jeff Richardson, Commissioner of Revenue and Charlie Atkins, upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board set the relief for qualifying vehicles at 55% under the Personal Property Tax Relief Act (PPTRA) for fiscal year 2008-2009. Those vehicles valued less than \$1,000 will receive 100% relief. Vehicles valued between \$1,001 and \$20,000 receives 55% tax relief. Those vehicles valued at more than \$20,000 receive relief 55% only on the first \$20,000 in value.

Vote: 7 yea
 0 nay

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board accepted the recommendation from the Budget Committee adopting 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 corporations, unit levy of \$2.25 per \$100.00 of assessed valuation (rolling stock of corporations operating railroads is exempt from local taxation under §58.1-3000); 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.

Vote: 7 yea
 0 nay

Other information in the office if interested:

- Information on the Mount Rogers Community Mental Health & Mental Retardation Services Board meeting on June 23, 2008.

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried, the meeting was adjourned at approximately 7:40 p.m.

Vote: 7 yea
 0 nay

Darlene Neitch, Chairperson

Virginia: The regular meeting of the Smyth County Board of Supervisors was held at the County Office Building on Tuesday, July 8, 2008 at 12:00 noon.

Board Members

Present: Mr. Charlie Clark Mr. Michael Roberts
Mr. Wade Blevins Mrs. Darlene R. Neitch
Mr. Marvin Perry Mrs. Brenda Waddell

Board Members

Absent: Mr. Todd Dishner

Staff Members

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

Chairperson, Neitch called the meeting to order at noon. Mr. Marvin Perry, gave the invocation and Scott Simpson led the pledge of allegiance.

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

Vote: 6 yea
1 absent (Dishner)

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the minutes of June 10, 16, and 26, 2008 were approved.

Vote: 6 yea
1 absent (Dishner)

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

General County	\$1,350,000
Department of Social Services (July 9-31, 2008)	\$335,000
(August 1-12, 2008)	\$65,000
Schools	
Operating Fund	\$2,250,000
Textbook Fund	\$15,000
Debt & Capital Outlay	\$900,000

Vote: 6 yea
1 absent (Dishner)

Upon motion of Mr. Perry, seconded by Mr. Clark, the Board unanimously approved the accounts payable listing in the amount of \$605,555.88. This accounts payable includes \$17,742.60 to Advanced Wireless Solutions, Inc. for the Radio System Project.

Vote: 6 yea
1 absent (Dishner)

CITIZEN'S TIME

The following citizens spoke in opposition of the recent policy change placing all water and sewer accounts in the landowner's name:

- | | |
|-------------------|------------------------|
| Stephen Philips | Glenn Wheeler |
| Tonya Bauer | Jerry Widener |
| Sonya Smith | Cherrie Hayton |
| William Firestone | Mary Katherine Compton |

These citizens brought up various questions and concerns before the Board. They stated their major concerns such as receiving a minimum bill when the property is empty and being responsible for someone else's water bill. Madam Chairman invited those citizens with these same concerns to the next Water and Sewer Committee on Thursday, July 24, at 4:30 p.m.

Billy Bear and B.J. Bear spoke in reference to the festival permit application process. The Bears' are affected (lights, dust, noise) by events held at the Davis Valley Winery and were not approached for adjacent landowners consent. Madam Chairman invited the Bears to the next Ordinance Committee meeting on Tuesday, July 22 at 2:00 p.m. when this will be discussed in greater detail.

NEW BUSINESS

Upon motion of Mr. Clark, seconded by Mr. Perry, the Board unanimously nominated Roy F. Evans, Jr. to the Southwest Virginia Community Corrections Community Criminal Justice Board (CCJB) as the Regional Commonwealth Attorney representative. If reappointed to the CCJB this two (2) year term will expire February 28, 2010.

Vote: 5 yea
 2 absent (Dishner, *Blevins - out of the room*)

Upon motion of Mr. Perry, seconded by Mrs. Waddell, and unanimously carried, the Board approved the annual fiscal year Fire Programs Fund Disbursement Agreement as presented (same as previous years).

Vote: 6 yea
 1 absent (Dishner)

7-8-2008

By recommendation of the Water and Sewer Committee and upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, *BE IT RESOLVED* that the Smyth County Board of Supervisors sets forth the following preliminary rate schedule:

**Smyth County
Summary of Proposed Rate Structure**

Water Rates - Residential

Current Rates		Proposed Rates	
0 – 3,000 gallons	\$20.00 minimum bill	0 – 1,000 gallons	\$15.00 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	1,001 – 6,000 gallons	\$6.50 per 1,000 gallons
		6,001 and over	\$8.00 per 1,000 gallons

Water Rates - Commercial

Current Rates		Proposed Rates	
0 – 4,000 gallons	\$25.00 minimum bill	0 – 4,000 gallons	\$35.00 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	Each additional 1,000 gallons	\$8.00 per 1,000 gallons

Water Rates -Industrial

Current Rates		Proposed Rates	
0 – 25,000 gallons	\$100.00 minimum bill	0 – 25,000 gallons	\$162.50 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	Each additional 1,000 gallons	\$8.00 per 1,000 gallons

Sewer Rates - Residential

Current Rates		Proposed Rates	
0 – 1,000 gallons	\$12.50 minimum bill	0 – 1,000 gallons	\$15.00 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	1,001 – 6,000 gallons	\$6.50 per 1,000 gallons
		6,001 and over	\$8.00 per 1,000 gallons
Residential Flat Rate	\$20.00 per month	Residential Flat Rate	\$28.00 per month

Sewer Rates - Commercial

Current Rates		Proposed Rates	
0 – 3,000 gallons	\$50.00 minimum bill	0 – 4,000 gallons	\$35.00 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	Each additional 1,000 gallons	\$8.00 per 1,000 gallons

Sewer Rates -Industrial

Current Rates		Proposed Rates	
0 – 3,000 gallons	\$50.00 minimum bill	0 – 3,000 gallons	\$50.00 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	Each additional 1,000 gallons	\$8.00 per 1,000 gallons

Sewer Rates -Industrial Enterprise Zone

Current Rates		Proposed Rates	
0 – 3,000 gallons	\$40.00 minimum bill	Discontinued	Discontinued
Each additional 1,000 gallons	\$4.80 per 1,000 gallons	Discontinued	Discontinued

Vote: 5 yea
 2 absent (*Dishner, Roberts - out of the room*)

By recommendation of the Water and Sewer Committee, and upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board authorized the advertisement of the above rates and the public hearing. This will be published in the

7-8-2008

Smyth County News and Messenger on July 19 and 26, 2008, both Saturday editions.

Vote: 5 yea
 2 absent (Dishner, *Roberts - out of the room*)

By recommendation of the Water and Sewer Committee, and upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried; the Board set a public hearing date for Tuesday, October 14, 2008 at 2:00 p.m. (regular Board meeting).

Vote: 5 yea
 2 absent (Dishner, *Roberts - out of the room*)

With the recommendation of the Water and Sewer Committee, the Board agreed to notify Fire Departments in writing that they should discontinue their service of filling swimming pools. Fire Departments should go to other sources that are not in conservation mode.

Vote: 6 yea
 1 absent (Dishner)

Mr. Tate updated the Board on the Food and Beverage Tax by Referendum which was agreed upon by the Board at the June 10 Board meeting. This will require pre-clearance from the Justice Department before petitioning the Circuit Court of Smyth County. Mr. Tate mailed that request in writing to the Justice Department July 2 expressing its urgency.

Upon motion of Mr. Blevins, seconded by Mrs. Waddell, and unanimously carried, the Board set Thursday, August 24, 2008, at 7:00 p.m. as the date and time to hear an appeal from Melissa L. Crigger. Her appeal is to the decision the Planning Commission determined on Thursday, June 26, 2008, to deny her request for a variance to the Subdivision Ordinance, regarding lots 2 and 3 in Big Horn Estates.

Vote: 6 yea
 1 absent (Dishner)

Sally Morgan introduced Owen Perkins who is serving as her summer intern. Mr. Perkins is from Fairfax County, currently attending Virginia Tech. Mr. Perkins touched on the Entrepreneurial Developmental Strategy Project that he has been working on. He distributed a draft of the brochure he has prepared on resources for starting a

7-8-2008

business in Smyth County. He hopes these can be made available around the area where prospective entrepreneurs may look for information. He also handed out an updated version of the Economic Trends for 2008. Owen has been working with the IT Department to update the Economic Development portion of the County's website along with updating information on financial assistance to businesses. He has also created a packet of information of local builders and contractors for the Sheridan Ridge project. Mr. Perkins will give a more detailed presentation at the next Board meeting of his complete project.

Mr. Roberts briefly mentioned the citizens' concerns that arose at citizens time. He made the motion to reconsider the motion made in April (he voted in the majority). There was not second, the motion failed. He asked that the Water and Sewer Committee explain the changes to the citizens in better terms at the next committee meeting.

Mr. Tate briefly mentioned to the Board the status of the VML/VACo/APCo Steering Committee and the Contract negotiation. A letter on this issue was included in the information portion of the Board packets.

Robert Hurt of the Virginia Department of Transportation was present and briefed the Board in the following projects:

- I-81 crossovers will be complete by the end of August.
 - Route 11 bridge on the southern end of Chilhowie will begin construction soon and will last approximately 1-2 years. It will be one lane during construction.
 - Route 786 (a dead end road) speed study as requested by Mr. Perry is under review. Currently it isn't posted; 25 mph is a strong possibility.
-

At 3:00 p.m. Chairperson Neitch opened a public hearing to consider the adoption of a Transient Occupancy Tax. Mr. Whitmore read the publication below as advertised in the Smyth County News and Messenger, June 21 and 28, 2008 both Saturday editions. There were no citizens present to speak, therefore, upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried; the rules for public hearings were forgone.

7-8-2008

Public Hearing Notice

The Smyth County Board of Supervisors will conduct a public hearing at the next regular scheduled meeting on Tuesday, July 8, 2008 at 3:00 P.M., at the Smyth County Office Building, 121 Bagley Circle, Marion, VA.

This hearing will consider the adoption of a transient occupancy tax pursuant to Section 58.1-3819 of the Code of Virginia. The hearing will take public comment on amending Section 34: Finance and Taxation of the Smyth County Code and will consider whether or not to impose a Transient Occupancy Tax. This proposed tax would be equivalent to two percent (2%) of the total amount paid for room rental by or for such transient to any hotel or travel campground, and would provide for a payment to the remitter of the tax to the County. This tax would apply to facilities rented out for fewer than thirty (30) consecutive days.

At the above mentioned day, time, and place, any citizen of Smyth County, subject to the rules of procedure of the Board of Supervisors, may appear to express an opinion on this ordinance amendment. A full copy of the proposed amendment to the Smyth County Code is on file at the above address in the County Administrator's Office and may be reviewed or a copy obtained, Monday – Friday, during normal business hours, 8:00 a.m. - 5:00 p.m.

Done by order of the Smyth County Board of Supervisors
Edwin B.J. Whitmore, III, County Administrator

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

This hearing was closed at 3:03 p.m. The Board agreed to take a vote on this issue at the continued meeting on Thursday, July 24, 2008.

Charlie Harrington, Emergency Coordinator gave a brief update before the Board on the National Incident Management System (NIMS). Mr. Harrington, Ed Whitmore, Mike Carter, Mike Roberts, Shannon Williams and himself have updates to complete by September 30 under the 300 Series. These can be taken on the internet. There is no requirement of the Board members to take these courses. If the Board wishes to take a two hour course, Mr. Harrington can arrange that to be held any time in the Board room.

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. Re-codifying of the Smyth County Code (**1-10-2006**).
4. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee **6-13-2006**).
5. Disposal of former school building at 105 East Strother Street (**7-11-2006**)
6. 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**).

7-8-2008

7. Appointments:

- Board of Zoning Appeals (2-12-2008)
One Alternate - VACANT

- Department of Social Services Board (6-10-2008)
(4 year term)

Park District
Kelly M. Blevins (*eligible for another term*)
Expired 6-30-2008

- Community Policy Management Team (6-10-2008)
(1 year term)

Private Provider Representative - VACANT

8. Request the Board consider a resolution in support of the Tennessee Valley Authority 75th anniversary (4-8-2008).

9. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer (5-13-2008).

10. Gas bids (6-26-2008).

Mr. Carter briefly updated the Board on the status of the gas bids. He stated that there are potential providers willing to sell to the County.

11. Radio System Project (6-26-2008).

CLOSED SESSION

Upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried, at 3:04 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) as described below:

(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 3:29 p.m. the Chairperson ended the closed session.

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

7-8-2008

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

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

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

Vote: 6 yea
 1 absent (Dishner)

CONTINUE THE MEETING

At 3:30 p.m. upon motion of Mr. Roberts, and seconded by Mrs. Waddell, the Board continued this meeting until Thursday, July 24, 2008 at 7:00 p.m. for an appeal hearing to be followed by a joint public hearing with the Town of Marion at 7:30 p.m. on a resolution creating the Smyth Crossings Community Development Authority, along with any other issues that may arise.

Vote: 6 yea
 1 absent (Dishner)

Mr. Simpson and Mr. Carter will be reviewing engineering term contracts. Mr. Clark agreed to assist in this process as the Board member.

Darlene Neitch, Chairperson

Virginia: Continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, July 24, 2008, 7:00 p.m.

Board Members

Present: Darlene Neitch Charlie Clark
Brenda Waddell Michael Roberts
Marvin Perry Todd Dishner
Wade Blevins

Staff Members

Present: Ed Whitmore Mike Carter
Charlie Atkins John Tate
Amber Johnson Sally Morgan
Clegg Williams Scott Simpson
Shannon Williams

Planning Commission

Members Present: Karl Kalber Dennis Blevins
Graham Davidson

At 7:00 p.m. the Chairperson opened the meeting for an appeal hearing. This appeal was filed by Melissa L. Crigger. She appealed the Planning Commission's denial on June 26, of her variance request to the Subdivision Ordinance. The appeal was in regards to lots 2 and 3 in Big Horn Estates located in Chilhowie. An excerpt of those Planning Commission minutes follows:

Subdivision Ordinance: *Melissa Crigger: Mr. Williams explained Ms. Crigger's request for a variance to Section 4.23(5)(a) of the Subdivision Ordinance. Ms. Crigger recently purchased Lots 2 and 3 of Big Horn Estates, a recreational development and has requested a variance so that she may be allowed to establish a permanent single family dwelling.*

Ms. Crigger and her fiancé, Brian Sharpe, was present and addressed the Commission. Ms. Crigger stated that they have already established water, installed a septic system, and have electricity. She stated that she was informed that the property is assessed as Class II, Suburban Residential by the Courthouse. She stated that Lots 4 & 5 and a lot across the street are zoned Residential. They purchased the property from the owner of one of those lots.

Mr. Williams clarified that the entire Big Horn Estates is zoned A/R and this matter is essentially a deed restriction placed on these lots by the developer. He then reviewed the history of prior variance requests made for Big Horn Estates lots.

Each commissioner stated their view on the request. Mr. Kalber explained to Ms. Crigger that she would have the right to appeal should her application be denied by the Planning Commission.

No one else spoke on this application. Upon motion of Mr. Blevins, seconded by Mr. Sparks, and unanimously carried, the Commission denied Ms. Crigger's request.

First to speak was Mr. Chip Barker, legal representation on behalf of the appellant. He outlined a legal argument and a common sense argument. Mr. Barker mentioned that the Crigger's purchased lots 2 and 3 from Jessi and Betty Thomas. Mr. Barker argued that the County does not have the staff to monitor those living in this subdivision as to their length of stay each year. He ultimately stated that all lots in the Big Horn Estates should be changed to permanent resident status to bring an end to these appeals.

7-24-2008

Next, Mr. Karl Kalber spoke on behalf of the Planning Commission. He distributed a hand out explaining the Planning Commission's reasoning for their decision to deny the request. He stated that the Planning Commission felt they were bound by the decree ordered by the Circuit Court and the deed restrictions. He quoted from the court decree, "The Court further finds and directs that the decision in this proceeding has no precedential value except to each of the Plaintiffs who are a parties to this action, and only to the lots for which variances were sought as reflected in the proceedings herein." Mr. Kalber also affirmed that the plat clearly states that lots are approved for vacation and seasonal use only. As the Chairman of the Planning Commission, he assured the Board that the Commission would abide and follow the Board's lead.

Both Mr. Barker and Mr. Kalber were allowed time to rebut one another's comments. They both restated their positions.

Earl McClure was allowed to briefly comment. He reiterated comments previously expressed at hearings regarding variances and encouraged the Board to grant the appeal.

Following this appeal hearing, the Board of Supervisors has thirty (30) days to render its decision.

The appeal hearing was closed at 7:15 p.m.

The Board conversed, made comments, and asked questions of Mr. Barker and Mr. Kalber.

Upon motion of Mr. Blevins, seconded by Mrs. Waddell, and duly carried, the Board over turned the Planning Commission's decision to deny Mrs. Crigger's variance request to the Subdivision Ordinance. Mrs. Crigger's request for a variance to Section 4.23(5)(a) of the Subdivision Ordinance is hereby granted. Mrs. Crigger recently purchased Lots 2 and 3 of Big Horn Estates and the prohibition imposed by the Planning Commission is terminated as to Lots 2 and 3.

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

At approximately 7:30 p.m. a joint public hearing with Town of Marion was called to order by Madam Chairman and Mayor Helms of the Town of Marion. The following

7-24-2008

were present:

Board Members

Present:	Darlene Neitch Brenda Waddell Marvin Perry Wade Blevins	Charlie Clark Michael Roberts Todd Dishner
-----------------	--	--

Staff Members

Present:	Ed Whitmore Charlie Atkins Amber Johnson Scott Simpson	Mike Carter John Tate Sally Morgan
-----------------	---	--

Marion Town Council

Members Present:	Susie Jennings Jane Hale Ken Heath	Mel Leaman Mark Warren Bill Weaver
-------------------------	--	--

Marion Town Council

Members Absent:	Jim Gates
------------------------	-----------

Town of Marion Staff

Members Present:	Mark Fenyk - Attorney John Clark - Manager	Dixie Sheets - Clerk David Helms - Mayor
-------------------------	---	---

Mr. Whitmore read the following advertisement as published in the Smyth County News and Messenger June 21, 28 and July 5. He also read the rules for public hearings. Approximately 13 citizens were present including general public, staff, and representatives of the development.

***NOTICE OF JOINT PUBLIC HEARING ON PROPOSED
RESOLUTION CREATING THE
SMYTH CROSSINGS COMMUNITY
DEVELOPMENT AUTHORITY***

Notice is hereby given that the Board of Supervisors of Smyth County, Virginia, and the Council of the Town of Marion, Virginia, will hold a joint public hearing in accordance with Section 15.2-5156 of the Code of Virginia of 1950, as amended, on a resolution (the "Resolution") creating the Smyth Crossings Community Development Authority (the "CDA"). The Resolution authorizes the creation of the CDA for the purpose of financing various infrastructure improvements and services in connection with the development of Smyth Crossings, a retail power center and establishes certain other details with respect to the CDA. A complete copy of the Resolution and a copy of the Petition to create the CDA are on file in the County Administrator's office at the address shown below. The public hearing, which may be continued or adjourned, will be held at 7:30 o'clock p.m. or as soon thereafter as the matter may be heard on July 24, 2008 in the Board Room at the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia.

Jeff Mitchell, legal counsel for the developer, opened up the hearing by summarizing the creation of a Community Development Authority (CDA) process. A preceding public hearing was held by both localities adopting an ordinance to allow the acceptance of the petition submitted by involved land owners. The adoption of the presented resolution allows the creation of the CDA. The CDA is a means to allow

7-24-2008

development to move forward and pay for itself. Mr. John Politis, developer of the proposed project reviewed the proposed development plan with the Board and Council.

Mr. Mitchell and Mr. Politis answered various questions of the Board and the Council. Mr. Mitchell explained that this unique vehicle (the CDA) that the General Assembly has given to localities for creation; it intends to allow development of a quality and caliber of life desired for its citizens and that a CDA also produces the revenues that a locality seeks.

Earl McClure was the first of two citizens to speak. He referred to the bonds involved in the creation of the CDA. He requested that the resolution be revised to state that these bonds will not be repaid by general obligation bonds.

Joe Ellis was the second citizen to speak. He asked for a better understanding of the financial projections of the development.

Both citizens stated their support for the development but hoped the financial aspect would be handled in the proper manner to help the County citizens.

Jeff Mitchell and other members of staff and the Board addressed their concerns. Further discussion was held on the content of the resolution, economic projections, and the proposed members of the Authority. Mr. Mitchell explained that the property owners intend to waive, in writing, the thirty (30) days to review and comment on the resolution. This will allow the Board and Council to act sooner.

The hearing was closed at 8:34 p.m.

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board would continue this meeting until Wednesday, July 30 at 6:00 p.m. to consider this resolution creating the CDA. (The Council likewise, continued their meeting until August 4.)

OTHER BUSINESS

Upon motion of Mr. Perry, seconded by Mr. Clark, and along with the Budget Committee's recommendation, the Board unanimously approved a Job Change Order in the amount of \$12,850 for the Walker Mountain Shelter. This is covered in the contingency portion of this project and will go to Advanced Wireless Solutions.

7-24-2008

Upon motion of Mr. Clark, seconded by Mr. Blevins, and along with the Budget Committee's recommendation, the Board unanimously appropriated \$47,244.28 (from account #501-085040-0160, Town of Marion-Wastewater) to make the August 2008 payment to the Town of Marion as outlined in the Wastewater Treatment Plant Agreement. These payments are made semi-annually, February and August.

Upon motion of Mr. Perry, seconded by Mr. Roberts, and unanimously carried, the scheduled closed session for legal briefing, as continued until the meeting on Wednesday, July 30.

NOTED ON THE AGENDA

Information available in the office if interested:

- Information regarding the Mount Rogers Community Mental Health & Mental Retardation Services Board meeting on July 28, 2008.
-

At 8:45 p.m., Chairperson Neitch continued the meeting until Wednesday, July 30, 2008 for the consideration of the CDA Resolution and any other issues that may come up.

Darlene Neitch, Chairperson

Virginia: Continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Wednesday, July 30, 2008, 6:00 p.m.

Board Members

Present: Darlene Neitch Marvyn Perry
Wade Blevins Brenda Waddell

Board Members

Absent: Michael Roberts Charlie Clark
Todd Dishner

Staff Members

Present: Ed Whitmore Mike Carter
Charlie Atkins John Tate
Amber Johnson Scott Simpson

First item of business was the issue of the contract with the Radio Consultant. Staff, along with Mr. Tate has been working with Federal Engineering under the emergency procurement to replace the previous consultant who resigned unexpectedly. Their agreement was approved by the Board June 26, pending legal review. Mr. Tate and Mr. Williams explained that to date, this agreement has not been settled. Discussion was held on the aspects of the contract that are not agreeable. Mr. Tate assured the Board that he will not allow the agreement to move forward unless in the County's best interest.

Upon motion of Mr. Blevins, seconded by Mrs. Waddell, and unanimously carried, the Board authorized the suspension of negotiations with Federal Engineering, in the event they are not agreed upon by Monday, August 4. At that time staff is allowed to move to the second choice consultant (RCC Consultant, Inc. of Richmond) as chosen in the interview process.

Vote: 4 yea
3 absent (Roberts, Dishner, Clark)

The resolution below was presented to the Board and Marion Town Council at the continued meeting (joint public hearing) on Thursday, July 24. This meeting is a continuation of that meeting so that this resolution can be voted on. Much discussion was held on this resolution, its contents and the creation of the Community Development Authority (CDA).

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board amended Section 6 (d) of the resolution to say, "..that each member shall receive compensation in the amount of \$100 per meeting, not to exceed \$300 per calendar month, unless authorized by concurrent resolution of the Board and the Town

7-30-2008

Council." This amendment is contingent on the Marion Town Council's consideration of this amendment.

Vote: 4 yea
 3 absent (Roberts, Dishner, Clark)

The resolution is as follows:

**RESOLUTION - CREATING THE SMYTH CROSSINGS
COMMUNITY DEVELOPMENT AUTHORITY**

WHEREAS, the Board of Supervisors (the "Board") of Smyth County, Virginia (the "County"), has received a petition (the "Petition") from the petitioners named therein (the "Landowners") for the creation of the Smyth Crossings Community Development Authority (the "CDA"), and the Landowners have represented that they own all of the land within the proposed CDA District, as defined below; and

WHEREAS, a joint public hearing has been held on July 24, 2008, by the Board and the Council (the "Town Council") of the Town of Marion, Virginia, on the adoption of this Resolution and notice has been duly provided as set forth in §§ 15.2-5104 and 15.2-5156 of the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2, Code of Virginia of 1950, as amended (the "Act"); and

WHEREAS, the Board and the Town Council propose to create the CDA in order to provide the public improvements and services described in the Petition;

WHEREAS, the creation of the CDA to assist in financing certain improvements in connection with the proposed development within the CDA District (the "Project") will benefit the citizens of the County by promoting increased employment opportunities, a strengthened economic base and increased tax revenues and will meet the increased demands placed upon the County as a result of development within the CDA District; and

WHEREAS, the Landowners have waived in writing the right to withdraw their signatures from the Petition in accordance with § 15.2-5156 of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SMYTH COUNTY, VIRGINIA:

1. Creation of Authority. *The Smyth Crossings Community Development Authority is hereby created as a body corporate and politic and political subdivision of the Commonwealth of Virginia in accordance with the applicable provisions of the Act. The CDA shall have the powers set forth in the Act.*

2. Boundaries of CDA. *The CDA district shall consist of the real property listed on Exhibit A attached hereto and incorporated herein by this reference (the "CDA District"). In accordance with § 15.2-5157 of the Act, a copy of this resolution shall be recorded in the land records of the Circuit Court of Smyth County for each tax map parcel in the CDA District as such CDA District exists at the time of issuance of the CDA's bonds (the "Bonds") and the CDA District shall be noted on the land records of the County. The CDA board may release or exclude from the CDA District at any time before or after the issuance of the Bonds certain de minimis portions of land not to exceed approximately one acre. In addition, the CDA board may release and exclude from the CDA District parcels of land with respect to which all special assessments have been paid or prepaid.*

3. Facilities and Services. *The CDA is created for the purpose of exercising the powers set forth in the Act, including financing, constructing and developing, and owning and maintaining, if necessary, certain improvements in connection with the development of Smyth Crossings, a mixed-use development of office, retail and hotel spaces as described in the Petition and the Articles of Incorporation. The CDA shall have all the powers provided by the Act. The CDA shall not provide services which are provided by, or obligated to be provided by, any authority already in existence pursuant to the Act unless such authority provides the certification required by § 15.2-5155 of the Act.*

7-30-2008

4. Articles of Incorporation. Attached as Exhibit B are the proposed Articles of Incorporation of the CDA. The County Administrator and the Town Manager are authorized and directed to execute and file such Articles of Incorporation on behalf of the Board and the Town Council with the State Corporation Commission in substantially the form attached as Exhibit B with such changes, including insubstantial changes to the boundary description of the CDA District described therein and the names of the members of the CDA and their respective terms, as the County Administrator and the Town Manager may approve.

5. Capital Cost Estimates. The Board hereby finds, in accordance with § 15.2-5103(B) of the Act, that it is impracticable to include capital cost estimates, project proposals and project service rates, except as summarized in the Petition.

6. Membership of the Authority.

(a) The powers of the CDA shall be exercised by an authority board consisting of five (5) members.

(b) All members of the CDA board shall be appointed by the Board and the Town Council in accordance with the provisions of § 15.2-5113 of the Act.

(c) The initial members of the CDA board shall be as set forth in the Articles of Incorporation for the terms set forth herein.

(d) Each CDA board member shall receive such compensation for his or her services as a CDA board member as may be authorized from time to time by resolution of the CDA board, provided that no member shall receive compensation in excess of \$300 per meeting attended unless authorized by concurrent resolution of the Board and the Town Council.

7. Plan of Finance; Issuance of Bonds.

(a) The improvements, services and operations to be undertaken by the CDA as described herein and in the Petition shall be funded from all or some of the following sources: (i) bonds to be issued by the CDA; (ii) special assessments to be levied pursuant to § 15.2-5158(A)(5) of the Act and (iii) any other source of funding available to the CDA including rates, fees and charges to be levied by the CDA for the services and facilities provided or funded by the CDA and revenues provided under a revenue sharing agreement between the County and the Town that includes a tax increment contribution plan based on increased tax revenues generated by the development of the property within the CDA District.

(b) The Bonds to be issued by the CDA will be in the maximum aggregate principal amount of \$11,000,000, and will be used to pay the costs of certain infrastructure as described herein and in the Petition, the costs of issuing the Bonds and any required reserves, and interest on the Bonds prior to and during construction and for a period up to one year after completion.

(c) Any bonds issued by the CDA or any other financing arrangements entered into by the CDA will be debt of the CDA, will not be a debt or other obligation of the County and the Town and will not constitute a pledge of the faith and credit of either the County or the Town.

8. Effective Date. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of Smyth County, Virginia, certifies that the foregoing constitutes a true, complete and correct copy of a Resolution adopted at a joint meeting of the Board of Supervisors of Smyth County, Virginia, and the Town Council of the Town of Marion, Virginia, held on July 24, 2008, by the roll call vote referenced below.

7-30-2008

Present:
Absent:
Aye:
Nay:

Clerk, Board of Supervisors
Smyth County, Virginia

Exhibits:

- A - List of Tax Parcels constituting the CDA District
- B - Proposed Articles of Incorporation

Exhibit A

Description of Initial Authority District

Tax Map Parcel Numbers and Acreage

<u>Parcel No.</u>	<u>Acres</u>
47-A-67 B	36.644
Portion of 47-A-64	27.464
Portion of 47-A-72	1.760
47-A-64 A	9.875
Total CDA Acreage:	75.743

Exhibit B

**ARTICLES OF INCORPORATION
OF
SMYTH CROSSINGS COMMUNITY DEVELOPMENT AUTHORITY**

The undersigned, pursuant to Chapter 51, Title 15.2 of the Code of Virginia, adopts the following Articles of Incorporation for the Smyth Crossings Community Development Authority and states as follows:

**ARTICLE I
NAME**

The name of this Authority is SMYTH CROSSINGS COMMUNITY DEVELOPMENT AUTHORITY (the "Authority").

**ARTICLE II
ORGANIZATION**

Pursuant to concurrent resolutions adopted by the Board of Supervisors of Smyth County, Virginia (the "Board of Supervisors") and the Council of the Town of Marion, Virginia (the "Town Council"), the Authority shall be organized by Smyth County, Virginia and the Town of Marion, Virginia, under the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2 of the Code of Virginia of 1950, as amended) (the "Act"), as a public body politic and corporate and political subdivision governed by the laws of the Commonwealth of Virginia.

**ARTICLE III
MEMBERS**

The affairs of the Authority shall be conducted by an authority board of five members ("CDA Board"). The initial CDA Board members are as set forth in Exhibit A attached hereto and incorporated by reference. All members shall be appointed by the Board of Supervisors and the Town Council. Each member shall serve a four-year term, except the initial members who shall serve the terms of office set forth in Exhibit A hereto. The election of officers of the Authority shall be as set forth in the By-Laws of the Authority.

7-30-2008

Qualifications and appointment of members of the CDA Board shall be consistent with the requirements of the Act.

The CDA Board shall have the powers and duties set forth in the Act and in these Articles of Incorporation and the By-Laws, to the extent that such powers and duties are not inconsistent with the Act.

ARTICLE IV
PRINCIPAL OFFICE

The Authority's principal office shall be c/o _____ . The Authority may conduct its business and maintain offices for such purposes at such other places within or without Smyth County, Virginia, as may from time to time be deemed advisable by the CDA Board, and not in conflict with the requirements of the Act.

ARTICLE V
AUTHORITY DISTRICT

The land initially encompassed within the Authority is set forth in Exhibit B attached hereto (the "Initial Authority District") provided that the CDA Board may release and exclude from the Authority District before or after the issuance of the Authority's bonds certain de minimis portions of land not to exceed approximately one acre. In addition, the CDA Board may release and exclude from the Authority District portions of land with respect to which all special assessments have been paid or prepaid.

ARTICLE VI
PURPOSES AND POWERS

The Authority is organized for the purpose of exercising all powers granted by the Act, including financing, funding, planning, establishing, acquiring, constructing or reconstructing, enlarging, extending, equipping, operating and maintaining infrastructure improvements generally described in the Petition to create the Authority. The Authority shall have all powers granted to a "community development authority" under the Act.

ARTICLE VII
NOT-FOR PROFIT

The Authority shall not be organized or operated for pecuniary gain or profit. No part of the net earnings of the Authority shall inure to the benefit of, or be distributable to any member, director, officer, or any other private person, except that the Authority shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments in furtherance of the purposes set forth in Article VI.

ARTICLE VIII
AMENDMENT TO ARTICLES

These Articles of Incorporation may be amended at any time and from time to time by the Board of Supervisors and the Town Council as now or hereafter prescribed by the Act.

ARTICLE IX
REGISTERED OFFICE AND REGISTERED AGENT

The address of the initial registered office of the Authority is _____. The initial Registered Agent of the Authority is _____, whose business address is identical to that of the initial registered office and who is a resident of Virginia and a member of the Virginia State Bar.

ARTICLE X
INITIAL MEMBERS

The names and addresses of the initial members of the CDA Board are as set forth on the attached and incorporated in Exhibit A.

7-30-2008

ARTICLE XI
INDEMNIFICATION

(a) For purposes of this Article XI, the following definitions shall apply:

(i) "expenses" include counsel fees, expert witness fees, and costs of investigation, litigation and appeal, as well as any amounts expended in asserting a claim for indemnification;

(ii) "liability" means the obligations to pay a judgment, settlement, penalty, fine or other such obligation;

(iii) "legal entity" means a corporation, limited liability company, partnership, joint venture, trust, employee benefit plan or other enterprise; and

(iv) "proceeding" means any threatened, pending, or completed action, suit proceeding or appeal whether civil, criminal, administrative or investigative and whether formal or informal.

(b) In every instance in which the Virginia Nonstock Corporation Act, as it exists on the date hereof or may hereafter be amended, permits the limitation or elimination of liability of directors or officers of a corporation to the corporation, the members, directors and officers of the Authority shall not be liable to the Authority.

(c) The Authority shall indemnify any individual who is, was or is threatened to be made a party to a proceeding (including a proceeding by or in the right of the Authority) because such individual is or was a member, director or officer of the Authority or because such individual is or was serving the Authority or any other legal entity in any capacity at the request of the Authority while a member, director or officer of the Authority, against all liabilities and reasonable expenses incurred in the proceeding except such liabilities and expenses as are incurred because of such individual's willful misconduct or knowing violation of the criminal law. Service as a member, director or officer of a legal entity controlled by the Authority shall be deemed service at the request of the Authority. The determination that indemnification under this paragraph (c) is permissible and the evaluation as to the reasonableness of expenses in a specific case shall be made, in the case of a member or director, as provided by law, and in the case of an officer, as provided in paragraph (d) of this Article; provided, however, that if a majority of the members of the Authority has changed after the date of the alleged conduct giving rise to a claim for indemnification, such determination and evaluation shall, at the option of the person claiming indemnification, be made by special legal counsel agreed upon by the CDA Board and such person. Unless a determination has been made that indemnification is not permissible, the Authority shall make advances and reimbursements for expenses incurred by a member, director or officer in a proceeding upon receipt of an undertaking from such member, director or officer to repay the same if it is ultimately determined that such member, director or officer is not entitled to indemnification. Such undertaking shall be an unlimited, unsecured general obligation of the member, director or officer and shall be accepted without reference to such member's, director's or officer's ability to make repayment. The termination of a proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not of itself create a presumption that a member, director or officer acted in such a manner as to make such member, director or officer ineligible for indemnification. The Authority is authorized to contract in advance to indemnify and make advances and reimbursements for expenses to any of its members, directors or officers to the same extent provided in this paragraph (c).

(d) The Authority may, to a lesser extent or to the same extent that it is required to provide indemnification and make advances and reimbursements for expenses to its members, directors and officers pursuant to paragraph (c) of this Article, provide indemnification and make advances and reimbursements for expenses to its employees and agents, the members, directors, officers, employees and agents of its subsidiaries and predecessor entities, and any person serving any other legal entity in any capacity at the request of the Authority, and may contract in advance to do so. The determination that indemnification under this paragraph (d) is permissible, the authorization of such indemnification and the evaluation as to the reasonableness of

7-30-2008

expenses in a specific case shall be made as authorized from time to time by general or specific action of the Board, which action may be taken before or after a claim for indemnification is made, or as otherwise provided by law. No person's rights under paragraph (c) of this Article shall be limited by the provisions of this paragraph (d).

(e) The rights of each person entitled to indemnification under this Article shall inure to the benefit of such person's heirs, executors and administrators. Special legal counsel selected to make determinations under this Article may be counsel for the Authority. Indemnification pursuant to this Article shall not be exclusive of any other right of indemnification to which any person may be entitled, including indemnification pursuant to a valid contract, indemnification by legal entities other than the Authority and indemnification under policies of insurance purchased and maintained by the Authority or others. However, no person shall be entitled to indemnification by the Authority to the extent such person is indemnified by another, including an insurer. The Authority is authorized to purchase and maintain insurance against any liability it may have under this Article or to protect any of the persons named above against any liability arising from their service to the Authority or any other legal entity at the request of the Authority regardless of the Authority's power to indemnify against such liability. The provisions of this Article shall not be deemed to preclude the Authority from entering into contracts otherwise permitted by law with any individuals or legal entities, including those named above. If any provision of this Article or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of this Article, and to this end the provisions of this Article are severable.

(f) No amendment, modification or repeal of this Article shall diminish the rights provided hereunder to any person arising from conduct or events occurring before the adoption of such amendment, modification or repeal.

IN WITNESS WHEREOF, the undersigned have executed these Articles of Incorporation as of the ___ day of _____, 2008, as duly authorized by concurrent resolutions adopted by the Board of Supervisors of Smyth County, Virginia and the Council of the Town of Marion, Virginia, on July 24, 2008.

By: _____ County Administrator, Smyth County, Virginia

By: _____ Town Manager, Town of Marion, Virginia

Exhibit A

Names and Addresses of Initial Members

Term of Office
Commences Expires

Exhibit B

Description of Initial Authority District
Tax Map Parcel Numbers and Acreage

<u>Parcel No.</u>	<u>Acres</u>
47-A-67 B	36.644
Portion of 47-A-64	27.464
Portion of 47-A-72	1.760
47-A-64 A	9.875
Total CDA Acreage:	75.743

7-30-2008

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, at 6:51 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) as described below:

(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: 4 yea
 3 absent (Roberts, Dishner, Clark)

At 7:20 p.m. the Chairperson ended the closed session.

Upon motion of Mr. Blevins, seconded by Mrs. Waddell, 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: 4 yea
 3 absent (Roberts, Dishner, Clark)

At 7:20 p.m., upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the meeting was adjourned.

Darlene Neitch, Chairperson

Virginia: The regular meeting of the Smyth County Board of Supervisors was held at the County Office Building on Tuesday, August 12, 2008 at 12:00 noon.

Board Members

Present: Mr. Charlie Clark Mr. Michael Roberts
Mr. Wade Blevins Mrs. Darlene R. Neitch
Mr. Marvin Perry Mrs. Brenda Waddell

Board Members

Absent: Mr. Todd Dishner

Staff Members

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

Chairperson, Neitch called the meeting to order at noon. Mr. Marvin Perry, gave the invocation and Mr. Mike Carter led the pledge of allegiance.

Upon motion of Mr. Blevins, seconded by Mr. Clark, 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. Perry, and unanimously carried, the minutes of July 8, 24, and 30, 2008 were approved with changes made by Mr. Tate in regards to minutes of the appeal hearing on July 24. Mr. Tate explained the two changes.

Vote: 6 yea
1 absent (Dishner)

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

General County	\$2,440,000
East Hungry Mother Water Project	\$116,186.78
Animal Control	\$2,208.39
Department of Social Services (August 13-31, 2008)	\$330,000
(Sept. 1-9, 2008)	\$75,000
Schools	
Operating Fund	\$1,600,000
Textbook Fund	\$15,000

Vote: 6 yea
1 absent (Dishner)

8-12-2008

Upon motion of Mr. Blevins, seconded by Mrs. Waddell, the Board unanimously approved the accounts payable listing in the amount of \$1,777,816.04. This accounts payable includes \$735 to APCO, AFC, Inc. and \$3,000 to Tower Engineering Professionals for the Radio System Project.

Vote: 6 yea
 1 absent (Dishner)

CITIZEN'S TIME

Carolyn Holman of the Adwolfe area, spoke in opposition of the recent policy change placing all water and sewer accounts in the landowner's name. She explained her particular problem and requested that the committee revisit this issue once more. She stated that there is a more suitable solution to this problem.

Alvin Jones of Dry Run, mentioned his claim of damage to his water line on Highway 16 and the unauthorized use of his spring water. He also spoke against the policy change as referred to above. He also stated that there should be a better solution.

NEW BUSINESS

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board approved the revised Mutual Aid Agreement with Washington County that includes the Towns of Marion and Chilhowie. This agreement will be forwarded to each locality for its certification (the agreement will be included in the official minutes).

Vote: 6 yea
 1 absent (Dishner)

Upon motion of Mr. Roberts, seconded by Mrs. Waddell, and unanimously carried, the Board approved the Mount Rogers Community Services Board's annual Performance Contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services (a hard copy of the summary for this contract and the complete contract in cd form is on file in the Administrator's Office).

Vote: 6 yea
 1 absent (Dishner)

8-12-2008

The Board next considered a replacement for the Wytheville Community College (WCC) Board, as the most recent appointment resigned as of June 5, 2008. Mrs. Waddell mentioned a possible candidate, Mr. John R. Doyle. The County Administrator will investigate as to whether he resides in the district that represents WCC. This issue was continued until the next meeting.

Upon motion of Mr. Blevins, seconded by Mr. Perry, 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 in the month of October. Cost for each full time employee routine service is \$30.

Vote: 6 yea
 1 absent (Dishner)

Upon motion of Mr. Perry, seconded by Mr. Clark, the Board unanimously approved the festival permit application submitted by the Konnarock Community Association, for an event to be held Sunday, September 21, 2008.

Vote: 6 yea
 1 absent (Dishner)

Upon motion of Mr. Blevins, seconded by Mrs. Waddell, the Board unanimously approved the festival permit application submitted by the Adwolfe Volunteer Fire Department for an event to be held Friday, September 5, through Sunday, September 7, 2008.

Vote: 6 yea
 1 absent (Dishner)

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board adopted the following resolution reaffirming its pick-up plan with Virginia Retirement System (VRS). This was acted on in May 1999, the County must formally reiterate its pick-up plan to meet new requirements.

***Affirmation of Authorization to Pick-up the Employee's Contribution to
VRS for SMYTH COUNTY, 55186
Under section 414(h) of the Internal Revenue Code***

WHEREAS, SMYTH COUNTY provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

8-12-2008

WHEREAS, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS;

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick-up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, the SMYTH COUNTY desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction election in effect prior to the date of this Resolution, and it is further

RESOLVED that effective the first pay day on or after August 12, 2008, SMYTH COUNTY shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States: and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by SMYTH COUNTY in lieu of member contributions; and its is further

RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by SMYTH COUNTY under the pick-up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick-up arrangement; and it is further

RESOLVED that nothing herein shall be construed as to permit or extend an option to VRS members to receive the pick-up contributions made by SMYTH COUNTY directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of SMYTH COUNTY shall be picked up either through a reduction on the current salary of each employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by SMYTH COUNTY on behalf of such employee pursuant to the foregoing resolutions.

Vote: 6 yea
 1 absent (Dishner)

Proposals were carefully reviewed by the Budget Committee and staff. With the recommendation of the Committee, the Board unanimously accepted the proposal from Waste Management for transportation and disposal services for the Smyth County Solid Waste Department. This proposal is at a \$38/ton rate on a 5 year term.

Vote: 6 yea
 1 absent (Dishner)

8-12-2008

With the recommendation of the Ordinance Committee, the Board scheduled a joint public hearing, with the Planning Commission, for Thursday, August 28, 2008, 7:00 p.m. (along with other applications to be heard) to amend the Zoning Ordinance regarding telecommunication towers.

If approved, the Committee recommends that the new text be inserted under Section 4-11 (Regulations on Communications Towers) and be numbered 4-11.5,. This amendment would mirror Grayson County’s Zoning Ordinance regarding telecommunications.

Grayson County’s Zoning Ordinance states:

Owners of towers shall provide the county co-location opportunities as a community benefit to improve radio communication for county department and emergency services.

Vote: 6 yea
 1 absent (Dishner)

With a motion by Mr. Perry, and the Water and Sewer Committee recommendation, the Board scheduled a public hearing and authorized advertisement for the Rural Development “Notice of Intent to Apply for Funding“ for the Groseclose Sewer project. Public hearing to be held on Tuesday, September 9, 2008 at 3:00 p.m.

Vote: 6 yea
 1 absent (Dishner)

Upon motion of Mr. Perry, seconded by Mr. Clark, and along with the Water and Sewer Committee recommendation, the Board authorized Mr. Simpson to apply for grant funding from Virginia Department of Health. The following resolutions support these funding requests for each project.

Vote: 6 yea
 1 absent (Dishner)

**SMYTH COUNTY VDH PLANNING GRANT
RESOLUTION**

WHEREAS, Smyth County has taken the lead on a regional effort to evaluate the connection of multiple systems to possibly include Smyth County, the Town of Marion, Wythe County, and the Town of Rural Retreat, and

WHEREAS, the Virginia Department of Health-Office of Drinking Water Planning Grant Program fits the needs of this type of project, and

WHEREAS, the regional parties to be involved have had several discussions and agreed that this study is needed and will be valuable in the future planning decisions for the region.

8-12-2008

THEREFORE, BE IT RESOLVED, that the Smyth County Board of Supervisors hereby agree to seek funding from the Office of Drinking Water for the following project:

Regional Water System Study in the amount of \$25,000

THEREFORE, BE IT FURTHER RESOLVED that the Smyth County Engineer shall immediately begin to process a funding application for this project and be authorized to sign any and all documents to accept such funding contingent upon review and concurrence by the County Attorney.

Motion by: _____ Secoded by: _____

Aye _____ Nay _____ Absent _____

This 12th day of August, 2008.

Clerk of Board

Darlene R. Neitch, BOS Chairwoman

**SMYTH COUNTY VDH PLANNING GRANT
RESOLUTION**

WHEREAS, Smyth County has determined the need for an additional source of water for the Atkins area of the County, and

WHEREAS, the Virginia Department of Health-Office of Drinking Water Planning Grant Program fits the needs of this type of project, and

WHEREAS, the County has prioritized the need for this additional source by allocating County funding in the capital improvements budget for fiscal year 2008.

THEREFORE, BE IT RESOLVED, that the Smyth County Board of Supervisors hereby agree to seek funding from the Office of Drinking Water for the following project:

Atkins Additional Source Study in the amount of \$25,000

THEREFORE, BE IT FURTHER RESOLVED that the Smyth County Engineer shall immediately begin to process a funding application for this project and be authorized to sign any and all documents to accept such funding contingent upon review and concurrence by the County Attorney.

Motion by: _____ Secoded by: _____

Aye _____ Nay _____ Absent _____

This 12th day of August, 2008.

Clerk of Board

Darlene R. Neitch, BOS Chairwoman

**SMYTH COUNTY VDH PLANNING GRANT
RESOLUTION**

WHEREAS, Smyth County has been petitioned by the residents of Kelly Hill area of the County for connection to the County Water System, and

WHEREAS, the Virginia Department of Health-Office of Drinking Water Planning Grant Program fits the needs of this type of project, and

WHEREAS, the County attempts to design small scale service extensions to its residents by allocating any County matching funding in the Engineering budget for fiscal year 2008.

THEREFORE, BE IT RESOLVED, that the Smyth County Board of Supervisors hereby agree to seek funding from the Office of Drinking Water for the following project:

Kelly Hill Extension Design in the amount of \$20,000

THEREFORE, BE IT FURTHER RESOLVED that the Smyth County Engineer shall immediately begin to process a funding application for this project and be authorized to sign any and all documents to accept such funding contingent upon review and concurrence by the County Attorney.

Motion by: _____ Secoded by: _____

8-12-2008

Aye _____ Nay _____ Absent _____

This 12th day of August, 2008.

Clerk of Board

Darlene R. Neitch, BOS Chairwoman

**SMYTH COUNTY VDH PLANNING GRANT
RESOLUTION**

WHEREAS, Smyth County has been petitioned by the residents of the Mulberry Road area of the County for connection to the County water System, and

WHEREAS, the Virginia Department of Health-Office of Drinking Water Planning Grant Program fits the needs of this type of project, and

WHEREAS, the County attempts to design small scale service extensions to its residents by allocating any County matching funding in the Engineering budget for fiscal year 2008.

THEREFORE, BE IT RESOLVED, that the Smyth County Board of Supervisors hereby agree to seek funding from the Office of Drinking Water for the following project:

Mulberry Road Extension Design in the amount of \$25,000

THEREFORE, BE IT FURTHER RESOLVED that the Smyth County Engineer shall immediately begin to process a funding application for this project and be authorized to sign any and all documents to accept such funding contingent upon review and concurrence by the County Attorney.

Motion by: _____ Seconded by: _____

Aye _____ Nay _____ Absent _____

This 12th day of August, 2008.

Clerk of Board

Darlene R. Neitch, BOS Chairwoman

**SMYTH COUNTY VDH PLANNING GRANT
RESOLUTION**

WHEREAS, Smyth County has been petitioned by the residents of Burgess Hollow, Saltville/North Holston area of the County for connection to the County water System, and

WHEREAS, the Virginia Department of Health-Office of Drinking Water Planning Grant Program fits the needs of this type of project, and

WHEREAS, the County attempts to design small scale service extensions to its residents by allocating any County matching funding in the Engineering budget for fiscal year 2008.

THEREFORE, BE IT RESOLVED, that the Smyth County Board of Supervisors hereby agree to seek funding from the Office of Drinking Water for the following project:

Burgess Hollow Extension Design in the amount of \$10,000

THEREFORE, BE IT FURTHER RESOLVED that the Smyth County Engineer shall immediately begin to process a funding application for this project and be authorized to sign any and all documents to accept such funding contingent upon review and concurrence by the County Attorney.

Motion by: _____ Seconded by: _____

Aye _____ Nay _____ Absent _____

This 12th day of August, 2008.

Clerk of Board

Darlene R. Neitch, BOS Chairwoman

Upon motion of Mr. Perry, seconded by Mrs. Waddell, and along with the recommendation of the Water and Sewer Committee, the Board authorized Mr.

8-12-2008

Simpson to apply for grant funding from SW Virginia Water/Wastewater Fund (Mount Rogers Planning District Commission). The following list of projects is identified for submission for this grant funding:

Technical Assistance Fund	Regional Study	\$ 25,000
	Lucky Lane Area	\$ 51,462
Construction Fund	Kent Street Sewer	\$ 30,000
	Water Tank Rehabilitation	\$ 15,000

Vote: 6 yea
 1 absent (Dishner)

Mrs. Morgan gave a brief update on the local Enterprise Zone incentives that the Economic Development Committee has been working on. These contemplated changes would have to be reflected in the County Code. Even though they are local changes, they will need to be approved by the Department of Housing and Community Development (DHCD) before going to a public hearing. DHCD asks that benefits not be lessened with out adding other benefits. If benefits are lessened, a strong case must be made as to the reason for the change. She stated that she will be contacting the committee for a meeting to work with DHCD on the proposed changes; this is a work in progress.

Pursuant to a public hearing held on July 8, 2008, upon motion of Mr. Clark, seconded by Mr. Roberts, and unanimously carried, the Board adopted the Transient Occupancy Tax Ordinance as presented and attached. Effective January 1, 2009 (This ordinance will be included in the official minutes).

Vote: 6 yea
 1 absent (Dishner)

Note from Clerk: This effective date was set at the next continued meeting on Thursday, August 28, 2008.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board adopted the following resolution creating the Community Development Authority. (The resolution will be included in the official minutes).

Vote: 6 yea
 1 absent (Dishner)

8-12-2008

After review and discussion by Charlie Clark, Scott Simpson, and Mike Carter (the appointed committee) they recommend the following Engineering Services:

<u>Continue with:</u>	Anderson & Associates Draper Aden Thompson & Litton Lane Group
<u>To ADD:</u>	Adams - Heath Engineering Peed & Bortz
Vote: 6	yea
1	absent (Dishner)

Upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried, the Board adopted the following resolution for submission of the Food and Beverage tax issue to the court.

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF SMYTH COUNTY, VIRGINIA**

**FOOD AND BEVERAGE TAX
PURSUANT TO §58.1-3833**

Whereas, Smyth County is dedicated to creating a better living environment for its citizens, and the Board of Supervisors has determined that increased County revenues are needed to provide better public services and greater educational opportunities to the Citizens of the County; and,

Whereas, the Board is considering support and encouragement of a new commercial development area located at the Interstate 81 Exit 47 interchange just east of the Town of Marion in Smyth County, Virginia; and,

Whereas, it is believed this new development, and other initiatives of the County will bring new businesses to the County, while providing job opportunities to the Citizens, but will also add to the current demands for water and sewer service to these and other areas of the County; and,

Whereas, the Board is convinced that these new developments will provide new, quality jobs to the Citizens of the County, and that increased local revenues are necessary to provide for the common good, to enhance the welfare of the Citizens of Smyth County, and to provide for future public water and public sewer service in the County.

Now therefore, in order to help to provide additional County revenues for increased development and better public services in Smyth County, Virginia, the Board adopts this resolution to submit to the Circuit Court of Smyth County, Virginia as required by §58.1-3833 of the Code of Virginia, as amended, as follows:

BE IT THEREFORE RESOLVED, that the Smyth County Board of Supervisors requests that the Honorable Judge of the Circuit Court of Smyth County, Virginia shall Order a special referendum and election at the General Election in Smyth County, Virginia on Tuesday, November 4, 2008 to determine the sense of the qualified voters of Smyth County, Virginia on a question to permit the imposition of a tax on food and beverages sold for human consumption by a restaurant, as such term is defined in subdivision 9 of §35.1-1, not to exceed four (4%) of the amount charged for such food and beverages.

8-12-2008

Be it further resolved that the Court consider the following question to be placed on the ballot for the referendum, after the ballot is properly prepared as set out in §24.2-684 of the 1950 Code of Virginia, as amended, as follows:

Beginning on January 1, 2009, "May Smyth County, Virginia, in the unincorporated areas of Smyth County, or in any incorporated area without a Food and Beverage Tax, levy a Food and Beverage Tax of four (4%) percent on food and beverages as defined in §35.1-1 of the Code of Virginia, but subject to the exceptions to this tax contained in §58.1-3833 of the Code of Virginia.

YES

NO"

Be it further resolved, that upon pre clearance from the United States Department of Justice, Civil Rights Division, that the County Attorney shall submit this Resolution to the Honorable Judge of the Circuit Court of Smyth County, Virginia to request that this referendum on the above question be held on November 4, 2008 at the General Election.

Be it further resolved, the County Administrator and the County Attorney are hereby authorized to make minor changes in the terms of this Resolution to conform to the requirements or suggestions of the United States Department of Justice or the Court.

Adopted at a regular meeting of the Board of Supervisors of Smyth County, Virginia, held at the Board's regular meeting place at 121 Bagley Circle, Suite 100, Marion, Virginia 24354, on August 12, 2008.

Aye: 6 Nay: 0 Abstain: 0 Absent: 1

I certify that the foregoing is a true copy of the action on the above Resolution by the Board of Supervisor of Smyth County, Virginia at a regular monthly meeting of the Board of August 12, 2008.

SEAL

Edwin B. J. Whitmore, III
Clerk of the Board

Vote: 6 yea
 1 absent (Dishner)

Robert Hurt of the Virginia Department of Transportation was present and briefed the Board on the following projects:

- Route 786 (a dead end road) posted at 25 mph on August 5. A speed study was conducted and this posting was in part due to the number of homes on Route 786.
- Deer Crossing signs have been ordered for an area in the Atkins District.
- Mr. Hurt has spoken to a Karen Reedy on the process for surface treatment of Shaw Road, also in the Atkins District.
- I-81 crossovers are almost complete.
- Route 622 project will be complete by mid-October.
- Route 620 bridge project is complete, the guardrail is currently the only thing lacking.
- Route 633 bridge is complete and now open.

8-12-2008

- Paving on Interstate 81, between mile markers 40 and 43 in Chilhowie is currently underway.

A Mr. Francisco of Cherokee Lane was in attendance to explain his need of guardrail. He has replaced fence several times due to motorists missing the sharp curve by his property. He was instructed to speak with Mr. Hurt and fill out a maintenance concern.

With a power point presentation, Owen Perkins, Intern, presented the Entrepreneurial Developmental Strategy Project that he has been working on while with the County. This complete project was distributed in the Board packets. Mr. Perkins covered his suggestions for the Entrepreneurial Development Strategy such as promoting work shops and implementing an entrepreneurship education program in the schools. He also suggests an entrepreneurial club in the high schools to help teach business skills. He mentioned re-establishing the Smyth Enterprise Center to focus on small business with an active Board that would work on entrepreneurial development problems. Mr. Perkins answered brief questions from the Board and discussed possible solutions to his strategy.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, staff is authorized to work with Mr. Tate on a property by the Allison Gap First Church of God. The Church is interested in purchasing this lot; the owners have failed to pay taxes on the property for quite sometime.

Vote: 6	yea
1	absent (Dishner)

Susan Seymore, Program Director for the Mount Rogers Regional Adult Education Program, gave a detailed presentation of the Adult Education program in Smyth County. She explained the successes and struggles the program faces in the coming years trying to educate adults earning their GED's. She answered various questions from the Board on this issue.

Marty Holiday, Program Planner of the New River/Mount Rogers Workforce Investment Board expressed the importance of October 15, at GED Day in the Commonwealth. October 12-18, 2008 will serve as Adult Education Week. Ms. Holiday

8-12-2008

asked that the Board show their support by attending the various events held throughout the week and by adopting the following proclamation. She also addressed several questions of the Board.

PROCLAMATION
Tuesday, August 12, 2008

WHEREAS, the foundation of democracy is based upon an educated citizenry, and education should be made available to people of all ages to gain knowledge and skills.

WHEREAS, the Mount Rogers Regional Adult Education Program facilitates adult education programs in Smyth County and provides services to an average of 140 people annually.

WHEREAS, adult education offers classes to assist adults in improving basic reading, writing, and math skills, to pursue further education, to enter or advance in the job market, or to enhance their personal and family lives.

WHEREAS, adult education offers classes to prepare adults to take the General Educational Development (GED) Test.

WHEREAS, adult education serves students of diverse populations that include adults with learning disabilities, physical and emotional disabilities, and adult learners in family literacy programs and correctional institutions.

WHEREAS, adult education works cooperatively with local, state, and federal agencies such as the Smyth County Department of Social Services, the New River/Mount Rogers Workforce Investment Board, and the Virginia Workforce Centers in the Mount Rogers Planning District to meet the goals and needs of mutual clients.

WHEREAS, it is timely and appropriate that attention be focused on the special efforts and dedication of Mount Rogers Regional Adult Education Program's adult educators who prepare individuals for productive employment and enriched lives.

NOW, THEREFORE, the Board of Supervisors of the County of Smyth of the Commonwealth of Virginia, do hereby proclaim October 15, 2008, as GED Day and the week of October 12, 2008 through October 18, 2008 as Adult Education Week in the county of Smyth and urge all its citizens to become familiar with the services and benefits offered by adult education and to support and participate in these programs.

Edwin B.J. Whitmore, III
County Administrator

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. Re-codifying of the Smyth County Code (1-10-2006). - Mr. Carter briefly stated that the last word from the codifying firm was that it was going to print.
4. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee 6-13-2006).
5. Disposal of former school building at 105 East Strother Street (7-11-2006)

8-12-2008

6. 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**).
7. Appointments: - *Mrs. Neitch briefly covered the outstanding appointment. Mr. Carter mentioned that he would speak with the Department of Social Services Director on the CMPT vacancy.*
 - Board of Zoning Appeals (2-12-2008)
One Alternate - VACANT
 - Department of Social Services Board (6-10-2008)
(4 year term)

Park District
Kelly M. Blevins (*eligible for another term*)
Expired 6-30-2008
 - Community Policy Management Team (6-10-2008)
(1 year term)

Private Provider Representative - VACANT
8. Request the Board consider a resolution in support of the Tennessee Valley Authority 75th anniversary (**4-8-2008**).
9. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer (**5-13-2008**).
10. Gas bids (**6-26-2008**).
11. Radio System Project (**6-26-2008**).

Madam Chairman asked each Board member for an update in their district. Mr. Perry only mentioned a current problem with a neighbor who keeps a number of dogs that is causing a problem.

Mrs. Morgan gave a brief update on American Wood Fibers in the Seven Mile Ford area.

The Chamber of Commerce Town & County Country BBQ to be held on August 21, 2008 at 6:30 p.m. was also noted on the agenda. RSVP by August 15.

Mrs. Neitch also noted that the next Ordinance Committee meeting is on Tuesday, August 19, 2008 at 2:00 p.m.

CLOSED SESSION

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, at 3:18 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) as described below:

(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

8-12-2008

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 4:12 p.m. the Chairperson ended the closed session.

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

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

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

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

Vote: 6 yea
 1 absent (Dishner)

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and duly carried, the Board instructed staff to pursue in acquiring an architectural firm to assist in a new building for temporary court facilities (which will be an Administration Building, once those facilities are no longer needed). Staff is directed to evaluate 2 to 3 sites for this facility. The Courthouse Committee is delegated the responsibility of reviewing these results.

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

8-12-2008

CONTINUE THE MEETING

At 4:15 p.m. upon motion of Mr. Perry, and seconded by Mr. Blevins, the Board continued this meeting until Thursday, August 28, 2008 at 7:00 p.m. and 7:30 p.m. for two joint public hearings with the Planning Commission, along with any other issues that may arise.

Vote: 6 yea
 1 absent (Dishner)

Darlene R. Neitch, Chairperson

Virginia: Continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, August 28, 2008.

Board Members

Present:	Darlene Neitch	Charlie Clark
	Brenda Waddell	Michael Roberts
	Wade Blevins	Marvin Perry
	Todd Dishner	

Staff Members

Present:	Ed Whitmore	Mike Carter
	Amber Johnson	Scott Simpson
	Clegg Williams	Becca Kirk
	John Tate	Sally Morgan
	Shannon Williams	

Planning Commission

Members Present:	Dennis Blevins	Absent:
	Norman Sparks	Karl Kalber
	Graham Davidson	Wayne Venable
	Don Medley	
	Amy Tuell	

Mr. Whitmore, County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on August 16 and 23 (Saturday editions). Mr. Whitmore also read the rules of procedures for public hearings. There were approximately 20 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 28, 2008, 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 Kenneth R.. Hall for an amendment to the zoning map to rezone the remaining approximate 7 acres from Agricultural/Rural to Residential. The property is located on Old Ebenezer Road and is identified as Tax Map No. 56-A-89.

An application from Phyllis Hall for a Special Use Permit to operate a Restaurant. The property is located at 3931 Whitetop Road in Chilhowie, is zoned Agricultural/Rural, and is identified by being Tax Map No. 76-A-871.

An application from Morgan-McClure Motors for a Special Use Permit to establish an Automotive Sales and Service business. The property is located behind 296 Packing House Road in Chilhowie. It is identified as Tax Map No. 64B-1-4-6 and is zoned Agricultural/Rural.

An application from Clinton O. Sexton and Judith S. Sexton for a Special Use Permit for the expansion of a nonconforming use (apartments) located at 1147 Hwy. 16 in Marion. The property is identified as being Tax Map No. 57-A-70 and 57-A-71 and is zoned Commercial.

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.

8-28-2008

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
Karl A. Kalber, Chairman of the Planning Commission

In summarizing the first application, Mr. Clegg Williams, Zoning Administrator, stated that adjoining property owners of all four applications were notified of this hearing by first class mailing.

The first application was received from Kenneth R. Hall who owns approximately 9.1 acres across from the intersection of Old Ebenezer Road and Farmview Road. He is proposing to divide the property into 7 tracts. Six of the tracts will be road side lots which are approximately ½ acre and each has an average lot width of 100 feet. By definition, Mr. Hall is proposing a subdivision and § 3-2.3 b) of the zoning ordinance requires that the property be rezoned to residential. Mr. Williams pointed out §3-3 of the Zoning Ordinance which contains the district regulations 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. He also noted that Mr. Hall has requested only the smaller lots be rezoned Residential and the large Lot #7, which is roughly 6 acres, remain Agricultural/Rural.

Mr. Kenneth Hall was present and briefly addressed the Board and Planning Commission. He had in hand a surveyor plat which will be complete by the next regular Board meeting. He also clarified his plans of making 7 lots on the property, with each of the 6 lots being the same size and the 7th lot being the larger tract.

The only citizen signed up to speak concerning this case was Mr. Earl McClure. Handing out copies of the zoning ordinance, he spoke on his objection to the process being heard.

Mr. Perry asked that Mr. Tate investigate Mr. McClure's claim and return with a statement at the next regular meeting.

Next, Mr. Williams summarized the second application received from Ms. Hall who established "Piedmont Grocery" several months ago. Her business contains both a convenience store and a restaurant. The convenience store portion of the business is

8-28-2008

allowed by right in the Agricultural/Rural district. In order to bring the restaurant portion into compliance, she has filed for a special use permit. The property is addressed as 3931 Whitetop Road, is identified by Tax Map number 76-A-871, and is zoned agricultural/rural. Mr. Williams mentioned the following sections of the ordinance: Section 3-4.2 (b), which allows a restaurant in the A/R district by issuance of a special use permit and Article VI which contains the requirements that must be met before a special use permit may be approved. He also stated that no one had contacted him regarding this application.

Phyllis Hall spoke before the Board and Planning Commission expressing her concern for her business and the hopes of keeping it in operation. She also added that acreage has been added to the lot to meet the lot requirement in the Zoning Ordinance. There were 10 citizens present in support of this application. Mrs. Neitch read into the record two (2) letters from citizens in support, the Kukeattenum's and the Lowe's. She also had in hand approximately 190 signatures in support of this application. Mr. Roger Sturgill and Mr. Ernest Teaters both spoke in favor of this application.

Mr. Williams summarized the next application submitted by Teddy McClure for a special use permit. Mr. McClure would like to establish an automotive sales establishment in the existing structures behind his residence. The property is zoned Agricultural/Rural and is identified by tax map #64B-1-4-6. He pointed out the following sections of the ordinance: Section 3-2.2 e) which allows Automotive Sales and Service businesses in the A/R district by issuance of a Special Use Permit, §10-8 which defines the proposed use, and Article 6 which contains the provisions for Special Use Permits. Mr. Williams received no comments on this application.

Mr. Teddy McClure briefly spoke before the Board and Planning Commission. He had obtained the highway entrance permit from the Virginia Department of Transportation.

Finally, Mr. Williams went over the last application received from Odell Sexton who purchased 1147 Hwy 16 last year and has operated the produce market and rented the three apartments contained within the structure since the purchase. Currently, Mr. Sexton is interested in remodeling additional space of the business into three more apartments. Considering the property is zoned commercial and apartments are not

8-28-2008

permitted in that particular district, either by right or by special use, he has applied for special use permit to expand the nonconforming use of the property. The property is identified by tax map numbers 57-A-71 & 57-A-70. Mr. Williams pointed out § 10-49 which defines a nonconforming use, Section 5-2 which requires the issuance of a Special Use Permit when a nonconforming use is expanded by more than 10%, and Article VI which contains the standards which must be met before a SUP may be approved.

Mr. Sexton spoke before the Board and Planning Commission answering brief questions and clarifying his wishes for his property.

This public hearing was closed by the Board and Planning Commission at approximately 7:45 p.m.

At approximately 7:45 p.m. the Board and Planning Commission proceeded with the following public hearing. Mr. Whitmore read the following advertisement as published in the Smyth County News and Messenger, on August 16 and 23 (Saturday editions). There were no citizens present to speak.

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

The Smyth County Board of Supervisors will conduct a public hearing on Thursday, August 28, 2008, at 7:30 p.m. or as soon after 7:30 p.m. as the proposed text amendment may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following proposed amendment to the Zoning Ordinance of Smyth County, Virginia:

Add a new sub-section number 4-11.5: Owners of towers shall provide the county co-location opportunities as a community benefit to improve radio communication for county departments and emergency services.

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 amendment 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
Karl A. Kalber, Chairman of the Planning Commission

Clegg summarized that this text amendment to the Zoning Ordinance would require that any new cell towers proposed in the County would provide a co-location point for emergency 911 services. It would reserve a spot if needed.

8-28-2008

This hearing was closed at 7:48 p.m.

(the Board continued their meeting in the forth floor board room for this portion of the meeting)

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried, the Board set an effective date of January 1, 2009 for the Transient Occupancy Tax Ordinance adopted at the last meeting on August 12.

Mr. Tate gave an update on the Special Referendum for a Beverage and Meals Tax. This order was filed with the Court setting the Special Referendum for the General Election on November 4th. This complete information has been forwarded to the Department of Justice also. Mr. Tate wanted the Board to know that this issue is on track.

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board Authorized RCC Consultants to begin task order #1, work on the Radio System Project, not to exceed \$12,200.

Upon motion of Mr. Roberts, seconded by Mr. Clark, and unanimously carried, the Board accepted bids and awarded the contract for North Holston Water System Replacement Project for \$321,450 to Central Builders, pending VDH approval.

Upon motion of Mr. Perry, seconded by Mrs. Waddell, and unanimously carried, the Board accepted the Tobacco Commission Grant and allowed the execution of the Letter of Agreement for the Groseclose Sewer Project in the amount of \$250,000.

After review by Mr. Clark, Mr. Carter, and Mr. Simpson a recommendation was made to award the Groseclose Sewer Project Engineering and Construction Consultant to Anderson and Associates.

Upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried, the Board approved that recommendation to award the Groseclose Sewer Project Engineering and Construction Consultant to Anderson and Associates.

With the recommendation of the Water and Sewer Committee, the Board unanimously agreed to replace the resolution adopted at the August 12 meeting for a Regional Water System Study with the following resolution (Porter Valley Road Area).

8-28-2008

Mr. Simpson explained that Wythe County/Rural Retreat will make a similar request at this time.

**SMYTH COUNTY VDH PLANNING GRANT
RESOLUTION**

WHEREAS, Smyth County has been petitioned by the residents along the Porter Valley Road area of the County for connection to the County Water System, and

WHEREAS, the Virginia Department of Health-Office of Drinking Water Planning Grant Program fits the needs of this type of project, and

WHEREAS, the County attempts to design water service extensions to its residents by allocating any County matching funding in the Engineering budget for fiscal year 2008.

THEREFORE, BE IT RESOLVED, that the Smyth County Board of Supervisors hereby agree to seek funding from the Office of Drinking Water for the following project:

Porter Valley Road area extension design in the amount of \$25,000

THEREFORE, BE IT FURTHER RESOLVED that the Smyth County Engineer shall immediately begin to process a funding application for this project and be authorized to sign any and all documents to accept such funding contingent upon review and concurrence by the County Attorney.

Motion by: _____ Seconded by: _____

Aye _____ Nay _____ Absent _____

This 28th day of August, 2008.

Clerk of Board

Darlene R. Neitch, BOS Chairwoman

Upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried, the Board approved the proposed amendment to the Zoning Ordinance, as heard earlier in the evening, pertaining to co-location points on cell towers for emergency 911 services. This amendment is approved as follows:

Add a new sub-section number 4-11.5: Owners of towers shall provide the county co-location opportunities as a community benefit to improve radio communication for county departments and emergency services.

Madam Chairman reviewed the following other information items on the agenda:

- Marion Regional Farmers Market Dedication on Saturday, August 30 at 11 a.m. (see attachment).
- Town of Marion's annual observance of Patriots Day on Thursday, September 11 at 6 p.m. Request for guest speakers (see attachment).
- Budget Committee meeting, Friday, September 5 at 10:30 a.m.

Mrs. Johnson stated that the Town of Saltville's Quarterly Dinner Meeting will be coming up sometime during the first couple weeks of September. More definite dates will be on the agenda of the next meeting

8-28-2008

Joe Ellis spoke before the Board explaining an event coming up, the European Union Ambassador, former Prime Minister of Ireland, will be in Marion. He asked that the Board support a banquet being held in his honor. He stated that he had gotten a \$600 commitment from the Town of Marion and would like the same from the County.

Madam Chairman referred Mr. Ellis to Mr. Whitmore for an application of funds and explained that this is a new process for funds not budgeted.

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the meeting was adjourned at 8:20 p.m. Next Board meeting Tuesday, September 9 at 12:00 noon.

Darlene R. Neitch, Chairperson

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, September 9, 2008 at 12:00 noon.

Board Members

Present: Mrs. Darlene R. Neitch Mr. Michael Roberts
Mr. Todd Dishner Mr. Marvin Perry
Mrs. Brenda Waddell
Mr. Charlie Clark (*left at 12:50*)

Board Members

Absent: Mr. Wade Blevins

Staff Members

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

Chairperson, Neitch called the meeting to order at noon. Mr. Mark Haga, gave the invocation and Ms. Heather Gillespie led the pledge of allegiance.

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

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried, the minutes of August 12, and 28, 2008 were approved with minor grammatical changes made by Mr. Tate prior to the meeting.

Vote: 6 yea
1 absent (Blevins)

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

General County	\$1,020,000
Animal Control	\$694
Department of Social Services (Sept. 10-30, 2008)	\$320,000
(Oct. 1-14, 2008)	\$85,000
Schools Operating Fund	\$4,050,000

Vote: 6 yea
1 absent (Blevins)

9-9-2008

Upon motion of Mr. Perry, seconded by Mrs. Waddell, the Board unanimously approved the accounts payable listing in the amount of \$418,088.08.

Vote: 6 yea
1 absent (Blevins)

CITIZEN'S TIME

Later in the meeting at approximately 1:20 p.m., Doris Smith invited the Board to the annual brunch hosted by the Smyth County Extension Homemakers. This years brunch will be held on Tuesday, October 14 at 10:30 a.m. in the Smyth County Extension Office conference room (of the Morrison Building).

NEW BUSINESS

With the recommendation from the Animal Control Committee, the Board unanimously agreed to pay the following claims totaling \$1211. To be paid and appropriated out of the Animal Control, Claims & Bounties #003-91060-5802.

	<u>NAME</u>	<u>APPROVED</u>
1)	Dewayne & Kim Kimberlin 15 goats	\$900
2)	Tim Spencer 2 lambs	\$194
3)	Thomas Billings 1 goat	\$117
TOTAL:		\$1211

Vote: 6 yea
1 absent (Blevins)

With the recommendation of the Water and Sewer Committee, the Board unanimously agreed that the following accounts be written off due to the fact that successful judgments could not be placed on the following persons. Should these persons be found, the monies can be collected.

Dee Dee Smith Potokar	\$176.36
Amanda Christien Jarman	\$113.46
Melondy Rebecca Davidson	\$214.20
Jessica Michelle Woodward	\$82.24
<u>Barbara Calhoon</u>	<u>\$423.99</u>
TOTAL:	\$1,010.25

Vote: 6 yea
1 absent (Blevins)

At the request of Kenny Lewis, Chief Deputy, upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board appropriated up to \$24,000 from the Policy Activity Fund for the purchase of one vehicle. This is the second of three vehicles budgeted for fiscal year 2008-2009 out of this fund for the Sheriff's Department. This appropriation authorizes the County Administrator or Assistant County Administrator to sign a check not to exceed \$24,000 once the vehicle arrives.

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried, the Board approved the Byrne Justice Assistance Grant Program (JAG) grant in the amount of \$2,306 in federal funds with a required local cash match of \$256, totaling \$2,562.

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board approved the DMV Highway Safety Grant in the amount of \$21,000 in federal funds, with a \$4,200 in-kind match, totaling \$25,200.

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, Board approved the Term Services Agreements (as presented, each agreement is the same) for the following 6 firms:

- | | |
|-----------------------|--------------|
| Anderson & Associates | Peed & Bortz |
| Draper Aden | Adams Heath |
| Thompson & Litton | Lane Group |

Vote: 6 yea
 1 absent (Blevins)

The issue below was continued earlier in the meeting so that Mr. Jeff Richardson, Commissioner of Revenue could appear to better explain the request. Once he clarified the request and discussed it in better detail with Mr. Tate and answered general questions, the motion below was made:

9-9-2008

Upon motion of Mr. Dishner, seconded by Mrs. Waddell, and unanimously carried, the Board approved a real estate tax refund in the amount of \$435.33 to Countrywide Tax Services Corp., an escrow account in the name of John & Paula Johnson.

Vote: 5 yea
 2 absent (Blevins, Clark)

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board scheduled a public hearing on Thursday, September 25, at 7:30 p.m. or soon thereafter, for bonds to be issued to finance improvements to the water system in the North Holston area of the county. Estimated maximum amount of the bonds to be issued is \$473,000.

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mr. Dishner, seconded by Mr. Roberts, the Board unanimously approved a Job Change Order not to exceed the amount of \$13,000 for the Whitetop Mountain Site. This is covered in the contingency portion of this project and will go to Advanced Wireless Solutions (AWS).

Vote: 5 yea
 2 absent (Blevins, Clark)

Steve Buston of the Virginia Department of Transportation was present and distributed maintenance concerns. He had no other business for the Board at that time.

At the request of Lavonda Carson of the Virginia Department of Health, Mr. Perry motioned that the Board appropriate \$346.48 (from the Animal Control fund - office supplies, #003-091060-5401) to be used for the advertisements of the dog and cat vaccination clinics to be held by the Virginia Department of Health, throughout the county. This motion was seconded by Mrs. Waddell, and unanimously carried by the Board. These advertisements will run in the Smyth County News and Saltville Progress.

Vote: 5 yea
 2 absent (Blevins, Clark)

9-9-2008

The following are motions made in regards to the recommendations from the Planning Commission from the joint public hearing held on Thursday, August 28:

1. Upon motion of Mr. Dishner, seconded by Mrs. Waddell, and unanimously carried, the Board accepted the recommendation from the Planning Commission on the request from Phyllis Hall for a Special Use Permit to establish a Restaurant at 3931 Whitetop Road, Chilhowie. The property is zoned Agricultural/Rural and is identified as Tax Map No. 76-A-87I.

Vote: 5 yea
 2 absent (Blevins, Clark)

2. With the motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board accepted the recommendation from the Planning Commission on a Special Use Permit request from Teddy McClure, on behalf of Morgan-McClure Motors to establish an Automotive Sales and Service business behind 296 Packing House Road, Chilhowie. The property is identified as being Tax Map No. 64B-1-4-6.

Vote: 5 yea
 2 absent (Blevins, Clark)

3. Upon motion of Mr. Perry, seconded by Mrs. Waddell, the Board unanimously approved a recommendation from the Planning Commission on the request from Clinton O. Sexton and Judith S. Sexton for a Special Use Permit for the expansion of a Non-Conforming Use of property identified by Tax Map No. 57-A-71 & 57-A-70, 1147 Highway 16, Marion.

Vote: 5 yea
 2 absent (Blevins, Clark)

4. *Kenneth Hall request for a zoning map amendment.* In response to Mr. Perry's request (at the joint public hearing), Mr. Tate forwarded a memo to the Board addressing the procedure followed for map amendments. Following a discussion on the procedure for zoning map amendments, upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the recommendation from the Planning Commission regarding the Kenneth Hall request was continued. The Ordinance Committee will further discuss procedure for zoning map amendments.

Vote: 5 yea
 2 absent (Blevins, Clark)

9-9-2008

At approximately 3:00 p.m. the Board preceded with a public hearing as scheduled. Mr. Whitmore read the advertisement below as published in the Saturday edition of the Smyth County News and Messenger, August 23, 2008. There were no citizens present to speak therefore, upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried (5 yea, 2 absent - Blevins, Clark), the reading of the rules for public hearings were forgone.

**NOTICE OF INTENT TO APPLY FOR FUNDING AND
NOTICE OF PUBLIC HEARING**

The Smyth County Board of Supervisors hereby provides notice that it intends to file an application for funding with USDA, Rural Development for funding of a proposed Groseclose Area Sewer Collection System project, which consists of the installation of approximately 24,000 linear feet of new 12 inch, 8 inch, and 6 inch sewer line to serve an estimated 100 residences and businesses.

A public hearing on the proposed project will be held on September 9, 2008 at 3:00 p.m. Anyone requesting information on this project or to offer comments should attend this meeting, which will be held at the Board of Supervisors meeting room, 121 Bagley Circle, Marion, Virginia.

Mr. Scott Simpson, County Engineer, briefly summarized the project and explained that the public hearing was a part of the application process.

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

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. Re-codifying of the Smyth County Code **(1-10-2006)**. - *Mr. Carter briefly stated that the last word from the codifying firm was that it was going to print.*
4. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee **6-13-2006**).
5. Disposal of former school building at 105 East Strother Street **(7-11-2006)**. - *This item was briefly discussed in relation to the Courthouse renovation.*
6. 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)**. - *Upon motion of Mr. Perry, seconded by Mr. Roberts, and unanimously carried (5 yea, 2 absent - Blevins, Clark), the Board directed staff to confirm that Wythe County funded their part of the Airport's operating budget for year 2006, and then pay the above amount to Wythe County.*
7. Appointments:
 - Board of Zoning Appeals (2-12-2008)
One Alternate - VACANT

9-9-2008

- Department of Social Services Board (6-10-2008)
Park District (4 year term) - VACANT
 - Community Policy Management Team (6-10-2008)
Private Provider Representative (1 year term) - VACANT - *Mr. Carter mentioned that he would follow up with the Department of Social Services on the CMPT vacancy.*
8. Request the Board consider a resolution in support of the Tennessee Valley Authority 75th anniversary (4-8-2008). - *Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried (5 yea, 2 absent - Blevins, Clark), the Board approved removing this item (#8) from old business).*
 9. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer (5-13-2008).
 10. Gas bids (6-26-2008). - *Mr. Carter briefly updated the status of the gas supply for county vehicles. He is currently working with local agencies to meet this needed supply.*
 11. Radio System Project (6-26-2008).
 12. Request the Board consider a replacement for the Wytheville Community College Board (8-12-2008). - *Mr. Whitmore clarified that he had spoken with the College President on the boundaries for serving Board members. Upon motion of Mrs. Waddell, seconded by Mr. Dishner, and unanimously carried (5 yea, 2 absent - Blevins, Clark), the Board appointed John R. Doyle to the Wytheville Community College Board, to fill the previous member's term which will expire June 30, 2009.*

OTHER BUSINESS

Madam Chairman asked each Board member for an update in their district.

As the Emergency Services Director, Mr. Roberts gave a brief update on a recent meeting to discuss plans in the event of a hurricane passing through the area.

Mr. Roberts inquired about his request from the last regular meeting regarding the property by the Allison Gap First Church of God. The Church is interested in purchasing this lot; the owners have failed to pay taxes on the property for quite sometime. Mr. Tate briefly explained the work he has conducted on this over the past few years. The Board held a brief discussion on this issue and was held until the full Board if present to participate in the discussion.

Mrs. Neitch also noted that the Town of Saltville's Quarterly Dinner Meeting on September 18 to be held at the Hardy Roberts Memorial Wave Pool, 6:30 p.m. Please RSVP by Sept. 16th (casual dress is recommended).

9-9-2008

CLOSED SESSION

Upon motion of Mr. Dishner, seconded by Mrs. Waddell, and unanimously carried, at 2:02 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (5) and (7) as described below:

(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: 5 yea
 2 absent (Blevins, Clark)

At 2:15 p.m. the Chairperson ended the closed session.

Upon motion of Mr. Dishner, 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: 5 yea
 2 absent (Blevins, Clark)

9-9-2008

CONTINUE THE MEETING

At 3:04 p.m., upon motion of Mr. Perry, and seconded by Mr. Dishner, the Board continued this meeting until Thursday, September 25, 2008 at 7:00 p.m. for a joint public hearing with the Planning Commission, and along with any other issues that may arise.

Vote: 5 yea
 2 absent (Blevins, Clark)

Darlene Neitch, Chairperson

Virginia: Continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, September 25, 2008.

Board Members

Present:

Darlene Neitch
Brenda Waddell
Wade Blevins
Todd Dishner
Charlie Clark
Michael Roberts

Absent:

Marvin Perry

Staff Members

Present:

Ed Whitmore
Amber Johnson
Clegg Williams
John Tate

Mike Carter
Scott Simpson
Becca Kirk
Charlie Atkins

Planning Commission Members

Present:

Karl Kalber
Norman Sparks
Graham Davidson
Don Medley
Dennis Blevins

Absent:

Amy Tuell
Wayne Venable

Mr. Whitmore, County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on September 13th and 20th (Saturday editions). Mr. Whitmore also read the rules of procedures for public hearings. There were approximately 6 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 25, 2008, 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 Konnarock Retreat House, which has been forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an amendment to the official Zoning Map at Konnarock, Virginia, to rezone approximately 5.205 acres from Conservation/Recreation-Public to Agricultural/Rural. The Smyth County Comprehensive Plan does not identify a density range and the general usage of this property has most recently been vacant. The property is located at 6402 and 6404 Whitetop Road in Troutdale, Virginia, and is identified as Tax Map No. 86-A-90 and can be found in Grid Map No. 165 of the official Zoning Map of Smyth County.

An application from Hobert M. Widener for a Special Use Permit to establish an Automotive Sales and Service business. The property is located beside 296 Belle Hollow Road in Chilhowie. It is identified as Tax Map No. 77-A-70C and is zoned Agricultural/Rural.

An application from Mark J. Caudill for a Special Use Permit to construct a 30 unit Mini-Warehouse. The property is located at 6015 Lee Highway in Atkins, identified as Tax Map No. 49-A-7 and is zone Agricultural/Rural.

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.

9-25-2008

Copies of these applications along with their maps/drawings are on file in the Office of the County Administrator of Smyth County. Copies are also maintained by the 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
Karl A. Kalber, Chairman of the Planning Commission

In reference to all three (3) applications, Mr. Williams pointed out the pertinent sections of the ordinance for each of the applications presented. Notice of this public hearing was mailed to all of the adjoining property owners for each application.

Konnarock Retreat House—Application to Amend the Zoning Map: Mr. Williams summarized the first application which was from Konnarock Retreat House for an amendment to the zoning map. He summarized the history of the Konnarock Retreat House along with the history of the deed transfers pertaining to the Konnarock Retreat House. He further stated that in 2002 when Smyth County adopted the zoning ordinance and map, considering the school was owned by the Forest Service at that time, the property was zoned Conservation/Recreation - PUBLIC. Section 3-7 of the Zoning Ordinance defines the Conservation/Recreation – PUBLIC as having the purpose of delineating the lands in Smyth County that are publicly maintained by the state and federal government on the zoning map. It further states that it is understood that all land use regulations in such district are dictated by the agency that owns the property. He said that considering the US Forest Service had transferred the property to a private entity the zoning map no longer accurately reflected the ownership of the property. He explained that in order for them to proceed with their plans to restore the building, they have requested the property be rezoned to Agricultural/Rural. The property is identified as Tax Map No. 86-A-90. He stated that he had not received any comments regarding this application but did read into the record a letter he received from Jean Shepherd Hamm, Chair of the Board of Directors for the Konnarock Retreat House, Inc. Since no one else was present to comment on this subject, this application stood for no further comment.

Hobert Widener—Application for a Special Use Permit: At approximately 7:06 p.m. Mr. Williams explained an application he received from Mr. Widener for a Special Use Permit to establish an *Automotive Sales and Service* next to his residence at 296 Belle Hollow Road in Chilhowie. The property is identified by Tax Map number 77-A-

9-25-2008

70C and is zoned Agricultural/Rural. Mr. Williams mentioned the following sections of the ordinance: Section 3-2.2 (e), which allows an *Automotive Sales and Service* business in the A/R district by issuance of a special use permit and Article VI which contains the requirements that must be met before a special use permit may be approved. He stated that no one had contacted him regarding this application. Mr. Hobert Widener was present but did not wish to state anything further than what Mr. Williams had stated but said he would be happy to answer any questions. No one else spoke on this application.

Mark Caudill—Application for Special Use Permit: At approximately 7:08 p.m. Mr. Williams explained an application submitted by Mark Caudill for a special use permit to establish a mini-storage business behind 6015 Lee Highway in Atkins. The property is zoned A/R and is further identified by Tax Map No. 49-A-7. Mr. Williams pointed out the following sections of the ordinance: Section 3-2.2 bb) which allows mini-storage in the A/R district by issuance of a SUP, §10-46 which defines the proposed use, and Article 6 which contains the provisions for Special Use Permits. He stated that he had not received any comments on Mr. Caudill's application.

Mr. Caudill was present and answered questions from the Board and Commission. Both the Commission and Board stated their concerns for safety regarding the entrance off of Hwy. 11. No one else spoke on this application.

At approximately 7:17 p.m. Chairperson Neitch and Chairman Kalber closed the joint public hearing.

Until the public hearing scheduled for 7:30 p.m., Mr. Tate briefly discussed the resolution for consideration approving the bonds issued by the Industrial Development Authority for the Smyth County Community Hospital and Mountain States Health Alliance.

At 7:28 p.m. the Board proceeded with the following public hearing as advertised in the Bristol Herald Courier on two (2) Friday editions, September 12th and 19th. Mr. Whitmore read the advertisement. Upon motion of Mr. Clark, seconded by Mr. Blevins,

9-25-2008

and unanimously carried (6 yea, 1 absent - Perry), the reading of the rules for public hearings were forgone. No one was present to speak regarding this hearing.

**NOTICE OF PUBLIC HEARING
OF PROPOSED BOND ISSUE
BY SMYTH COUNTY, VIRGINIA**

The Board of Supervisors of Smyth County, Virginia (the "Board of Supervisors") will hold a public hearing on the proposed issuance of bonds by Smyth County (the "County"). The general purposes for which the bonds are to be issued are to finance improvements to the County's water system in the North Holston area of the County and to pay the costs of issuing the bonds. The estimated maximum amount of the bonds to be issued is \$473,000. The public hearing which may be continued or adjourned, and at which persons may appear and present their views on the proposed issuance will be held at 7:30 p.m., or as soon thereafter, on September 25, 2008, before the Board of Supervisors in the Board of Supervisors Meeting Room at 121 Bagley Circle, Suite 100, Marion, Virginia.

Mr. Scott Simpson gave a brief explanation of the project. Action was not needed following the public hearing; a resolution will be presented for consideration at the regular meeting in October.

At 7:31 p.m. the hearing was closed.

The Board then continued and held a lengthy discussion on the request for the Board to consider a resolution, as recommended by the Industrial Development Authority, which approves issuing Bonds by the Authority for the benefit of the Smyth County Community Hospital and Mountain States Health Alliance. There was one representative present on behalf of the Smyth County Community Hospital, Mark Montgomery. Mr. Tate explained that neither the Board of Supervisors, Industrial Development Authority, Smyth County Community Hospital, nor the Commonwealth of Virginia, would be held responsible for the repayment of these bonds. The Board also discussed how this would affect its ability to borrow \$10 million a year. Mr. Tate also explained that there would be a clause in the agreement that this would not affect that borrowing factor for the Board. Following the discussions these motions were made.

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

Vote: 6 yea
 1 absent (Perry)

**RESOLUTION OF THE
BOARD OF SUPERVISORS OF SMYTH COUNTY, VIRGINIA**

WHEREAS, Smyth County Community Hospital ("Smyth Hospital"), a Virginia non-stock corporation, and Mountain States Health Alliance ("Mountain States"), a

9-25-2008

Tennessee nonprofit public benefit corporation, have requested that the Industrial Development Authority of Smyth County (the "Authority") issue its revenue bonds (the "Bonds"), in one or more series, at one or more times, and pursuant to a common plan of finance, pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), in an amount currently expected not to exceed \$80,000,000; and

WHEREAS, Smyth Hospital owns and operates a community hospital located at 565 Radio Hill Road, in the Town of Marion in Smyth County, Virginia (the "Existing Facility"); and

WHEREAS, the proceeds of the Bonds will be used (1) to pay costs of acquiring, constructing and equipping a 57-bed replacement hospital facility (the "New Facility") and refinance certain interim debt of Mountain States incurred to finance certain costs of improvements and additions to the Existing Facility, (2) to pay the costs of the issuance of the Bonds, (3) to provide for capitalized interest on the Bonds, and (4) if required to market the Bonds, to fund one or more debt service reserve funds for the Bonds; and

WHEREAS, the Authority, on September 17, 2008, held a public hearing on the issuance of the Bonds; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and Section 15.2-4906 of the Act require that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of the Bonds is located approve the issuance of such Bonds; and

WHEREAS, Smyth County Hospital and Mountain States (together, the "Corporations") have requested the Board of Supervisors of Smyth County, Virginia (the "Board of Supervisors"), to approve the issuance of the Bonds to comply with Section 15.2-4906 of the Act and Section 147(f) of the Code; and

WHEREAS, a copy of the Authority's resolution of September 17, 2008, approving issuance of the Bonds, a record of the public hearing and a fiscal impact statement with respect to the issuance of the Bonds have been filed with the Board of Supervisors; and

WHEREAS, the Authority has recommended that the Board of Supervisors approve the issuance of the Bonds to comply with Section 147(f) of the Code and Section 15.2-4906 of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SMYTH COUNTY, VIRGINIA:

1. The Board of Supervisors hereby approves the issuance of the Bonds by the Authority for the benefit of the Corporations and for the purposes described herein, as required by Section 147(f) of the Code and Section 15.2-4906 of the Act.

2. The approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the Corporations. The Bonds shall provide that neither Smyth County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, Smyth County, or the Authority shall be pledged thereto.

3. All acts and doings of the officers and members of the Board of Supervisors that are in conformity with the purposes and intent of this resolution shall be, and the same hereby are, in all respects approved and confirmed.

4. This resolution shall take effect immediately upon its adoption.

CERTIFICATE

The undersigned Clerk of the Board of Supervisors of Smyth County, Virginia (the "Board of Supervisors"), hereby certifies that the foregoing is a true, correct and

9-25-2008

complete copy of a resolution adopted by a majority of the Board of Supervisors present and voting at a regular meeting duly called and held on September 25, 2008, in accordance with law.

WITNESS the following signature and the seal of the Board of Supervisors this 25th day of September, 2008.

Edwin B.J. Whitmore, III
Clerk of the Board of Supervisors of
Smyth County, Virginia

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board agreed to the following indemnification statement as would be inserted into the agreement.

Vote: 6 yea
 1 absent (Perry)

265 Indemnification
(to be in Loan Agreement between hospital and IDA)

Reimbursement of County for Additional Financing Costs. If _____ County (the "County") sells and delivers any bonds, notes or other obligations during calendar year _____ payable from County taxes or County revenue sources, and such bonds, notes or other obligations would have been "qualified tax-exempt obligations," within the meaning of Section 265 of the Code, but for the Authority's issuance of the Series _____ Bonds, the Borrower will pay to the County within ninety (90) days from the closing date of any such bonds, notes or other obligations (i) the Differential, as defined below, resulting from the potentially higher interest cost that the County has to pay as a result of the County's inability to designate its bonds, notes or other obligations as "qualified tax-exempt obligations" within the meaning of Section 265 of the Code, and (ii) any incremental issuance costs associated with such bonds, notes or other obligations. The "Differential" shall mean the difference between (a) the interest expense with respect to the bonds, notes or other obligations if they are not issued as "qualified tax-exempt obligations" and (b) the interest expense on the bonds, notes or other obligations, as certified by the County and a third party advisor to the County, on a present value basis. The present value shall be calculated by using the yield on the respective bonds, notes or other obligations that were issued to discount the periodic amounts of the Differential to the closing date.

The following meetings were noted on the agenda for information:

- Friday, September 26 at 9:00 a.m. - Courthouse Committee
- Friday, September 26 at 1:00 p.m. - Budget Committee
- Tuesday, September 30 at 9:00 a.m. - Insurance Committee
- Tuesday, October 14 at 12:00 noon - Regular Board meeting
- Thursday, October 16 at 10:00 a.m. - Ordinance Committee
- Thursday, October 23 at 4:30 p.m. - Water and Sewer Committee
- Thursday, October 23 at 7:00 p.m. - Continued meeting, joint public hearing with Planning Commission)
- Tuesday, October 28 at 2:00 p.m. - Ordinance Committee

9-25-2008

At 7:48 p.m., by motion of Mr. Clark, seconded by Mrs. Waddell, and
unanimously carried, this meeting was adjourned.

Darlene Neitch, Chairperson

10-14-2008

Rodney Blevins of 6839 Nelson Lane, Atkins, explained his situation. He purchased a water meter when the project was installed at the discounted rate at that time. He was not able to hook to the meter due to the fact that the fitting did not extend out of the meter box far enough. He stated that after several attempts requesting the Water Department for assistance, he informed the Water Department by letter to remove him from the billing system. At that time the Water Department removed the meter from his property. He is now ready to hook to the county system and has been informed by the Water Department that it will cost the full amount to have the meter replaced. The Blevins' contend that they wanted to be removed from the billing system because they could not use the meter and did not want to be billed for the unusable meter. They never requested that the meter be pulled. Cindy Blevins was also present who addressed the Board on this issue.

Mr. Carter and Mr. Mike Neal briefly responded to this issue. Mr. Carter had just received a letter from the Blevins' regarding this issue. Madam Chairman asked that they return to the Water and Sewer Committee meeting on Thursday, October 23 to allow staff time to work through this problem.

Donna Wilson of 330 Still House Hollow Road, Saltville, explained that she had requested her driveway be named due to the fact that her home is a considerable distance off Still House Hollow Road.

Mr. Shannon Williams, E-911 Coordinate explained that policy will not allow a road be named until there are 3 structures on the road.

Madam Chairman stated that her request would be further considered by staff.

Harold Blevins of 319 Pioneer Road, Marion, questioned the Board on the installation of water in his community. He recalled recent years of the county receiving funds for this project.

Mr. Simpson, Engineer responded that he hopes to bid this project with in the next two months.

CLOSED SESSION

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, at 12:25 p.m., the Board agreed to enter into closed session as allowed by the Code of

10-14-2008

Virginia, Section 2.2-3711 (A) (7) as described below:

(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 1:20 p.m. the Chairperson ended the closed session.

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

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

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

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

Vote: 7 yea
 0 nay

Upon motion of Mr. Clark, and along with the Courthouse Committee's recommendation, the Board duly adopted the Courthouse renovation plan to include the court system only and for a 20 year projection needs in the renovation. This motion instructs the Wiley Wilson architect firm to begin plans for an administration building.

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

10-14-2008

Robert Hurt of the Virginia Department of Transportation distributed maintenance concerns regarding the curve before the McMullin railroad bridge and Children at Play signs request by a Ms. Debord.

Mr. Hurt also gave an update on Route 622 which will open in approximately 2 weeks. The advertisement for bids for the next section of the route will go out in mid-November. He also updated that the final review will be complete soon on the Exit 47, Location and Design.

Mr. Perry questioned the stability of the McMullin railroad bridge and if it could at least be painted. Mr. Clark inquired about the Highway 11 bridge in Seven Mile Ford and Mr. Tate mentioned a shoulder drop off at the on ramp of Exit 45.

Following an update from Jeff Richardson, Commissioner of Revenue, upon motion of Mr. Perry, seconded by Mr. Clark, and duly carried; the Board gave the Commissioner the authority to implement the following rehabilitated real estate tax exemptions for 2008 under the Enterprise Zone program for the following businesses:

- LT Development - \$6,099.03
- Ellis Hospitality - \$7,179.48
- Appalachian Realty - \$458.64

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

Below is a brief synopsis of a request of Jeff Richardson, Commissioner of Revenue:

- Mr. Richardson explained a staffing issue in the Commissioner's office due to the untimely death of an employee.
- Due to the current 90 day hiring freeze, the Commissioner has submitted a waiver request to the State, to allow him to immediately fill the Compensation Board position.
- Utilizing County funds for October and November, from the now vacant position; Mr. Richardson requested that an appropriation be made in the amount of \$3,070 to be used in the month of December to compensate the new hire.
- After December, the hiring freeze will be lifted and that office will begin receiving funds from the State for the filled position.
- If the waiver is granted by the State, this request will be null and void.

10-14-2008

Following discussion, the Board did agree to Mr. Richardson's request as follows and invited him to attend the next Budget Committee meeting on Wednesday, October 22, should this issue need further discussion:

The Board agreed upon this request with out any action needed due to the fact that the position held by this employee was partially funded by the County and those funds were included in the 2008-2009 budget. In December, \$3,070 will be used (county's supplemental funds to this position for October and November) to fully compensate the new hire. The freeze on new hires from the State is expected to end as of January 2009. At that time, the State and County funding for this position will resume as before.

*Note from Clerk: The Commissioner was notified October 15 that the waiver request was granted for his office.

At approximately 2:15 p.m. madam Chairman open the following public hearing as published in the Smyth County News and Messenger, July 19 and 26, 2008. Mr. Whitmore read the advertisement.

Public Hearing Proposed Increase in Water and Sewer Rates

Pursuant to Section 15.2-5136 of the Code of Virginia, the Smyth County Board of Supervisors proposes to increase the rates charged for Water and Sewer services within the Smyth County systems.

A Public Hearing will be conducted by the Smyth County Board of Supervisors on Tuesday, October 14, 2008 beginning at 2:00 p.m. in the Board of Supervisors meeting room, 121 Bagley Circle, Marion, Virginia.

A copy of the present and proposed rate schedule is on file at the Smyth County Administrators Office, 121 Bagley Circle, Marion, Virginia and may be viewed during normal business hours.

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

No one was present to speak regarding this public hearing. Mr. Simpson addressed the Board and answered brief questions as to when this advertisement was published and who was notified.

The hearing was closed at approximately 2:20 p.m.

Upon motion of Mr. Perry, seconded by Mr. Clark, and along with the Water and Sewer Committee's recommendation, the Board unanimously adopted the proposed

10-14-2008

increase in Water and Sewer rates. This rate increase will be effective November 1, 2008.

Water Rates – Residential

Current Rates		Proposed Rates	
0 – 3,000 gallons	\$20.00 minimum bill	0 – 1,000 gallons	\$15.00 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	1,001 – 6,000 gallons	\$6.50 per 1,000 gallons
		6,001 and over	\$8.00 per 1,000 gallons

Water Rates – Commercial

Current Rates		Proposed Rates	
0 – 4,000 gallons	\$25.00 minimum bill	0 – 4,000 gallons	\$35.00 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	Each additional 1,000 gallons	\$8.00 per 1,000 gallons

Water Rates –Industrial

Current Rates		Proposed Rates	
0 – 25,000 gallons	\$100.00 minimum bill	0 – 25,000 gallons	\$162.50 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	Each additional 1,000 gallons	\$8.00 per 1,000 gallons

Sewer Rates – Residential

Current Rates		Proposed Rates	
0 – 1,000 gallons	\$12.50 minimum bill	0 – 1,000 gallons	\$15.00 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	1,001 – 6,000 gallons	\$6.50 per 1,000 gallons
		6,001 and over	\$8.00 per 1,000 gallons
Residential Flat Rate	\$20.00 per month	Residential Flat Rate	\$28.00 per month

Sewer Rates – Commercial

Current Rates		Proposed Rates	
0 – 3,000 gallons	\$50.00 minimum bill	0 – 4,000 gallons	\$35.00 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	Each additional 1,000 gallons	\$8.00 per 1,000 gallons

Sewer Rates -Industrial

Current Rates		Proposed Rates	
0 – 3,000 gallons	\$50.00 minimum bill	0 – 3,000 gallons	\$50.00 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	Each additional 1,000 gallons	\$8.00 per 1,000 gallons

Sewer Rates –Industrial Enterprise Zone

Current Rates		Proposed Rates	
0 – 3,000 gallons	\$40.00 minimum bill	0 – 3,000 gallons	\$50.00 minimum bill
Each additional 1,000 gallons	\$4.80 per 1,000 gallons	Each additional 1,000 gallons	\$8.00 per 1,000 gallons

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the nuisance complaint against the Ruby Eller Estate was continued until the November meeting. Mr. Clegg Williams, Zoning Administrator, informed the Board that this case is somewhat being resolved. The property owners have obtained a demolition permit and the inspector did see the contractors there on site.

10-14-2008

The following are motions made in regards to the recommendations from the Planning Commission from the joint public hearing held on Thursday, September 25:

1. Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board unanimously approved a recommendation from the Planning Commission regarding the application for a Zoning Map Amendment request from the Konnarock Retreat House. This application from Konnarock Retreat House was forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an amendment to the official Zoning Map at Konnarock, Virginia, to rezone approximately 5.205 acres from Conservation/Recreation-Public to Agricultural/Rural. The Smyth County Comprehensive Plan does not identify a density range and the general usage of this property has most recently been vacant. The property is located at 6402 and 6404 Whitetop Road in Troutdale, Virginia, and is identified as Tax Map No. 86-A-90 and can be found in Grid Map No. 165 of the official Zoning Map of Smyth County.

2. Upon motion of Mr. Blevins, seconded by Mr. Roberts, and unanimously carried, the Board approved the recommendation from the Planning Commission on the request of Hobert Widener for a Special Use Permit. This Special Use Permit is to establish an Automotive Sales and Service business beside Mr. Widener's residence at 296 Belle Hollow Road, Chilhowie. The property is zoned A/R and is identified as being Tax Map No. 77-A-70C.

Vote: 6 yea
 1 abstention (Neitch)

3. Upon motion of Mr. Clark, seconded by Mr. Dishner, the Board unanimously confirmed the Planning Commission's recommendation to deny Mr. Mark Caudill's application for a Special Use Permit to establish mini-storage units behind 6015 Lee Highway in Atkins. The property is identified as being Tax Map No. 49-A-7.

Note: Mr. Blevins left at this point in the meeting.

Roger Sturgill of the Riverside Community brought along visitors from the community interested in renovating the Riverside School.

Jack Garland, Pastor of the Riverside Baptist Church, explained his group's idea

10-14-2008

for the school. The group would be called Mount Rogers Mountain Mission and would be comprised of Board members from Smyth and Washington Counties. They would like to use the school for volunteers that will be staying in the area. These volunteers would also help renovate the school. A Mr. Bill Bard was also present to speak on behalf of the request.

Rev. Garland answered several questions regarding this request. The Board asked that he return to the Board with more information as the group becomes more organized.

Note: Mr. Dishner, Mr. Roberts, Mr. Clark declared their family members that work for the School Board and could vote impartially.

Superintendent, Dr. Michael Robinson and Dr. Jeff Cassell of the School Board Office was present for discussion. Discussion was held regarding a recommendation from the Budget Committee pertaining to the following appropriations request:

- Reduce debt service by paying off two (2) high interest loans - \$171,340
- Establish a school renovation and construction fund - \$250,000
- Replace roof at Smyth Career and Technology center - \$200,000
- Continue replacement of student desks at all schools \$100,000
- Upgrade fire alarm systems - \$50,000

Upon motion of Mr. Perry, seconded by Mr. Roberts, and unanimously carried, the Board amended the fiscal year 2008-2009 county budget from \$85,314,401 to \$85,364,401, and appropriated \$50,000 to the School Board budget line 66000-Capital Outlay.

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the remaining appropriation request from the School Board was continued for 120 days so that more information will be known on the status of the state budgets.

Bill Turman, Chief Animal Control Officer participated in the discussion pertaining to the new adoption program. He explained that this process would bring the county into compliance to ensure sterilization of adopted animals. Mr. Tate has reviewed the proposed adoption agreement, sterilization certificate, and the transfer procedure with the ordinance committee and has made his comments and minor changes. Below is a brief summary of the proposed new adoption program:

10-14-2008

- This new adoption program is to ensure sterilization of all adopted animals.
- A valid Virginia photo identification is required of all potential adopters.
- Adopters will be required to pay the following fee, in cash, prior to adoption and release of the animal:

Dogs:	\$55
Female Cats:	\$50
Male Cats:	\$35
- At the time of adoption the Smyth County Animal Shelter will issue a Sterilization Certificate, which is a means of monitoring this program.
- The adopter must contact the clinic of their choice to make an appointment for sterilization. Any charges by the service provider above and beyond these fees, is the sole responsibility of the adopter.
- Failure to comply with this program will result in reclamation of the adopted animal by the Smyth County Animal Control.

Upon motion of Mr. Clark, seconded by Mr. Dishner, and along with the Ordinance Committee's recommendation, the above new adoption program is approved for implementation.

Vote: 6	yea
1	absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried by those present, the effective date of this new adoption program is effective December 1, 2008.

Vote: 6	yea
1	absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, **BE IT RESOLVED** that the Smyth County Board of Supervisors hereby encourages Appalachian Power to re-instate a program that assisted homes in converting old heating systems to heat pump systems, and

BE IT FURTHER RESOLVED that due to recent price increases for home heating fuel, the Board wishes to see this program in place for the upcoming winter season.

Vote: 6	yea
1	absent (Blevins)

NEW BUSINESS

Sally Morgan reported that the Industrial Development Authority will hold a Strategic Planning Session on October 30. The purpose of the session is to develop a plan with strategies to be accomplished over the next 2 to 3 years. The Economic Development Committee of the Board is invited to attend along with several outside resource persons involved in economic development in the region. The session will be facilitated by Betty Anne Tetter, formerly with the Virginia Economic Development partnership. It is the IDA's intention for the plan to be adopted by the IDA and

10-14-2008

presented to the Board upon completion.

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board appropriated \$8,694 from the Industrial Development Authority account, to Washington County for Smyth County's portion of the Route 11 Drainage Project for Highlands Business Park. This is a cost over run of \$782.16 from the original appropriation in 2006, which wasn't paid. This has been reviewed by the IDA and approved.

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Roberts, and unanimously carried, the following are approved, contingent upon the approval of Mr. Jeff Campbell (Water and Sewer Attorney):

- Mount Rogers Planning District Commission Kent Street Agreement
- Execution of the Kent Street Engineering Agreement with Anderson & Associates
- Execution of the North Holston Construction Contracts – Funding Agency Edition
- Execution of the North Holston Engineering Amendment
- Execution of the Pioneer, Shale Bank (Greenwood), Fox Valley Road Engineering Agreement - Funding Agency Edition (for contract administration, inspection, and permitting)

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board adopted the resolution for North Holston Bond Financing, as presented.

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mrs. Waddell, seconded by Mr. Perry, and unanimously carried, the Board approved the application to Rural Development for the Groseclose Sewer loan in the approximate amount of \$855,000 (23.16% of total project).

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the following upcoming holidays were approved:

Wednesday, November 26 - Close at Noon
Thursday, November 27 - Closed - Thanksgiving Day

10-14-2008

Friday, November 28 - Closed - Day after Thanksgiving
Wednesday, December 24 - Close at Noon
Thursday, December 25 - Closed - Christmas Day
Friday, December 26 - Closed - Day after Christmas
Thursday, January 1 - Closed - New Years Day
Friday, January 2 - Closed - Day after New Years

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board appropriated the Fiscal Year 2008 Department of Fire Programs Funds, "Aid to Localities" (account #001-032020-5604-7) as follows.

Town of Chilhowie	\$5,083
Town of Saltville	\$5,083
Nebo Fire Dept.	\$13,083
Atkins Fire Dept.	\$13,083
Sugar Grove Fire Dept.	\$13,083
<u>Adwolfe Fire Dept.</u>	<u>\$13,083</u>
TOTAL	\$62,498

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mr. Dishner, seconded by Mr. Perry, and unanimously carried, the Board approved the contract with Waste Management for the solid waste transportation and disposal services. This has been reviewed by Mr. Jeff Campbell who only suggested minor changes that had no impact on the agreement.

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mrs. Waddell, seconded by Mr. Dishner, and unanimously carried, the Board nominated Mr. Phillip Michael May for another term, as the Rye Valley District representative to the Smyth County Board of Zoning Appeals. If approved by the Judge of the Circuit Court, his five (5) year term will be from January 1, 2009 and expire December 31, 2013. Mr. Tate mentioned an item of old business, a vacant spot on the alternate list which is in need of being filled.

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried, the Board reappointed David Schwartz to the Board of Appeals to the Virginia Uniform

10-14-2008

Statewide Building Code. This four (4) year term is effective October 1, 2008 and will expire September 30, 2012.

Vote: 6 yea
1 absent (Blevins)

Mr. Clark requested that the following appointment be continued until the next meeting:

Smyth-Bland Regional Library Board
(Current unfilled 4 year term will expire 12-31-2010)
North Fork District - VACANT

Upon motion of Mr. Dishner, seconded by Mr. Clark, and unanimously carried by those present, the following recommendation from the Budget Committee was continued until the next meeting. Mr. Atkins will have an updated dollar amount for this contract.

The committee recommends renewing the additional one year option with Brown Edwards & Company for the Audit period ending June 30, 2008.

Vote: 6 yea
1 absent (Blevins)

The Board unanimously approved a standing recommendation from the Budget Committee, that on a case by case basis the over all county budget be amended and funds be appropriated for the clean up of properties brought to the courts level, under the Nuisance Ordinance.

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mr. Clark, seconded by Mr. Dishner, and along with the Budget Committee's recommendation, the Board appropriated \$50,002 from the Animal Control line item (#001-035010-9005 -Specific Use) to make the necessary improvements in the air handling and circulation system for the Smyth County Animal Shelter.

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

With the recommendation of the Surplus Property Committee, the Board unanimously declared the following list of items surplus property and authorized staff to decide which would be the best option to dispose of these items.

10-14-2008

- Video conferencing equipment purchased by Smyth County Juvenile & Domestic Relations Court (purchased in 1997).

	Year	Vehicle	Mileage
<u>Sheriff's Department</u>	1998	Jeep Cherokee	142,712
	2001	Ford Crown Vic	200,056
	2001	Ford Taurus	99,240
<u>County</u>	2002	Ford Pickup	112,165
	1997	Mercury Sable	167,056
	1995	Chevy Caprice	???
	1981	International Bus	???
<u>Dept. of Social Services</u>	?	Mercury Sable	???
	?	Chevy Caprice	???

- PVC water pipe stored at the landfill purchased by the county around 1998.
 4" PVC DR-14 3 bundles with 50 pipe per bundle, each pipe is 20' in length
 = 3,000 feet
 6" PVC DR-14 14 bundles with 28 pipe per bundle, each pipe is 20' in length
 = 7,840 feet

Vote: 6 yea
 1 absent (Blevins)

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. Re-codifying of the Smyth County Code **(1-10-2006)**. - *Mr. Carter briefly stated that the draft copy for review has been received.*
4. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee **6-13-2006**).
5. Disposal of former school building at 105 East Strother Street **(7-11-2006)**.
6. 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)**.
7. Appointments:
 - **Board of Zoning Appeals (2-12-2008)**
One Alternate - VACANT
 - **Department of Social Services Board (6-10-2008)**
Park District (4 year term) - VACANT
Upon motion of Mr. Dishner, seconded by Mr. Clark, and unanimously carried by those present, the Board appointed Anne Shults to the Smyth County Department of Social Services Board. Mrs. Shults' term will fill the previous member's term, which will expire June 30, 2012. Regular terms run four (4) years.

Vote: 6 yea
 1 absent (Blevins)

10-14-2008

- Community Policy Management Team (6-10-2008)
Private Provider Representative (1 year term) - VACANT
Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried by those present, the Board appointed Mr. Rick Bridges, new CEO of the Marion Youth Center (Keystone) to the Community Policy Management Team, as the Private Provider Representative. Bridges' one (1) year term will fill the current vacant term which will expire June 30, 2009.
Vote: 6 yea
1 absent (Blevins)
- 8. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer (5-13-2008).
- 9. Gas bids (6-26-2008).
- 10. Radio System Project (6-26-2008).
- 11. Staff is authorization to work with Mr. Tate on a property by the Allison Gap First Church of God. The Church is interested in purchasing this lot; the owners have failed to pay taxes on the property for quite sometime (8-12-2008).
- 12. A recommendation from the Planning Commission on the joint public hearing held on Thursday, August 28 (9-9-2008):
Recommendation on the request of Kenneth R. Hall for a Map Amendment: After discussion, Mr. Davidson made a motion, which was seconded by Mr. Medley and Mr. Sparks and unanimously carried, to recommend the Board of Supervisors approve the application for a Map Amendment as presented. The property is currently zoned A/R and is recommended to be rezoned R. The property is identified as being the remaining portion of Tax Map No. 56-A-89.
Mr. Clegg Williams, Zoning Administrator, will request the needed information (survey) from Mr. Kenneth Hall for the continued Board meeting.

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried, the above appointments that were addressed (Social Services and CPMT) were removed from old business.

Vote: 6 yea
1 absent (Blevins)

CLOSED SESSION

Upon motion of Mr. Dishner, seconded by Mr. Clark, and unanimously carried, at 4:39 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (5) and (7) as described below:

(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.

10-14-2008

Vote: 6 yea
1 absent (Blevins)

At 5:11 p.m. the Chairperson ended the closed session.

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

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

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

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

Vote: 6 yea
1 absent (Blevins)

CONTINUE THE MEETING

At 5:12 p.m., upon motion of Mrs. Waddell, and seconded by Mr. Clark, the Board continued this meeting until Thursday, October 23, 2008 at 7:00 p.m. for a joint public hearing with the Planning Commission, and along with any other issues that may arise.

Vote: 5 yea
2 absent (Blevins, Clark)

Darlene Neitch, Chairperson

Virginia: Continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, October 23, 2008.

Board Members

Present:

Darlene Neitch
Brenda Waddell
Wade Blevins
Charlie Clark
Marvin Perry

Absent:

Todd Dishner
Michael Roberts

Staff Members

Present:

Mike Carter
Scott Simpson
John Tate
Becca Kirk

Amber Johnson
Charlie Atkins
Clegg Williams
Sally Morgan

Planning Commission Members

Present:

Karl Kalber
Norman Sparks
Graham Davidson
Don Medley
Dennis Blevins
Amy Tuell

Absent:

Wayne Venable

Both Chairperson Neitch and Kalber called the public hearing to order. Mr. Carter, Assistant County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on October 11th and 18th (Saturday editions).

With a motion by Mr. Blevins, seconded by Mrs. Waddell, and a unanimous vote of those present, the reading of the rules of procedures for public hearings was forgone.

There was only one citizen 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 23, 2008, 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 Ira Lee Lowe Jr. for a Special Use Permit for the expansion of a nonconforming use (garage, wrecker service and auto salvage) located at 575 Belle Hollow Road in Chilhowie. The property is identified as being Tax Map No. 77-A-57 and is zoned Agricultural/Rural.

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.

Copies of these applications along with their maps/drawings are on file in the Office of the County Administrator of Smyth County. Copies are also maintained by the 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
Karl A. Kalber, Chairman of the Planning Commission*

10-23-2008

Mr. Williams summarized the application he received from Mr. Lowe for a Special Use Permit to expand his garage for his multi-use business consisting of a garage, wrecker service and auto salvage. The business is located at 575 Belle Hollow Road in Chilhowie. The property is further identified by Tax Map number 77-A-57 and is zoned Agricultural/Rural. Mr. Williams stated that all adjoining property owners received notice of this hearing by mail. Mr. Williams mentioned the appropriate sections of the ordinance pertaining to this request. He stated that he received a letter from Mr. Lowe's neighbors, Donna and Larry Hall. Mr. Williams summarized the letter and said that it essentially was in full support of Mr. Lowe's request and that Mr. Lowe was a neighbor. He stated no one else had contacted him regarding this application.

Mr. Ira Lee Lowe Jr. was present to address the Board and Commission. He stated that he operates a 24-hour wrecker service and proposes to expand his building by adding on a garage to house and to work on his wrecker trucks. He expressed the safety hazards for himself and other vehicles whenever he has to answer a wrecker call in the early morning hours with a frosted over truck and occasionally time is of the essence. No one else spoke on this application.

At approximately 7:10 p.m. Chairperson Neitch and Chairman Kalber closed the joint public hearing. The Board recessed while the Planning Commission completed their meeting.

At 7:15 p.m. the Board reconvened in the Boardroom.

The issue regarding Kenneth R. Hall had been continued since the September 9 Board meeting. The Board had requested the survey plat of his proposal. Mr. Hall's plat was presented by Mr. Clegg Williams at this meeting.

After review and consent, upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimous of those present, the Board approved a recommendation from the Planning Commission regarding the application for a Zoning Map Amendment request by Mr. Hall. This application from Kenneth R. Hall was forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an amendment to the official Zoning Map at Marion, Virginia, to rezone approximately 7 acres from Agricultural/Rural to Residential. The Smyth County Comprehensive Plan does not identify a density range and the general usage of this property has most recently been vacant. The property is

10-23-2008

located on Old Ebenezer Road in Marion, Virginia, and is identified as Tax Map No. 56-A-89 and can be found in Grid Map No. 100 of the official Zoning Map of Smyth County.

Vote: 5 yea
 2 absent (Roberts, Dishner)

Mr. Atkins distributed the year ending June 30, 2007 County and IDA audits.

Upon recommendation of the Budget Committee and with a unanimous vote of those present, the Board renewed the additional one year option with Brown Edwards & Company for the Audit period ending June 30, 2008, for the amount of \$58,000.

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

Upon motion of Mr. Clark, seconded by Mr. Blevins, the Board unanimously appointed Mr. Danny Rose to the Smyth-Bland Regional Library Board, as the North Fork District representative. His term will fill the previous member's term which will expire December 31, 2010.

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

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried by those present, the Board appropriated \$15,210 from East Hungry Mother Debt Retirement (501-085040-0174) to make the first interest only payment on the East Hungry Mother note. Payment to be made to Rural Development.

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

Mr. Shannon Williams, E-911 Coordinator was present for the following issues. He clarified and answered questions.

With the recommendation of the Budget Committee, and by a unanimous vote of those present, the Board rejects the bid from Nickels, Inc. for the 911 Center relocation to the Health Dept. Building, this current bid expires October 31, 2008. The Center relocation will be revisited at a later time.

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

With the recommendation of the Budget Committee, and by a unanimous vote of those present, the Board awarded the infrastructure portion of the radio system project

10-23-2008

to Morcom International, Inc, of Chantilly, VA, in the amount of \$1,946,841.50, this award is without the maintenance portion of the bid in the amount of \$239,000.

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

With the recommendation of the Budget Committee, and by a unanimous vote of those present, the Board accepted the Professional Communications Bid for the items below, for EMS Departments. Funding will be provided by the Rescue Squad Assistance Fund Grant with the remainder from the RSAF Grant Award line item:

Mobile Radios:	17	\$23,685.60
Portables Radios:	116	\$66,829.92
<u>Pagers:</u>	<u>40</u>	<u>\$17,600</u>
Total:		\$108,115.52

Furthermore, this motion approves utilizing the same bid from Professional Communications for the necessary items listed below for the fire departments. Funding will be provided by Assistance to Firefighter Grant (AFG) with the remainder from the Fire & Rescue Association Capital Line item:

Mobile Radios:	23	\$17,406.40
Portables Radios:	89	\$50,918.68
<u>Pagers:</u>	<u>120</u>	<u>\$52,800</u>
Total:		\$121,125.08

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

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried, the Board scheduled a public hearing for the courthouse refinancing. The hearing will take place on Wednesday, November 12, 2008 (next regular Board meeting) at 3:00 p.m. and will be published in the Smyth County News and Messenger on October 29 and November 5 (Both Wednesday editions).

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

The advertisement will appear as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that on Wednesday, the 12th day of November, 2008, the Board of Supervisors of Smyth County, Virginia, will hold a public hearing on the proposed issuance of general obligation public improvement bonds of Smyth County in one or more series and in the estimated aggregate maximum principal amount of \$20,000,000. The purpose of the proposed bonds is to finance, together with other available funds, a new courthouse facility.

10-23-2008

The public hearing, which may be continued or adjourned, will be held at 3:00 p.m. or as soon thereafter as the matter may be heard on November 12, 2008, in the Board of Supervisors meeting room on the first floor of the Smyth County Office Building at 121 Bagley Circle, Marion, Virginia 24354. Interested persons may appear at such time and place and present their views.

*Edwin B. J. Whitmore, III
Clerk, Board of Supervisors
Smyth County, Virginia*

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried, at 7:45 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) as described below:

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

At 7:52 p.m. the Chairperson ended the closed session.

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

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

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

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

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

10-23-2008

At 7:48 p.m., by motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, this meeting was adjourned. The next regular meeting is on Wednesday, November 12, 2008.

Darlene Neitch, Chairperson

CITIZEN'S TIME

Mr. Sidney Osborne of Kelly Hill Road, Atkins, spoke in regards to the recent posting of Glade Mountain Road, by a private citizen. He is unsure as to why the landowner on the road has posted the road. He distributed information to aid in proving that this is a public right of way. He explained that the road is and has been used by many travelers. He also left a petition signed by approximately 990 citizens in support of keeping the road a public right of way. Madam Chairman informed Mr. Osborne that the Department of Transportation would be at this meeting at 2:00 p.m., if he would like to speak with them at that time. VDOT may be able to shed some light on this situation.

Mr. Jimmy Harrington also commented on the same issue of the posting of Glade Mountain Road. He expressed his concerns for the public right of way.

Mr. Don Lambert addressed the Board on the time the Board currently meets during the day. He requested that the Board look at "more user friendly meeting times", such as maybe in the evenings.

NEW BUSINESS

With the recommendation of the Insurance Committee, the Board unanimously accepted the Anthem renewal for the calendar year 2009 at a 9.1% decrease. The rates are as follows:

	<u>Currently</u>		
	Total	Employer's	Employee's
Employee Only	\$419.58	345.40	74.18
Employee and One child	\$629.41	518.13	111.28
Employee and Children	\$965.08	794.45	170.63
Employee and Spouse	\$881.25	725.45	155.80
Employee and Family	\$1,342.73	1,105.34	237.39
Medicare Carve Out	\$427.97		427.97
	<u>Proposed</u>		
	Total	Employer's	Employee's
Employee Only	\$381.30	313.89	67.41
Employee and One child	\$571.98	470.85	101.13
Employee and Children	\$877.02	721.96	155.06
Employee and Spouse	\$800.84	659.25	141.59
Employee and Family	\$1,220.22	1,004.49	215.73
Medicare Carve Out	\$388.92		388.92

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

11-12-2008

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and along with the recommendation of the Ordinance Committee, the Board authorized the advertisement of a public hearing for the amendments to Section 6, Article, III (Musical or Entertainment Festivals) of the Smyth County Code.

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

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the above public hearing is scheduled for the next regular meeting on Tuesday, December 9, 2008 at 3:00 p.m.

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

Upon motion of Mrs. Waddell, seconded by Mr. Dishner, and unanimously carried, the Board unanimously reappointed J. Patton Graham to the Smyth-Bland Regional Library Board, as the Atkins District representative. This new four (4) year term will expire December 31, 2012.

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

With a recommendation and explanation by Mr. Atkins and both Dr. Robinson and Dr. Cassell of the School Board, the motion below was made.

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board approved a recommendation from staff that the county's election of funds for the Secure Rural Schools Act (SRS) is under the state program, as opposed to 25% to the locality.

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

Note: Mr. Dishner, Mr. Roberts, Mr. Clark declared their family members that work for the School Board and could vote impartially.

Upon motion of Mr. Dishner, seconded by Mrs. Waddell, and unanimously carried, the Board continued the following request referred from the Budget Committee, until the full Board is present for discussion:

A written request from the Commonwealth Attorney, Treasurer, and the Sheriff. Mr. Roy Evans, Commonwealth Attorney was present for the committee meeting (on

11-12-2008

November 7) to explain the request on behalf of his office. He requested that the Board consider a raise for the Constitutional Offices equal with the raises of the county employees that was approved for fiscal year 2009. He stated that the requested raise would be from December 1, 2008 through June 30, 2009. The state has deferred their 2% raise for December 2008 to July 2009. He understands that this is a cost the Board does not usually bear and asked that they consider the request.

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

With the recommendation of the Budget Committee, the Board agreed that RCC Consultants of the Radio System project proceed with Task Order #2 in the amount of \$139,687.08.

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

With the recommendation of the Insurance Committee, the Board unanimously accepted the recommendation to change from Ameritas dental coverage to Delta Dental. This coverage is at the expense of the employee. Effective January 1, 2009.

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

With the recommendation of the Insurance Committee, the Board unanimously approved Lisa Vencille, of Vencille Insurance and Consulting Services, to be employed as the consultant for the insurance needs of the county. Cost is \$13,000 for the first year. If the Board chooses to exercise the right to renew for the two (2) additional years in the agreement, cost is \$6,000 each year after the first year (with an additional \$1500 in year 2 and 3 if the county chooses to go through the bidding process).

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

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the following portion of the October 14 minutes were amended to include as to what the services are for in the last Engineering Agreement listed:

Upon motion of Mr. Perry, seconded by Mr. Roberts, and unanimously carried, the following are approved, contingent upon the approval of Mr. Jeff Campbell (Water and Sewer Attorney):

- *Mount Rogers Planning District Commission Kent Street Agreement*
- *Execution of the Kent Street Engineering Agreement with Anderson & Associates*
- *Execution of the North Holston Construction Contracts – Funding Agency Edition*
- *Execution of the North Holston Engineering Amendment*

11-12-2008

- *Execution of the Pioneer, Shale Bank (Greenwood), Fox Valley Road Engineering Agreement - Funding Agency Edition (for contract administration, inspection, and permitting)*

Vote: 6 yea
1 absent (Blevins)

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

Mr. Scott Simpson, Engineer, briefly stated that he is awaiting Rural Development authorization to go to bid on the Pioneer Road water project. Also, the Long Hollow water project bids will be opened December 4.

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board concurred with Shannon Williams, the E-911 Coordinator, that there be no change in policy regarding the request of Donna Wilson. Ms. Wilson of Still House Hollow Road appeared before the Board at the October meeting during citizen's time requesting that her drive way be named due to the fact that her home is a considerable distance off Still House Hollow Road and cannot be seen from the main road. Ms. Wilson is new to the area; the Board asked that she be informed that this is not an uncommon situation in this area. Emergency Services are able to reach homes off main roads if they are property marked.

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

Robert Hurt of the Virginia Department of Transportation gave the following updates on construction projects:

- The most recent construction on Route 622 will be open by November 14 or 17, they are awaiting guardrail posts.
- The next section of Route 622 to go to construction will be open for bids November 27 and is scheduled to begin in the spring of 2009.
- Construction on the bridge over I-81 at Exit 39 has a contract fixed date of October 1, 2009.
- Route 11 construction on the bridge over the railroad, west of Chilhowie (near Smyth/Washington County line) will be down to one lane in December for construction. It has a fixed contract date of December 31, 2009.
- Route 16 bridge construction in Sugar Grove near the Post Office has a fixed contract date of June 1, 2009. It will be one lane for construction by the end of December.

11-12-2008

Mr. Osborne from citizen's time was again present and was referred to the Department of Transportation. He spoke with the VDOT representatives during break. They will look into their records regarding this road for information.

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the Board unanimously closed the Nuisance Complaint of the Ruby Eller Estate, due to the fact that the matter has been completely resolved. The Zoning Department presented photos of the property, before and after which shows the property cleaned up.

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

The following is a motion made in regards to the recommendation from the Planning Commission from the joint public hearing held on Thursday, October 23:

Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, the Board approved the recommendation from the Planning Commission on the request of Ira Lee Lowe Jr. for a Special Use Permit. This Special Use Permit is to expand his building for the addition of a garage for a non-conforming use business (garage, wrecker service and auto salvage) located at 575 Belle Hollow Road, Chilhowie. The property is zoned A/R and is identified as Tax Map No. 77-A-57.

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

Mr. Tate gave brief updates on zoning cases in regards to Hagy, Berger, and Presley.

CLOSED SESSION

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried, at 2:09 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (5) and (7) as described below:

(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

11-12-2008

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, Waddell, Neitch, Clark, Blevins)
1 absent (Perry)

At 2:38 p.m. the Chairperson ended the closed session.

Upon motion of Mr. Clark, seconded by Mrs. Waddell, 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 (except for § 2.2-3711 (A) (5) convening the closed meeting were heard, discussed or considered by the Smyth County Board of Supervisors. It was determined that section 2.2-3711 (A) (5), discussion concerning a prospective business or industry, was not necessary.

Vote: 5 yea (Roberts, Dishner, Waddell, Neitch, Clark)
2 absent (Perry, Blevins - out of the room)

At 3:00 p.m. the Board proceeded with the following public hearing. Mr. Michael Carter read the rules for public hearings and the advertisement as published in the Smyth County News and Messenger on October 29 and November 5, 2008, both Wednesday editions. There were approximately 50 citizens in attendance.

NOTICE OF PUBLIC HEARING

Notice is hereby given that on Wednesday, the 12th day of November, 2008, the Board of Supervisors of Smyth County, Virginia, will hold a public hearing on the proposed issuance of general obligation public improvement bonds of Smyth County in one or more series and in the estimated aggregate maximum principal amount of \$20,000,000.

11-12-2008

The purpose of the proposed bonds is to finance, together with other available funds, a new courthouse facility.

The public hearing, which may be continued or adjourned, will be held at 3:00 p.m. or as soon thereafter as the matter may be heard on November 12, 2008, in the Board of Supervisors meeting room on the first floor of the Smyth County Office Building at 121 Bagley Circle, Marion, Virginia 24354. Interested persons may appear at such time and place and present their views.

*Edwin B. J. Whitmore, III
Clerk, Board of Supervisors
Smyth County, Virginia*

The list of citizens below spoke in opposition to the proposed amount for the courthouse renovations and the new structure itself. Some of their reasons for opposition were: placing a heavier burden on the citizens, idea of borrowing funds in the current economy, moving public offices from downtown, and impact on the historical value of the area. The most stressed reason for opposition was the need of funds for new schools.

Earl McClure	Roy Evans
Daniel Pickle	J.S. Staley
Fairfax Patterson	Tom Burkett
Joel Pugh	Martha Copenhaver
Jean Parks	Grant Harden
Clayborne Gwyn	Joe Copenhaver
Ken Heath	Melanie Lincoln
Joe Ellis	Allen Gray
Amy Harden	Bill Pugh
Donnie Brooks	Kelly Gray

This hearing was closed at 3:50 p.m.

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. Re-codifying of the Smyth County Code **(1-10-2006)**. - *Mr. Tate has read through some of the draft code, which is going to require more time. Mr. Carter stated that the company making these changes has given the County until the third week in December to complete its review.*
4. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee **6-13-06**).
5. Disposal of former school building at 105 East Strother Street **(7-11-06)**.
6. 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 **(6-12-07)**. - *Staff will confirm that Wythe County has paid their portion of these taxes.*

11-12-2008

7. Appointments:

- Board of Zoning Appeals (2-12-08)
One Alternate - VACANT

8. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer (5-13-08).

9. Gas bids (6-26-08). - *Mr. Clark explained that the County has made arrangements to purchase fuel from Rouses' in Chilhowie. This issue has been resolved.*

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, this item is removed from old business.

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

10. Radio System Project (6-26-08).

11. Staff is authorized to work with Mr. Tate on a property by the Allison Gap First Church of God. The Church is interested in purchasing this lot; the owners have failed to pay taxes on the property for quite sometime (8-12-08). - *Mr. Tate briefly updated that he has conducted work on this property in the past. There are approximately 35 heirs. He could meet with the Budget Committee at its convenience, to explain the time and cost to pursue if that is the direction the Board wishes to go.*

12. Nuisance complaint against the Ruby Eller Estate. Property owners have obtained a demolition permit and contractors have been seen on site (10-14-08). - *Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, this issue is removed from old business. It was resolved earlier in the meeting.*

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

13. The remaining appropriation request from the School Board was continued for 120 days so that more information will be known on the status of the state budgets (10-14-08).

- Reduce debt service by paying off two (2) high interest loans - \$171,340
- Establish a school renovation and construction fund - \$250,000
- Replace roof at Smyth Career and Technology center - \$200,000
- Continue replacement of student desks at all schools \$100,000

Courthouse Committee meeting is scheduled for Tuesday, November 18 at 4pm.

CONTINUE THE MEETING

At 3:57 p.m., upon motion of Mr. Clark, and seconded by Mr. Dishner, the Board continued this meeting until Thursday, November 20, 2008 at 7:00 p.m.

Vote: 4 yea (Dishner, Waddell, Neitch, Clark)
 3 absent (Perry - absent, Blevins, Roberts - out of the room)

Darlene Neitch, Chairperson

Virginia: Continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, November 20, 2008, 7:00 p.m. There were approximately 20 citizens present for this meeting.

Board Members

Present:

Darlene Neitch	Todd Dishner
Brenda Waddell	Michael Roberts
Wade Blevins	Charlie Clark
Marvin Perry	

Staff Members

Present:

Ed Whitmore	Amber Johnson
Scott Simpson	Charlie Atkins
John Tate	

1. Report from the Courthouse Committee.

Mr. Clark, Chairman of the Courthouse Committee reported that the Committee recommends site #3 at exit 44 for an administration building in relation to the courthouse renovation. Mr. Simpson distributed information from Custom Solutions regarding the property by exit 44 and information from Wiley & Wilson on the site feasibility study for the County Administration facility.

Madam Chairman continued further action on these documents so that the full Board could read and study the information.

2. David Rose of Davenport will discuss possible financing for the courthouse renovations.

Mr. Rose of Davenport & Company, LLC, reviewed his presentation of the general fund & enterprise fund. He explained the following points:

- Smyth County recently entered the Private Placement market to solicit approximately \$10 million for the first phase of its Courthouse project.
- Requests for Proposals (RFPs) for financing the Courthouse were sent to 13 local and regional banking institutions.
 - The County did not receive any suitable bids to fund the \$10 million in needs.
- The primary reasons for declining to fund the loan as cited by the banks' credit analysts were the following:
 1. Declining trend in General Fund and Enterprise Fund Balances.
 2. Use of Fund Balance to offset structural imbalances in annual operating budgets.
 3. No apparent meaningful actions to correct Enterprise Fund subsidy.

He stated that the Enterprise Fund is currently being addressed with some changes. He covered fund balance vs. total revenues, County Tax Collection & Rates, General Fund Budgets: Fiscal Years 2004 through 2009, and Water and Sewer Operations.

11-20-2008

The Board held a discussion with Mr. Rose, as he answered various questions.

Mr. Tate expressed the importance of the County designing the Courthouse facility which would be submitted to Judge Doherty. He stated that the County does not wish for the courts to design the facility.

3. Continued item from the last meeting (November 12) - Consider resolution in regards to the bond financing for Courthouse renovations.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the adoption of the resolution in regards to the bond financing for the Courthouse renovations was removed from the agenda due to the fact that the funds will not be borrowed this calendar year.

4. Consideration of Hutton & Williams as bond counsel for courthouse financing.

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried, the employment of a bond counsel was dropped from the agenda due to the fact that the funds will not be borrowed at this time.

5. Scott Simpson - Request the Board approve the Memorandum of Understanding, No.1 (Task Order) with Thompson & Litton in the amount of \$10,280 for the design of the ventilation improvements of the Animal Shelter facility.

Upon motion of Mr. Clark, seconded by Mr. Dishner, and duly carried, the Board approved the Memorandum of Understanding, No.1 (Task Order) with Thompson & Litton and appropriated the amount of \$10,280 (# 001-035010-9005) for the design of the ventilation improvements of the Animal Shelter facility.

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

6. Appropriate payments from the Feeder Cattle line in the amount of \$40,015.04. Smyth County is the fiscal agent of these funds from the state Tobacco Commission.

Upon motion of Mr. Dishner, seconded by Mrs. Waddell, and unanimously carried, the Board appropriated payments from the Feeder Cattle line in the total amount of \$40,015.04 (#001-0011010-8888-15). Smyth County serves as the fiscal agent of these funds from the state Tobacco Commission.

11-20-2008

At 7:57 p.m., by motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, this meeting was adjourned. The next regular meeting is on Tuesday, December 9, 2008, 12:00 noon.

Darlene Neitch, Chairperson

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 9, 2008 at 12:00 noon.

Board Members Present:
Mrs. Darlene R. Neitch
Mr. Todd Dishner (left at 3:00 p.m.)
Mrs. Brenda Waddell
Mr. Michael Roberts
Mr. Wade Blevins
Mr. Charlie Clark
Mr. Marvin Perry (left at 3:00 p.m.)

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

Chairperson, Neitch called the meeting to order at noon. Pastor Donna Hester, gave the invocation and Clegg Williams led the pledge of allegiance.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the agenda was adopted as to form, along with the additional agenda.

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the minutes of November 12, and 20, 2008 were approved.

Vote: 6 yea
 1 abstention (Perry)

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

General County	\$1,480,000
North Holston Water Project	\$152,797.40
Department of Social Services (Dec. 10-31, 2008)	\$300,000
(Jan. 1-13, 2009)	\$70,000
Schools Operating Fund	\$4,250,000
Accounts payable listing	\$888,745.69
*Includes \$346,417.88 to Advanced Wireless Solutions, Inc. for the Radio System Project.	

12-9-2008

CITIZEN'S TIME

Mr. Joe Ellis appeared before the Board requesting a letter of support for a grant application that will be submitted to the Appalachian Regional Commission, for the "Mountain Dew Museum" project proposal. He stated that the application is being filed by the "Museums of Appalachia," a non-profit organization. This grant is in the amount of \$500,000 and requires letters of support from the County, Town of Marion, and the Jones Family.

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board agreed on a letter of support for the above stated grant application to the Appalachian Regional Commission for the "Mountain Dew Museum" project proposal.

There were four (4) Town of Saltville Council members present inquiring about the newly adopted water and sewer rates. After speaking with staff, they did not wish to speak during citizens time.

NEW BUSINESS

With the recommendation of the Water and Sewer Committee, the Board unanimously agreed that the following accounts be written off due to the fact that successful judgments could not be placed on the following persons. Should these persons be found, the monies can be collected.

Lesley Roma Booth	\$279.74
Sherry Lynn Vermillion	39.10
Sherry Holmes	64.00
Ashley Lanham	127.47
Faye Annette Reddix	113.46
David Neeley	119.59
<u>Terry Moore</u>	<u>115.12</u>
TOTAL:	\$858.48

With the recommendation of the Ordinance Committee, the Board unanimously scheduled a public hearing for the next regular meeting on Tuesday, January 13, 2009, at 2:30 p.m. to take comment on the suggested changes from the Department of Conservation and Recreation (DCR) for the County's Erosion and Sediment (E&S) Control Ordinance.

12-9-2008

The committee made the recommendation for a public hearing due to the fact that the suggested changes from the Department of Conservation and Recreation (DCR) for the County's Erosion and Sediment (E&S) Control Ordinance will be the same as the Virginia State Code. If these changes are adopted, a public hearing will no longer be required when making changes to the E&S Ordinance, when they are like those changes made to the state code, ONLY.

With the recommendation of the Appointment Committee, the Board unanimously reappointed the following:

District Three Governmental Cooperative Board (1 year term)

Marvin R. Perry

Todd Dishner - *alternate*

Emergency Services Director (1 year term)

Michael Roberts

Mount Rogers Community Mental Health & Mental Retardation Services Board

(3 year term)

Susan L. Snead

Rhea B. Lawrence

Transportation Rural Technical Committee (MRPDC, 2 year term)

Ron Thomason

James D. Parlier - *alternate*

Virginia aCorridor, Mount Rogers Partnership (1 year term)

Marvin Perry

Mountain Community Action Program Board of Directors

Linda Larimer

A third seat on the Mount Rogers Community Mental Health & Mental Retardation Services Board was continued as vacant, due to Mr. Raymond Buchanan expressing that he did not wish to be reappointed.

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board commended Mr. Raymond Buchanan for his services to the Mount Rogers Community Mental Health & Mental Retardation Services Board and Mr. Jay Hubble for his service on the Mountain Community Action Program Board of Directors. A letter of thanks and recognition will be sent to each of these active citizens.

12-9-2008

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried, Mr. Dishner was reappointed to the Chamber of Commerce Board, as the Supervisor representative, for a 3 year term to expire January 31, 2012.

Vote: 6 yea
 1 abstention (Dishner)

Upon motion of Mr. Dishner, seconded by Mr. Clark, and unanimously carried, Sandy Davenport was reappointed to the Smyth County Chamber of Commerce Area Beautification Committee Judges as the Chilhowie District representative, for the 2009 calendar year. The remaining district representatives were continued.

Area Beautification Committee Judges

(Chamber of Commerce, 1 year term, beginning each January)

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

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board agreed to serve as the fiscal agent of a \$100,000 Tobacco Commission grant for the Rich Valley Fair Association.

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the Board approved the disbursement of two checks, each to be made to Wellborn Cabinet, Inc, as ordered by the Courts. The first check will be in the amount of \$9,497.30 and the second in the amount of \$12,662.14 for a total of \$22,159.44. These refunds include interest from December 6, 2007 through December 11, 2008. These should be posted to the Board of Supervisors Supplemental Appropriations (001-011010-8888).

12-9-2008

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board approved the contract between the County and Blue Ridge Mass Appraisal Company, LLC for 2010 General Reassessment. This contract is on file in the office of the County Administrator.

The following request was continued until the next regular meeting so that Mr. Brian Cregger can appear to explain the request in greater detail.

The Budget Committee reviewed and referred a request from Brian Cregger, Treasurer of the Smyth County Celebration Association. The Celebration Association is requesting that the county disburse the \$20,000 approved in the current budget to be used for the 2009 Song of the Mountains - Smyth County Celebration Bluegrass Festival.

With the recommendation of the Surplus Property Committee, the Board unanimously accepts the following bids and the items are awarded to the highest bidder as listed. These bids come to a total of \$7,931.

1981 International Bus VIN# 0979 - Lowes Garage	\$300
1993 Chevrolet Caprice VIN # 9418 - Cana Motors	\$647
1995 Chevrolet Caprice VIN # 8421 - Cana Motors	\$849
1997 Mercury Sable VIN# 4259 - Cana Motors	\$406
1997 Mercury Sable VIN# 5182 - Cana Motors	\$504
1998 Jeep Cherokee VIN# 3795 - William Dunford	\$925
2001 Ford Crown Victorian VIN# 8440 - Cana Motors	\$504
2001 Ford Taurus VIN# 2623 - Cana Motors	\$671
2002 Ford Pickup 4 X 4 VIN # 7007 - William Dunford	\$2,615
3 Bundles of 4" PVC DR-14 Water Line - Brent Hester	\$360 for all bundles
14 Bundles of 6" PVC DR-14 Water Line - Brent Hester	\$150 for 1 bundle

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the Board accepted the recommendations from Thompson and Litton in regards to bids received for the Long Hollow Water Line Extension Project:

Contract I	Central Builders, Inc.	\$509,793
Contract II	Boggs Municipal Services, Inc.	\$140,947
Contract III	Mid Atlantic Storage Systems, Inc.	\$210,410

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the Board approved pre-payment in the amount of \$4,099.07 to Delta Dental Insurance so that the coverage will be in effect January 1, 2009. This payment will be posted to the Board of Supervisors Supplemental Appropriations (001-011010-8888).

12-9-2008

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board appropriated \$8,050 from the Board of Supervisors Supplemental Appropriations (001-011010-8888) to Untiedt's Fencing for a replacement fence to be built around the well site at Watson Gap, as directed by the Water and Sewer Committee.

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board approved an appropriation in the amount of \$3,045 from the IDA line (Incentive Fund - Pass Through, #001-081030-8888-4). These funds will be paid to TEDS of Atkins, once the Tobacco Commission has processed the payment to the IDA for TEDS expansion project. This is the last payment on this grant (no local funds).

Steve Buston of the Virginia Department of Transportation briefly spoke before the Board. He updated them on the issue raised by Mr. Sidney Osborne, at the meeting in November, regarding the recent posting of Glade Mountain Road, by a private citizen. He stated that this route has not been in the VDOT system. He will conduct more research with the Richmond office as far as the deed to that area.

Mr. Buston briefly mentioned a maintenance concern with Mr. Blevins and Mrs. Neitch, and was also available for questions.

At 2:30 p.m. Dr. David Wilkin, President of Virginia Highlands Community College appeared to give the Board the College's annual report. He thanked the Board for their support and summarized the past year's accomplishments.

At 3:00 p.m. the Board proceeded with the following public hearing. Mr. Whitmore read the advertisement as published in the Smyth County News and Messenger on November 29 and December 6, 2008, both Saturday editions. There were two (2) citizens present. With a motion by Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the reading of the rules for public hearings was forgone due to the lack of interested citizens present.

12-9-2008

NOTICE OF PUBLIC HEARING

The Smyth County Board of Supervisors will conduct a public hearing on Tuesday, December 9, 2008, at 3:00 P.M., in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider amendments to the Smyth County Code, regarding **Section 6, Article III** pertaining to *Musical or Entertainment Festivals*.

The various proposed changes to this section of the Smyth County Code offers a more updated version for those events being held throughout the county at various times each year.

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

Mr. Clegg Williams briefly explained the proposed changes to this County Ordinance. The most significant change requires the applicants to file by the end of February or at least 60 days prior to the first date of such festival. The Board has 45 days to act once the application has been submitted. Once all the required information is submitted, a public hearing on the application will be held for comment.

This hearing was then closed at 3:08 p.m.

Following the hearing, Mr. Charlie Moser of the Adwolfe Fire Department had a brief question.

A decision on the proposed changes was continued until the regular meeting in January 2009.

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. Re-codifying of the Smyth County Code **(1-10-2006)**. - *Mr. Tate and Mr. Carter updated that they are currently in the process of reviewing the 310 page DRAFT document forwarded by the Municipal Code Corporation.*
4. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee **6-13-06**).
5. Disposal of former school building at 105 East Strother Street **(7-11-06)**.
6. 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 **(6-12-07)**. - *Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board appropriated a total of \$27,829.90 to pay Wythe County for their portion of taxes collected on air craft at the Smyth Wythe Airport. This is for taxes collected in 2006 (\$15,120) and 2007 (\$12,709.90). This is appropriated from the Board of Supervisors Supplemental Appropriations (001-011010-8888).*

12-9-2008

Upon motion of Mr. Dishner, seconded by Mrs. Waddell, and unanimously carried, item number 6 is now removed from old business.

- 7. Appointments: Board of Zoning Appeals (2-12-08)
One Alternate - VACANT
- 8. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer (5-13-08).
- 9. Radio System Project (6-26-08).
- 10. Staff is authorized to work with Mr. Tate on a property by the Allison Gap First Church of God. The Church is interested in purchasing this lot; the owners have failed to pay taxes on the property for quite sometime (8-12-08).
- 11. The remaining appropriation request from the School Board was continued for 120 days so that more information will be known on the status of the state budgets (10-14-08).
 - Reduce debt service by paying off two (2) high interest loans - \$171,340
 - Establish a school renovation and construction fund - \$250,000
 - Replace roof at Smyth Career and Technology center - \$200,000
 - Continue replacement of student desks at all schools \$100,000

- 12. Request referred from the Budget Committee for a full Board discussion:

In reference to a written request from the Commonwealth Attorney, Treasurer, and the Sheriff. Mr. Roy Evans, Commonwealth Attorney appeared before the Budget Committee on November 7 to explain the request on behalf of his office. He requested that the Board consider a raise for the Constitutional Offices equal with the raises of the county employees that was approved for fiscal year 2009. He stated that the requested raise would be from December 1, 2008 through June 30, 2009. The state has deferred their 2% raise for December 2008 to July 2009 (11-12-08).

- 13. Report from the Courthouse Committee - Committee recommends site #3 at exit 44 for an administration building in relation to the courthouse renovation. Mr. Simpson distributed information from Custom Solutions regarding the property by Exit 44 and information from Wiley & Wilson on the site feasibility study for the County Administration facility. This was continued for further action so that the full Board could read and study the information (11-20-2008). - *The Board duly confirmed the Courthouse Committee's recommendation for site #3 at Exit 44 for an administration building in relation to the courthouse renovation. This building will be used for interim court space during the courthouse renovation. This motion will initiate the final details and negotiations between the Committee and the property owners at Exit 44.*

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

OTHER BUSINESS

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried by those present in the room, the Board approved the release of three (3) assessments paid in full to the Treasurer. These assessments are in relation to residences on Harris Lane of Marion.

Vote: 5 yea (Dishner, Waddell, Neitch, Clark, Perry)
 2 absent (Roberts, Blevins - both out of the room)

12-9-2008

Mr. Tate briefly updated that the IDA was scheduled to sign final bond documents for the reduced hospital project, \$8 million. Signing of those documents was cancelled and the project has been placed on hold at this time.

CLOSED SESSION

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, at 2:44 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (5) as described below:

(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 2:50 p.m. the Chairperson ended the closed session.

Upon motion of Mr. Clark, seconded by Mrs. Waddell, 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 (except for § 2.2-3711 (A) (5) convening the closed meeting were heard, discussed or considered by the Smyth County Board of Supervisors. It was determined that section 2.2-3711 (A) (5), discussion concerning a prospective business or industry, was not necessary.

Vote: 7 yea
 0 nay

12-9-2008

MEETING ADJOURNED

At 3:15 p.m., upon motion of Mr. Blevins, and seconded by Mr. Clark, and carried by those present, the Board adjourned this meeting.

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

Darlene Neitch, Chair

