

The Smyth County Board of Supervisors held its regular January meeting at 12:00 noon, **Tuesday, January 12, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.	Wade H. Blevins, Jr.
M. Todd Dishner	Regina H. Davidson
Darlene R. Neitch	Roscoe D. Call
Brenda J. Waddell	

STAFF PRESENT:

Michael Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Scott Simpson, County Engineer
Charlie Atkins, CFO
Kenny Lewis, Chief Deputy

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger
Bruce Kravitz, Workforce Director
Larry Stevenson
Dr. Mike Robinson, School Superintendent (arrived at 1:00pm, left at 1:55pm)
Dr. Jeff Cassell, School Financial Officer (arrived at 1:00pm, left at 1:55pm)

CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

With a quorum present, the meeting was called to order at 12:00 noon. Mrs. Pam Testerman gave the invocation and Mrs. Sandy Elswick led the pledge of allegiance.

ADOPTION OF AGENDA

Supervisor Blevins motioned to adopt the agenda as to form, along with the additional agenda. Supervisor Clark seconded the motion, vote is as follows:

AYES: 7
NAYS: 0

Mr. Carter opened the floor for nominations of Chairman for the 2010 calendar year. Supervisor Dishner nominated Mr. Clark, remarking on his prior history as the Board Chair. Supervisor Blevins seconded the motion. No other nominations were made.

Supervisor Dishner motioned to close nominations and Supervisor Blevins seconded the motion. The vote is as follows:

AYES: 7
NAYS: 0

Mr. Carter asked for a vote on Mr. Clark's nomination. The vote is as follows:

AYES: 6
NAYS: 0
Abstain: 1

Mr. Carter gave the floor to Chairman Clark. Mr. Clark thanked the Board for their confidence.

Chairman Clark accepted nominations for Vice Chairman. Supervisor Neitch nominated Mr. Todd Dishner as Vice Chair, Supervisor Waddell seconded the nomination. With no other nominations, the vote is as follows:

AYES: 7
NAYS: 0

Chair Clark accepted nominations for Clerk. Supervisor Neitch nominated Mr. Mike Carter, Supervisor Dishner seconded the nomination. With no other nominations, the vote is as follows:

AYES: 7
NAYS: 0

Chair Clark accepted nominations for Deputy Clerk. Supervisor Neitch nominated Mrs. Pam Testerman, Supervisor Blevins seconded the nomination. With no other nominations, the vote is as follows:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to adopt the Rules of Procedures as presented. Supervisor Dishner seconded the motion to approve. The vote is as follows:

AYES: 7
NAYS: 0

Mr. Carter informed the Board; the Board usually conduct their monthly meetings the second Tuesday of each month starting at noon. The additional meetings are scheduled when needed. In November, VACo has a meeting that includes the second Tuesday. Mr. Carter recommended setting the meeting for Wednesday, November 10th.

Supervisor Davidson suggests talking to citizens and see if noon is still the best time for them to attend. Review this year and see how many citizens would participate more if meetings were at a different time; by seeing how many attend the continued meetings which are at night. She would like to get the schools more involved and the noon meetings would be a good time for students to come.

The vote is as follows for regular meetings to be held the second Tuesday each month, except for November, which will be held Wednesday, November 10th:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve the holiday schedule as approved by the Governor and as amended through out the year. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Neitch inquired about the cost for extra holidays. Mr. Atkins stated no significant cost for extra holidays, most employees are salary.

MINUTES OF PREVIOUS MEETINGS

The Board was presented with the minutes from the following meetings:

Tuesday, December 8, 2009

Thursday, December 17, 2009

Wednesday, December 23, 2009

Supervisor Neitch made a motion to approve the minutes as presented with noted changes. Supervisor Blevins seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

Mr. Atkins, Chief Financial Officer informed the Board he spoke with the Treasurer's Office, and at the end of business yesterday there was roughly \$2,233,000.00 in checking account and \$11,005,000.00 in CDs.

PAYMENT OF COUNTY INVOICES

Supervisor Blevins motioned to approve \$6,862,159.88 for appropriations. The following is an explanation of the appropriations approved:

General County	\$ 1,920,000.00
Animal Control Fund 3	\$ 6,159.88
Allison Gap Sewer Project	\$ 141,000.00
Social Services (January 13 - 31, 2010)	\$ 305,000.00
(February 1 - 9, 2010)	\$ 70,000.00
Schools - Operating Fund	\$ 4,350,000.00
Debt & Capital Outlay Fund	\$ 70,000.00

Supervisor Neitch seconded the motion, and motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Dishner motioned to approve the accounts payable listing in the amount of \$1,276,743.76. Supervisor Blevins seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

CITIZEN'S TIME

There were an estimated 10 citizens present and the following spoke:

Don Lambert, Thomas Heights, Marion; spoke concerning the time of Board meetings. Mr. Lambert disagrees with the noon meeting schedule voted on. The meetings need to be set when citizens may attend. Citizens have to take time off of work to attend the noon meetings. Mr. Lambert had to take a half a day off to attend meeting today.

Supervisor Davidson stated she had attended the night meetings and hardly any citizens were there. Mrs. Davidson had mentioned prior to study an alternate meeting time this year and see when citizens would be able to attend meetings.

Supervisor Call stated to review alternate meeting times.

Walter Robinson, Smyth County's Extension Agent for 28 years. Mr. Robinson retired at the 1st of January 2010, and was present to thank the Board for their continued support during the time he worked as the Extension Agent.

Charles Wassum III, Marion, after seeing articles in the newspaper, Mr. Wassum stated he had researched the VA Constitution. He read from the VA Constitution, Article 1 Section 6, Article 3 Section 1, and Article 4 Section 9. Mr. Wassum visited Appomattox County and their old courthouse was in bad shape. The judges there met in an old Middle School while the new courthouse was being built.

NEW BUSINESS

Diane Spence requested approval for the Byrne Memorial Justice Assistance Grant Program. Smyth County was approved for a 4th year to receive this grant. The Towns of Marion, Chilhowie, and Saltville also benefit from this program with finalizing computer equipment upgrades. The Grant amount is \$66,800 with local match of \$16,700. The Towns have approved their part of local match in the amount of \$4,200 each. There will be signed agreements from the Towns.

Supervisor Blevins motioned to approve appropriation and was seconded by Supervisor Davidson. The motion passed with the following vote:

AYES: 7
NAYS: 0

Jeff Richardson, Commissioner of Revenue requested a tax refund for Carolyn Brooks in the amount of \$135.00. Ms. Brooks was taxed for a boat by both Smyth County and Washington County. Mr. Tate stated the information received from Mr. Richardson does not state his determination as to whether Ms. Brooks should receive a refund. The request, at this time, was denied for the information was not received as required by the statute. With the advice of Mr. Tate; the Board unanimously agreed to send the requested information back to Mr. Jeff Richardson, Commissioner of Revenue for his determination as to if Ms. Brooks should receive a refund. This item will be placed on Old Business.

Mike Carter postponed his request, at this time, to appoint an ADA Coordinator. Mr. Carter informed the Board of an ADA Compliance Review he received from the Department of Justice. The County was cited for 242 violations. The Department of Justice would like to have a conference call in February. The Building and Grounds Committee will meet to discuss this further.

Ms. Jo Evans, Virginia Tech presented the following resolution:

County of Smyth Resolution of Support for
The Center for the Creative Technologies in the Arts @ Virginia Tech

WHEREAS, here in **Smyth County**, which encompasses the **Towns of Marion, Chilhowie, and Saltville**, we have a wide array of local arts, cultural and recreational activities that reinforce the economic and educational identity of the community including **The Lincoln Theatre featuring Song of the Mountains, Sherwood Anderson Festival, Regional Farmers Market, 2nd Friday's Art Walk, the Art Place, and Appalachian Spirit Gallery**; and,

WHEREAS, in a 2005 report the National Governors' Conference noted that a thriving arts community – especially in rural areas – has become a significant stimulant for high quality job growth and tax revenue and, according to Americans for the Arts, over one billion dollars annually is generated for Virginia businesses through arts and tourism; and

WHEREAS, **Smyth County** preschool through high school students live in a dynamic and stimulating environment which requires that schools address learning with interdisciplinary skills and up-to-date technology to motivate children to engage and learn; and,

WHEREAS, the Virginia General Assembly mandate under the Higher Education Restructuring Act, stipulates that state universities improve student achievement and upgrade knowledge and skills for educators throughout the Commonwealth; and,

WHEREAS, scientific studies demonstrate that the arts and technology significantly enhance educational progress for students in multiple subjects and at all levels; and,

WHEREAS, the new facility for the *Center for Creative Technologies in the Arts*, a project of the *Arts Initiative at Virginia Tech*, will expand research, interactive cross-disciplinary collaborations and active partnerships with public schools at the intersection of education, technology and the arts; and,

WHEREAS, working directly with schools across Virginia, the *Center for Creative Technologies in the Arts* will provide teacher training opportunities that result in the collaborative development and delivery of state-of-the-art educational resources designed to improve critical and creative thinking skills, increase SOL performance and advance academic achievement levels from preschool through high school grades; and,

WHEREAS, we believe the formation and development of the *Virginia Tech Center for Creative Technologies in the Arts* will provide significant benefits to the residents, students and businesses of **Smyth County**,

NOW THEREFORE BE IT RESOLVED that the **Board of Supervisors of the County of Smyth** hereby express their support for the *Virginia Tech Center for Creative Technologies in the Arts* and urge the Governor and the Members of the Virginia General Assembly to support its development and growth.

Charlie Clark, Chairman

Ms. Evans showed a brief presentation on the activities The Center for the Creative Technologies in the Arts consist of at this time. Teachers will have a one day training session at Virginia Tech to interact with researchers.

Supervisor Blevins motioned to support and Supervisor Dishner seconded the motion. The motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Bill Rush presented the Board with the following:

- An additional land proposal for Exit 44. Proposal #1 was 7 acres with the landowners designing and building the road on property. Proposal #2 the landowners are willing to donate an additional 15 acres and the County will design and build a road to parcels. With Proposal #2, the County will have 22 acres to possibly build an Admin Building and a new school. This has been formally discussed with the School Board. If the County considers Proposal #2, they will discuss this with the School Board.
- Discussed PPEA (Public Private Education Act). The PPEA is a 2002 Code that took over the 1995 PPTA (Public Private Transportation Act. This gives companies the right to build roads. This would help the County to spend less money and have more control over. The stumbling block the County has is it needs to enable legislation. Mr. Rush requests the Board get the enabling legislation in place. This does not commit the County to anything, it will allow more options.

The New River Resource Conservation & Development Area has adopted a new policy to have a calendar year term starting in 2010. The Board is requested an appointment from the Board of Supervisors. Mr. Jay Hubble has been the Board's representative in the past. Supervisor Neitch spoke to Mr. Hubble and he has accepted another term.

Supervisor Neitch motioned to reappoint Mr. Jay Hubble to the Resource Conservation and Development (RC&D) Council, as the Smyth County representative. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Tate stated in mid February six years ago the County had an Equalization Board created of 3 to 5 members. The Board of Supervisors will give nominations to the Judge and the court will appoint members to serve until December 31, 2010. The Equalization Board members will be involved in meetings the assessors will have with citizens concerning the assessments of their property. The members should consist of individuals in real estate, financial, and construction. Mr. Carter stated the County is responsible for hiring two (2) temporary employees to assist the Equalization Board for clerical duties.

Supervisor Neitch motioned to allow Mr. Carter to advertise for these clerical positions. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Steve Buston introduced himself to the new Board members. Mr. Buston presented the Board with pictures of Route 16 in Sugar Grove of the cavern under the road. Crews were waiting for the weather to clear before working on this. They will have to pump the water out of the cavern before filling in and fixing the bridge.

Mr. Robert Hurt introduced himself to the new Board members and presented the Board with a new VDOT manual. Mr. Hurt returned maintenance concerns to Supervisor Blevins and Supervisor Call. Mr. Hurt stated the office in Wythe County would take over Smyth and Grayson counties. All maintenance concerns should be sent to this office.

Committee Recommendation

Water and Sewer Committee:

Mr. Scott Simpson, upon the request from the Water and Sewer Committee, gave updates on the following water projects:

Kent Street – completed at the end of 2009; letters are being prepared to send the citizens.

Long Hollow – 100% completed. This water project is currently serving 30 to 32 customers.

Lucky Lane – have applied for funding.

Nicks Creek/Kelly Hill – designs are complete and are at the Health Department for approval. Once completed will serve about 130 citizens.

OLD BUSINESS

1. Collection of delinquent taxes **(8-10-04)**. *At the July 9, 2009 meeting, Mr. Carter stated he has an updated delinquent tax list. Supervisor Perry motioned to continue this issue. Supervisor Neitch seconded the motion and it duly passed:*

AYES: 6
NAYS: 1 C.C. "Charlie" Clark, Jr.

At the October 13, 2009 meeting, Supervisor Neitch inquired about the collection of taxes. It was advised to request a report from the Treasurer. The report should show 60 days after the publication of the delinquent tax list, between current year and last year, and see if there is any difference.

At the December 17, 2009 meeting, Mr. Carter presented the Board with a report prepared by the Treasurer's Office on delinquent tax collections, which was requested at the October 13, 2009 Board meeting. The report compares collections from June 30, 2008 to September 30, 2008 and June 30, 2009 to September 30, 2009, with more taxes being collected in 2008. The delinquent tax list was not published in 2008.

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee **6-13-06**).

3. Appointments: Board of Zoning Appeals **(12-17-09)**
One Alternate - VACANT

Area Beautification Committee Judges (12-17-09)
(Chamber of Commerce, 1 year term each calendar year)

Park District
Chilhowie District
Royal Oak District

At the January 12, 2010 meeting; Supervisor Dishner nominated Alice Freeman to be reappointed for Park District, Supervisor Blevins nominated Becky Eastridge to be appointed for Chilhowie District, and Supervisor Davidson nominated Gay Hart to be reappointed for Royal Oak District.

Smyth-Bland Regional Library Board (12-17-09)
(4 year term)

Park District
Saltville District

At the January 12, 2010 meeting; Supervisor Dishner nominated Pete Mowbray to be appointed for the Park District; and Supervisor Call nominated Vicki Montgomery to be reappointed for the Saltville District.

At the January 12, 2010 meeting; Supervisor Dishner motioned to approve the above appointments to the Area Beautification Committee and Smyth-Bland Regional Library Board. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

4. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer **(5-13-08)**.
5. Radio System Project **(6-26-08)**.
6. Referred to the Water and Sewer Counsel, proceed with legal documents to provide uncollectable names and accounts from the Water and Sewer Department to other water providers in the county **(2-10-09)**.
7. Nuisance complaint against a property owned by Joseph F. Ellis, Jr. - The Board voted to leave the matter on the Old Business agenda until the conclusion of a civil case is resolved. *(Civil case filed March 6, 2009)* At that time, the nuisance issue will be revisited. Mr. Patton Graham (Mr. Ellis' Attorney) will update the Board on the civil case as it progresses **(4-14-09)**.

At the November 12, 2009 meeting, Mr. Clegg Williams informed the Board no trial had been set.

At the January 12, 2010 meeting; Mr. Clegg Williams informed the Board, Mr. Patton Graham stated there is a settlement negotiating in progress.

8. Consideration for a \$3,000,000.00 Line-of-Credit. **(12-8-09)**
9. Tax refund request from Commissioner of Revenue; Robert M. & Crystal Battaglia land use omitted for year 2006 and 2007. The refund request is \$1,425.06 plus interest. **(12-8-09)**

At the January 12, 2010 meeting; Mr. Tate stated the omission of the land use was in error and this refund needs to be paid. The interest is at 10%, per Mr. Tate; first year is \$712.53 plus \$220.39 interest, and second year is \$712.53 plus \$147.38 interest making the total refund due \$1,792.83. Supervisor Dishner motioned to approve refund and remove item from list. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

10. Tax refund request from Commissioner of Revenue; GMAC – vehicle sold. The refund request is \$142.88. **(12-17-09)**

Mr. Carter presented the Board with the following items:

- Census Bureau will be preparing the census for Smyth County this year and are looking for individuals to help with that process.
- VACo/VML Legislative Day registration is due by January 29, 2010. If any member is interested to please let Pam know.
- Mrs. Sally Morgan is out-of-town, but she has prepared an unemployment rate chart. In November 2009 the rate was 10.7% and in January 2009 the rate was 10.3%. The County's unemployment rate seems to be staying around the 10% range.

CLOSED SESSION

At 2:31 p.m. a motion was made by Supervisor Dishner to re-enter into Closed Session under Section 2.2-3711 – A.5 (Industrial Prospect), 2.2-3711 - A.7 (Legal Counsel and Staff Consultation), and 2.2-3711 – A.3 (Personnel) of the Code of Virginia. This was seconded by Supervisor Neitch and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to open meeting, a motion was made by Supervisor Dishner to adopt the following resolution certifying the business conducted in closed session as follows:

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Neitch and the vote is as follows:

AYES: 7
NAYS: 0

Mr. Carter informed the Board there was no continued meeting this month. Mr. Carter stated there was a need for a Personnel, Budget, and Building and Grounds Committee meetings.

Mr. Tate informed Chairman Clark to appoint a Search Committee at this time. Chairman Clark appointed Supervisor Dishner, Chair, Supervisor Waddell, and himself to the Search Committee. A meeting will be scheduled.

ADJOURN

At 3:50 p.m. Chairman Clark adjourned the meeting.

The Smyth County Board of Supervisors held its regular February meeting at 12:00 noon, **Tuesday, February 9, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
M. Todd Dishner (arrived 12:09)
Darlene R. Neitch
Brenda J. Waddell

Wade H. Blevins, Jr.
Regina H. Davidson
Roscoe D. Call

STAFF PRESENT:

Michael Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Scott Simpson, County Engineer
Charlie Atkins, CFO
Sally Morgan, Economic Development
Kenny Lewis, Chief Deputy

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

With a quorum present, the meeting was called to order at 12:00 noon. Ms. Heather Gillespie gave the invocation and Mrs. Angie Wyatt led the pledge of allegiance.

ADOPTION OF AGENDA

Supervisor Blevins motioned to adopt the agenda as to form, along with the additional agenda. Supervisor Call seconded the motion, vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

MINUTES OF PREVIOUS MEETINGS

The Board was presented with the minutes from the following meetings:

Tuesday, January 12, 2010

Supervisor Blevins made a motion to approve the minutes as presented with noted changes. Supervisor Call seconded the motion and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Charlie Atkins discussed the Treasurer's expenses and appropriations report. The report stated at the end of January there was a cash balance of \$10,746,943.27.

PAYMENT OF COUNTY INVOICES

Supervisor Blevins motioned to approve \$5,577,650.03 for appropriations. The following is an explanation of the appropriations approved:

General County	\$ 1,135,000.00
Animal Control Fund 3	\$ 68.40
Long Hollow Water Project	\$ 17,581.63
Social Services (February 10 - 28, 2010)	\$ 305,000.00
(March 1 - 9, 2010)	\$ 70,000.00
Schools - Operating Fund	\$ 4,000,000.00
Debt & Capital Outlay Fund	\$ 50,000.00

Supervisor Neitch seconded the motion, and motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

CITIZEN'S TIME

There were an estimated 8 citizens present and the following spoke:

Earl McClure, Chilhowie, Rye Valley District; thanked the Board for still holding prayer and pledge before their meetings. Mr. McClure concerns are with the recent AEP increases. He suggests the county publish an explanation in the paper as to the calculation of the county's 2% gross receipt tax. Mr. McClure stated this will keep citizens from thinking the county is supporting the increases just to increase their portion.

NEW BUSINESS

Mr. Mike Carter:

Mr. Carter wanted to begin with this month introducing the different departments to the Board. Mr. Carter stated he will ask the department head to give a brief description as to what their department role is in the county and to introduce their staff.

Mr. Carter introduced Mr. Mike Neal, Water Department Foreman. Mr. Neal introduced his staff and briefly spoke on the Water and Sewer Department duties for the county. A map of the water and sewer lines was presented to the Board.

Mr. Carter discussed the following resolution:

RESOLUTION BY THE BOARD OF SUPERVISORS OF SMYTH COUNTY REGARDING THE SOUTHWEST VIRGINIA REGIONAL JAIL AUTHORITY RE: FY 11/12 Budget Bill (HB30/SB30) Budget Amendments

WHEREAS, the Southwest Virginia Regional Jail Authority (hereinafter "Authority") was created pursuant to Va. Code § 53.1-95.2 et seq. and is comprised of the Counties of Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Wise, and Washington, and the City of Norton, Virginia; and

WHEREAS, the proposed Budget Bills House Bill 30 and Senate Bill 30 proposes a reduction in per diem funding of \$19,587,856 in FY11 and \$19,531,327 in FY12 based on reductions to the per diem amounts paid for local responsible inmates housed in local or regional jails from \$8 per day to \$4 per day.

WHEREAS, the total effect of the proposed change from \$8 to \$4 per diem on bond ratings for individual authorities, the ability to borrow for additions and refinancing, and the effect of our ability to charge inmates in accordance with Va. Code § 53.1-131.1 or any effect not yet known.

WHEREAS, the Board of Supervisors of Smyth County does not support the reduction in per diem identifying the proposed \$4 per day and instead would like to maintain the per diem at \$8 per day.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Smyth County, subject to and including the recitals to this Resolution, that the Board of Supervisors of Smyth County does not support the proposed reductions in per diem funding of \$19,587,856 in FY11 and \$19,531,327 in FY12 based on reductions to the per diem amounts paid for local responsible inmates housed in local or regional jails from \$8 per day to \$4 per day. The total effects of the proposed change on bond ratings for individual authorities, the ability to borrow for additions and refinancing, and the effect of our ability to charge inmates in accordance with Va. Code § 53.1-131.1 or any effect not yet known.

This Resolution shall take effect immediately.

Adopted this 9th of February, 2010.

Charlie C.C. Clark Jr., Chairman
Smyth County Board of Supervisors

ATTEST:

Michael L. Carter, Clerk

The above referenced Resolution was adopted on February 9, 2010, at a regularly scheduled meeting of the Smyth County Board of Supervisors by the following votes:

Ayes:

Nays:

Abstention:

Supervisor Dishner motioned to adopt resolution. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7

NAYS: 0

Appointments:

Ms. Lynn McKinney's two year term for the Upper Tennessee River Roundtable's Board of Directors expired January 31, 2010. Mr. Carter stated he spoke with Ms. McKinney and she is willing to continue serving on the committee. Supervisor Blevins motioned to reappoint Ms. Lynn McKinney to the Upper Tennessee River Roundtable's Board of Directors. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Chair Clark discussed the need to appoint an alternate to him on the New River/Mt. Rogers Workforce Investment Board. Supervisor Neitch motioned to appoint Ms. Sally Morgan to the New River/Mt. Rogers Workforce Investment Consortium Board as the alternate to Mr. Clark. Supervisor Waddell seconded the motion, and motion passed with the following vote:

AYES: 7
NAYS: 0

Scott Simpson briefly discussed the purchase of new sewer pumps for the Marion treatment plant and two pickup trucks for the water department. The purchases were approved at the November 20, 2009 meeting with the recommendation of the Water and Sewer Committee. The purchases are funded by grant money left over from Allison Gap Water Project. Mr. Simpson request the Board appropriate \$108,610.40 for these items.

With Water and Sewer Committee recommendation, the Board appropriated \$68,055.00 (Allison Gap Water Project) for the new sewer pumps at the Marion treatment plant. The vote is as follows:

AYES: 7
NAYS: 0

With Water and Sewer Committee recommendation; the Board appropriated \$40,555.40 (Allison Gap Water Project) for two new pickup trucks to be used by the Water Department. The vote is as follows:

AYES: 7
NAYS: 0

Supervisor Davidson requests to write a letter to Dr. Robinson, School Superintendent, to invite local students to meetings. She feels it is very important to get the students involved. Supervisor Dishner motioned to allow Mrs. Davidson to write letter of invitation. Supervisor Blevins seconded motion, and motion passed with the following vote:

AYES: 7
NAYS: 0

Sally Morgan briefly informed the Board of the following resolution:

Declaration of CENSUS AWARENESS WEEK in Smyth County

WHEREAS an accurate census count is vital to Smyth County and its residents' well-being by helping determine where to locate schools, day care centers, roads and public transportation, medical facilities, commercial developments, and other facilities;

WHEREAS more than \$400 billion per year in federal and state funding is allocated to states and communities based, in part, on census data;

WHEREAS census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, local governing bodies, and voting districts;

WHEREAS the 2010 Census creates jobs that stimulate economic growth and increase employment;

WHEREAS the information collected by the census is confidential and protected by law;

Now, therefore, we PROCLAIM the week of March 7-13, 2010 to be Census Awareness Week and we, the Smyth County Board of Supervisors, is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census partner, we will:

1. Support the goals and ideals for the 2010 Census and disseminate 2010 Census information to encourage those in our community to participate.
2. Encourage people in our community to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness and ensure a full and accurate census.
3. Support census takers as they help our community complete an accurate count.
4. Create or seek opportunities to collaborate with other like-minded groups in our community by participating in the Smyth County Complete Count Committee.

Signed this 9th day of February, in the year 2010.

Signature

Supervisor Blevins motioned to adopt resolution. Supervisor Waddell seconded the motion, and motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Dishner discussed consideration of developing a resolution of support to fill the vacant Extension Agent position. The County is agriculturally rich and will benefit from having an agent. Supervisor Dishner motioned to send a resolution to VA Tech in support of filling the position. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Committee Recommendations:

Budget:

- a. With the recommendation of the Budget Committee; the Board accepted the C.A.M.E.R.A. software contract, in the amount of \$4,500.00, to be used in the Commissioner of Revenue's office. The \$4,500.00 is in the Commissioner's current budget. The vote is as follows:

AYES: 6 Clark, Call, Dishner, Waddell, Blevins, Davidson

NAYS: 1 Neitch

- b. With the recommendation of the Budget Committee; the Board approved Mr. Carter to accept contract with @Work Temporary Agency for clerical employees to assist assessors. The vote is as follows:

AYES: 7

NAYS: 0

- c. With the recommendation of the Budget Committee; the Board approved to increase Mr. Charlie Harrington, Emergency Management Coordinator, salary by \$2,500.00. The vote is as follows:

AYES: 7

NAYS: 0

This motion was held until later in the meeting until after consideration of the above budget committee recommendations. Supervisor Dishner motioned to approve the accounts payable listing in the amount of \$493,001.38. Supervisor Blevins seconded the motion and the vote is as follows:

AYES: 6

NAYS: 0

ABSENT: Neitch (stepped out of room)

Ms. Veronica Hutton, S.C.A.L.E. Program Coordinator, discussed the importance and services SCALE provides through a powerpoint presentation. Ms. Hutton requested the Board continue to support the S.C.A.L.E. program. Supervisor Clark requested Ms. Hutton talk with Mrs. Sally Morgan to see if New River/Mt. Rogers Investment Workforce Consortium would be a funding resource for the S.C.A.L.E. program.

Mr. Bruce Kravitz, CEO for SWVA Alliance for Manufacturing Inc., discussed the Dream It Do It Manufacturing Careers Program through a powerpoint presentation. Mr. Kravitz informed the Board of the plans for the program in 2010 and requested the continued support from the Board.

Mr. Edd Roberts, Resource Development Officer for SWVA Second Harvest Food Bank discussed the purpose of the food bank. The food bank works with food industries. They serve 26 counties and 10 cities from North Roanoke to Lee County. The Abingdon office serves 11 counties including Smyth County. In Southwest Virginia they provided 13.6 million pounds of food last year. They started the Children Backpack program and summer programs to ensure children are getting enough nutrition. The Backpack program first started in Saltville. They send backpacks home over the weekend and the children bring them back on Monday. The food bank provides food on the table for people who are struggling. The bank has guidelines to follow in determining who receives food. Mr. Roberts requests the Board become a partner and support the food bank.

Chair Clark requests to consider the S.C.A.L.E. Program, SWVA Alliance for Manufacturing Inc., and SWVA Second Harvest Food Bank during the budget process.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Robert Hurt requests a resolution from the Board to close Route 690, Bales Lane, to complete repairs on the interstate bridge. The repairs should take about one month. Upon motion of Supervisor Blevins, seconded by Supervisor Neitch, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby authorizes the Department of Transportation to close Route 690, .04 miles south of Intersection of Route 11, for the length of time necessary to complete repairs of Interstate 81 bridges.

Vote: 7 yea

 0 nay

Supervisor Davidson inquired about repairs to the interstate. Mr. Hurt stated until the weather improves and warms up, the asphalt companies are closed. TME Enterprises (VDOT Contract Company) is temporarily patching holes. VDOT has monitors that review the roads and reports to Richmond. If Richmond sees the need, they generally send additional money to repair. Supervisor Davidson feels some of these holes are dangerous.

Committee Recommendations

Animal Control:

Mr. Atkins discussed the damage claims the committee recommended totaling \$3,215.00. With the recommendation of the Animal Control Committee; the Board approved and appropriated the following dog damage claims totaling \$3,215.00 (Animal Control, Dog License Fund, line item #003-91060-5802). The vote is as follows:

AYES: 6

NAYS: 0

ABSENT: Blevins (stepped out of the room)

	<u>Claimant</u>	<u>APPROVED</u>
1)	Rick Hamm 1 Ewe (bred)	\$ 125.00
2)	Peggy Tyus 1 Sheep	\$ 150.00
3)	Mark Richardson 3Goat	\$ 120.00
4)	Mark Richardson 1 Boar Goat	\$ 40.00
5)	Mark Richardson 1 Boar Goat	\$ 40.00
6)	Mark Richardson 1 Goat	\$ 25.00
7)	Jim Hash 2 Katadlin Sheep	\$ 175.00
8)	Emily Blevins 1 Goat	\$ 50.00
9)	Paul Smith 9 Sheep & 4 Goats	\$1,340.00
10)	Paul Smith 5 Sheep	\$ 550.00
11)	Paul Smith 9 Lambs	\$ 450.00
12)	Josh Reynolds 1 Sheep	\$ 150.00
TOTAL		\$3,215.00

Budget:

Mr. Atkins informed the Board since Mrs. Donna Hamm retirement from her 4-H Technician position. Mrs. Laurinda Sturgill, 4-H Assistant Technician has taken care of the demanding position as well as her own. Mrs. Sturgill understands once VA Tech has filled the vacant Technician position her salary will be reduced. With the recommendation of the Budget Committee; the Board approved to increase Mrs. Laurinda Sturgill, 4-H Assistant Technician, salary by \$8,000.00. Once the vacant 4-H Technician position is filled, Mrs. Sturgill's salary will be reduced back to the before increase amount. The vote is as follows:

AYES: 7
NAYS: 0

Courthouse:

With the recommendation of the Courthouse Committee; the Board rejected the water/sewer bids to the Exit 44 property; and the construction bids for the proposed Administrative Building. The vote is as follows:

AYES: 5 Call, Brenda, Neitch, Blevins, Davidson
NAYS: 2 Dishner, Clark

OLD BUSINESS

1. Collection of delinquent taxes **(8-10-04)**. *At the July 9, 2009 meeting, Mr. Carter stated he has an updated delinquent tax list. Supervisor Perry motioned to continue this issue. Supervisor Neitch seconded the motion and it duly passed:*

AYES: 6
NAYS: 1 C.C. "Charlie" Clark, Jr.

At the October 13, 2009 meeting, Supervisor Neitch inquired about the collection of taxes. It was advised to request a report from the Treasurer. The report should show 60 days after the publication of the delinquent tax list, between current year and last year, and see if there is any difference.

At the December 17, 2009 meeting, Mr. Carter presented the Board with a report prepared by the Treasurer's Office on delinquent tax collections, which was requested at the October 13, 2009 Board meeting. The report compares collections from June 30, 2008 to September 30, 2008 and June 30, 2009 to September 30, 2009, with more taxes being collected in 2008. The delinquent tax list was not published in 2008.

At the February 9, 2010 meeting, Supervisors Davidson and Call inquired about the collection of delinquent taxes. Mr. Tate explained the process. Supervisor Davidson asked if there could be a payment plan to help get the taxes paid. Mr. Tate stated the Treasurer handles the payments. Chairman Clark requested Mr. Carter to contact Mr. Tom Burkett, Treasurer and invite him to the March Board meeting to discuss this issue.

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee **6-13-06**).
3. Appointments: Board of Zoning Appeals (**12-17-09**)
One Alternate - VACANT
4. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer (**5-13-08**).
5. Radio System Project (**6-26-08**).

At the February 9, 2010 meeting; Mr. Shannon Williams stated due to bad weather the contractor has requested a 78 day extension to complete contract. Mr. Williams recommends, after an internal staff discussion, a 72 day extension. Supervisor Blevins motioned to approve a 72 day extension on contract. Supervisor Call seconded the motion, and the motion passed with the following vote:

**AYES: 7
NAYS: 0**

6. Referred to the Water and Sewer Counsel, proceed with legal documents to provide uncollectable names and accounts from the Water and Sewer Department to other water providers in the county (**2-10-09**).
7. Nuisance complaint against a property owned by Joseph F. Ellis, Jr. - The Board voted to leave the matter on the Old Business agenda until the conclusion of a civil case is resolved. (Civil case filed March 6, 2009) At that time, the nuisance issue will be revisited. Mr. Patton Graham (Mr. Ellis' Attorney) will update the Board on the civil case as it progresses (**4-14-09**).

At the November 12, 2009 meeting, Mr. Clegg Williams informed the Board no trial had been set.

At the January 12, 2010 meeting; Mr. Clegg Williams informed the Board, Mr. Patton Graham stated there is a settlement negotiating in progress.

8. Consideration for a \$3,000,000.00 Line-of-Credit. (**12-8-09**)
9. Tax refund request from Commissioner of Revenue; GMAC – vehicle sold. The refund request is \$142.88. (**12-17-09**)

10. Tax refund request from Commissioner of Revenue; Carolyn Brooks – boat garaged in Washington County on January 1. The refund request is in the amount of \$135.00. **(1-12-10)**

At the February 9, 2010 meeting; with the recommendation of Mr. Tate, Supervisor Blevins motioned to approve the tax refund request in the amount of \$135.00, for Carolyn Brooks with the determination of a boat being garaged in Washington County on January 1. Supervisor Call seconded the motion, and motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Neitch motioned to remove item from list. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Carter inquired about the Board of Equalization nominations. The following are the nominations:

Supervisor Davidson nominates Amanda Walters and Liz Williams

Supervisor Neitch nominates Vickie Stamper

Supervisor Clark nominates Archer Atwell and Buford Cregger

Mr. Tate requests a resume from each nominee.

Chairman Clark requested the guidance of the Board on the financial situation of the County. Mr. Atkins spoke of the remaining revenue for the fiscal year. Come May and June it will be hard to have operational funds available, especially with the June appropriations from the School Board. Per the Code of Virginia, the Treasurer has to have the money in the bank before any appropriations can be made. Mr. Atkins informs the Board the need to start the process of borrowing at least \$4.5 million. Mr. Atkins stated he has discussed with the School Board of any other method for the June appropriations and he has not heard anything yet.

The Board has financial commitments with the Radio Project, Town of Marion, and Courthouse renovations. These commitments will be long-term borrowing and have bond issuance expense. Supervisor Davidson inquired about a plan to pay back the borrowing. Mr. Atkins stated originally borrow in increments; new bonds will replace old bonds being paid off, and a 20 cent increase on real estate. Mr. Carter stated 1 cent of the tax levy is equal to \$120,000 on paper. This issue will be included to the Old Business list.

Chairman Clark informed the Board of the annual Evergreen Soil and Water Conservation District brunch at the new Sugar Grove Diner on Tuesday, March 9, at 10:30 a.m. If any Board member is interested in going to please let Pam know.

Supervisor Call briefly spoke on the conference call concerning the ADA Compliance agreement. Mr. Carter and Mr. Clegg Williams acted very professional, along with the other staff members present. Supervisor Clark stated they were able to get time lines extended. With the result of the call, the Department of Justice will send a revised agreement and schedule another conference call for additional discussion. Supervisor Davidson felt the call was very productive and after the call she felt encouraged. The 75 issues were not citations; the Department of Justice needed statements on some issues that we had them in place or they were standard issues in their agreements. Supervisor Davidson thanked everyone for their efforts. Mr. Carter stated as a result of the call the agreement is back in the hands of the Department of Justice to revise.

Supervisor Dishner motioned for the County to use their portion of the remaining salary in budget and request VA Tech to continue with their support to fill vacant Extension Agent position immediately. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Call stated he studied vehicles in Saltville, and 10 out of 30 vehicles did not have county stickers. He has spoken to some citizens and they stated they are not going to purchase stickers. Supervisor Call inquired about going through the DMV. Mr. Tom Burkett, Treasurer, stated at the June 9, 2009 meeting, the DMV Stop Program is a 30 day 12 month process. Individuals renew their tags at different times during the year. He has not considered going with this program, because he does not have the staff to devote one employee to take care of this process.

CLOSED SESSION

At 4:03 p.m. a motion was made by Supervisor Dishner to enter into Closed Session under Section 2.2-3711 – A.5 (Industrial Prospect), 2.2-3711 - A.7 (Legal Counsel and Staff Consultation), and 2.2-3711 – A.1 (Personnel) of the Code of Virginia. This was seconded by Supervisor Neitch and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to open meeting, a motion was made by Supervisor Davidson to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION CERTIFICATION OF CLOSED SESSION

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Blevins and the vote is as follows:

AYES: 7
NAYS: 0

CONTINUE

Supervisor Neitch motioned to continue meeting until February 25th at 7:00 p.m. with the anticipation to cancel. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, February 25, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
Regina H. Davidson
Darlene R. Neitch

Roscoe D. Call
M. Todd Dishner
Brenda J. Waddell

MEMBERS ABSENT:

Wade H. Blevins, Jr.

STAFF PRESENT:

Michael L. Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Scott Simpson, Engineer
Sally Morgan, Economic Development

OTHERS PRESENT:

Dan Kegley, Smyth County News
Charles Wassum, III

CALL TO ORDER

At 7:01 p.m. Chairmen Clark called the meeting to order.

The Board at their regular meeting on February 9, 2010 voted to develop a resolution to have the vacant Extension Agent position filled immediately. Supervisor Dishner motioned to approve the following resolution. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Blevins

RESOLUTION OF SUPPORT FROM SMYTH COUNTY BOARD OF SUPERVISORS TO

**FILL VACANT EXTENSION AGENT POSITION WITH THE SMYTH COUNTY
EXTENSION OFFICE**

WHEREAS, Walter Robinson, Smyth County Extension Agent has retired from his position after 28 years, and

WHEREAS, Agriculture is the largest industry in Smyth County and other farm agencies have relocated to neighboring counties, and

WHEREAS, information and education are vital for the continued success in agriculture, and

WHEREAS, Smyth County Extension Office has developed a strong programming network, both within Smyth County and throughout Southwest Virginia, and

WHEREAS, the Smyth County Extension Office has set an example of how extension programs should come together and work, and

WHEREAS, the Smyth County Board of Supervisors feel that any extended process in filling the vacant Extension Agent position in Smyth County would take away the benefits that have developed over the years,

NOW, THEREFORE, BE IT RESOLVED, the Smyth County Board of Supervisors is committing funds for our portion of the salary, and requests the vacant Extension Agent position be advertised internally with the Extension Office to allow the filling of the position immediately. The Smyth County Board of Supervisors requests your prompt attention and continued financial support with this position as well.

Adopted this 25th day of February 2010.

Charlie Clark, Jr., Chairman
Smyth County Board of Supervisor

Mr. Carter presented the Board with a letter from the Steering Committee concerning the suspension of the interim rate increase of APCo.

CLOSED SESSION

At 7:07p.m. a motion was made by Supervisor Neitch to enter into Closed Session under Section 2.2-3711 – A.1 Personnel, A.5 Industrial Prospect, and A.7 Counsel and Staff Consultation of the Code of Virginia. This was seconded by Supervisor Dishner and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Blevins

Upon returning to open meeting; a motion was made by Supervisor Neitch to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION CERTIFICATION OF CLOSED SESSION

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Waddell and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Blevins

Supervisor Neitch motioned to approve an option to purchase property.
Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Blevins

Adjourn meeting

At 8:38p.m. Supervisor Dishner motioned to adjourn meeting and Supervisor Call seconded the motion. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Blevins

The Smyth County Board of Supervisors held its regular February meeting at 12:00 noon, **Tuesday, March 9, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
Wade H. Blevins, Jr.
Roscoe D. Call
Regina H. Davidson

M. Todd Dishner
Darlene R. Neitch
Brenda J. Waddell

STAFF PRESENT:

Michael Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Scott Simpson, County Engineer
Charlie Atkins, CFO
Sally Morgan, Economic Development
Kenny Lewis, Chief Deputy

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

With a quorum present, the meeting was called to order at 12:00 noon. Rev. Donnie Bailey gave the invocation and Mr. Michael Carter led the pledge of allegiance.

ADOPTION OF AGENDA

Supervisor Blevins motioned to adopt the agenda as to form, along with the additional agenda. Supervisor Neitch seconded the motion, vote is as follows:

AYES: 7
NAYS: 0

MINUTES OF PREVIOUS MEETINGS

The Board was presented with the minutes from the following meetings:

Tuesday, February 9, 2010
Thursday, February 25, 2010

Supervisor Blevins made a motion to approve the minutes as presented with noted changes. Supervisor Davidson seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

Mr. Charlie Atkins stated he spoke with the Treasurer's Office, and as of March 9, 2010, there was a cash balance of \$11,958,059.48.

PAYMENT OF COUNTY INVOICES

Supervisor Blevins motioned to approve \$5,914,130.71 for appropriations. The following is an explanation of the appropriations approved:

General County	\$ 1,300,000.00
Long Hollow Water Project	\$ 24,130.71
Social Services (March 10 - 31, 2010)	\$ 300,000.00
(April 1 – 13, 2010)	\$ 70,000.00
Schools - Operating Fund	\$ 4,000,000.00
Debt & Capital Outlay Fund	\$ 220,000.00

Supervisor Call seconded the motion, and motion passed with the following vote

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve the accounts payable listing in the amount of \$633,190.41. Supervisor Call seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to appropriate \$4,400.00 to Bob and Ann Dix to finalize the purchase of well site #2. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Sally Morgan updated the Board on a decision the IDA made authorizing payment of \$18,000 to Reline America, located in Saltville, in compliance with an incentive agreement between the company and IDA.

CITIZEN'S TIME

There was one citizen present but did not speak.

NEW BUSINESS

Mr. Mike Carter:

Mr. Carter introduced Mr. Wally Blevins, Solid Waste Foreman. Mr. Blevins introduced his staff and briefly spoke on their duties. Mr. Blevins also informed the Board of the services the Landfill and convenience stations provide for the county.

Supervisor Davidson inquired about a household cleanup day. With the expense associated with a household cleanup day not being included in the current budget, a day has not been scheduled.

Mr. Carter discussed the following Memorandum of Understanding:

Memorandum of Understanding
with a Local Committee Operating Under Lawful
Authority of a Locality

This Memorandum of Understanding (MOU) made this 9th day March, 2010 between the Virginia Sesquicentennial of the American Civil War Commission (hereinafter referred to as the Commission) and the Board of Supervisors of the County of Smyth, Virginia (hereinafter referred to as the Locality) do hereby make a recitation of facts and do agree as follows:

Whereas, the Commission was established by the General Assembly in 2006 for the purpose of planning for and commemorating the 150th anniversary of Virginia's participation in the American Civil War; and

Whereas, the Commission established important goals determined to be essential to a successful commemoration, those goals espousing such values as diversity, inclusiveness, statewide accessibility, education and permanence; and

Whereas, the Commission developed, adopted and trademarked a logotype (logo) that expresses and embellishes the goals of the Commission; and

Whereas, the Commission has encouraged localities to develop local sesquicentennial committees to coordinate activities and plan commemorative local events to further showcase and support the success of the statewide commemoration; and

Whereas, many of these local committees and other organizations working through the local committees are desirous of utilizing the Commission's logo to facilitate the work of these local committees and organizations; now, therefore

WITNESSETH:

That the Commission grants to Smyth County, Virginia and/or its assign or assignees a limited and non-exclusive license to use the logo of the Commission under the condition that the logo be used only in the furtherance of the Commission's goals as follows:

Diversity: The commemoration will be inclusive of, and meaningful to, all Virginians, particularly:

- Diverse racial and ethnic groups
- Citizens who are new to this country and those who do not have a hereditary link to the American Civil War
- Young people and others seeking to understand the relevance of the American Civil War to today's society.

Inclusiveness: The commemoration will seek to portray a fair and balanced story of Virginia's participation in the American Civil War that includes African-American, Union, and Confederate perspectives.

Statewide Accessibility: The commemoration will be statewide, involving all localities and encompassing all Civil War-related institutions, museums, battlefields, parks, and facilities.

Education: The commemoration will include a strong education component designed to ignite a renewed interest in Virginia's historical heritage. Opportunities will be provided to re-examine the lessons of the past and the legacies of the Civil War to understand how they affect the present and only continue to shape our future.

Permanence: The commemoration will imprint Virginia history and leave a positive and rich legacy well beyond 2015.

The locality may assign the Commission's logo to any private or other public organization working in concert with its local committee in promoting the sesquicentennial commemoration, provided, that (1) the locality first obtain specific permission from the Commission for each assignment of the logo, and (ii) the locality shall exercise great diligence to ensure that the logo will be used in furtherance of the stated goals of the Commission.

At all times and at any time that any locality, having assigned the Commission's logo to a third party, determines that the logo is not being used accordance with the terms of this agreement, the locality shall immediately notify the third party to cease using the logo. Should such request be refused or ignored the locality shall immediately take such legal action as necessary to preserve the logo and prohibit its further use by the third party.

Nothing in this agreement shall be interpreted to prevent the Commission from a direct enforcement and protection of its copyright of the logo against a locality or a third party.

William J. Howell, Chair of the Commission

Smyth County Official

Printed Name and Title

Supervisor Blevins motioned to approve the Memorandum of Understanding. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Carter informed the Board the Rich Valley Convenience Station lease was up for renewal. Mr. Carter stated this was a five (5) year lease. Supervisor Blevins motioned to approve the Rich Valley Convenience Station five (5) year lease with Robert P. and Carolyn T. Pratt, and appropriate \$1,200 (*line item #001-042050-8002*). Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Tom Burkett explained the process of collecting delinquent taxes for the two new Board members as well as the full Board and took questions. Mr. Burkett stated the collecting consists of sending second notices, requiring the payment of personal property taxes before purchasing county decals, garnishments, placing a lien on state tax refunds, as well as publishing the list of delinquent taxes in the local newspaper.

Mr. Scott Simpson presented to the Board the Trane Maintenance Agreement renewal for FY 2010/2011 in the amount of \$27,031.00. This amount includes labor with materials being an additional cost. Mr. Simpson stated, of the original contract, this is the first of two additional one year contract renewal options. Supervisor Blevins motioned to approve agreement and was seconded by Supervisor Neitch. The motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Call stated the fire hydrant, near Hagy's Store, needed to be checked. He also stated he had citizens complaining about no cutoff date on water bills and could there be more time before cutting water off. Mr. Simpson stated the Water Department is following policy. If people are complaining, then the Water Department is doing their job by following their policy. Supervisor Neitch stated since adopting current policy, the County has not had to write-off a large number of unpaid accounts.

Mrs. Sally Morgan presented to the Board the following Letter of Support for Southview Village Apartments to receive federal Low Income Housing Tax Credit:

March 9, 2010

LOCALITY SUPPORT LETTER

Jim Chandler
Virginia Housing Development Authority
601 S. Belvidere Street
Richmond, VA 23220

VHDA Tracking Number: 2010-C-16
Development Name: Southview Village
Name of Owner/Applicant: Southview Village Preservation, L.P.

Dear Mr. Chandler:

The rehabilitation of the above-named development and the allocation of federal housing tax credits available under IRC Section 42 for said development will help the housing needs and priorities of Smyth County. Accordingly, Smyth County supports allocation of federal housing tax credits requested by Southview Village Preservation, L.P. for this development.

Sincerely,

Michael Carter
Acting County Administrator

After discussion; Supervisor Neitch motioned to support the rehabilitation of Sourthview Village and Supervisor Blevins seconded the motion. The motion passed with the following vote:

AYES: 7
NAYS: 0

Pat Hatfield, Smyth-Bland Regional Library presented the Board with the Library Board's Annual Report. Mrs. Hatfield stated the Library Board has recently cut some services due to budget restraints. She requested increased support from the County.

Mr. John Tate advised placing Mr. Dennis Dempsey's tax refund request on Old Business until additional information is received from the Commissioner of Revenue. Supervisor Neitch motioned to place Mr. Dempsey's tax refund request on Old Business. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Jeff Richardson, Commissioner of Revenue:

a) Requested a 60 day extension for filing land use applications. Mr. Tate informed the Board six years ago the Board approved an Emergency Ordinance extending the deadline to receive application 60 days. This will allow 90 days to file land use applications. Supervisor Blevins motion to approve an Emergency Ordinance for 60 days. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Neitch motioned to authorize signing of the Emergency Ordinance and Supervisor Blevins seconded the motion. The motion passed with the following vote:

AYES: 7
NAYS: 0

The Emergency Ordinance is as follows:

SPECIAL ORDINANCE

WHEREAS, the Board of Supervisors of Smyth County (Board) proposes to adopt a Special Ordinance of limited application for the year of a general reassessment of real property. An ordinance of the County provides for assessments for land use taxation as permitted in Chapter 23, Finance and Taxation, Article VII, § 23-211, et seq., of the County Code of Smyth County, Virginia, and §58.13230, *et seq.*, of the Code of Virginia. This Special Ordinance shall affect the application filing deadlines to the Commissioner of Revenue of Smyth County, Virginia, by extending the deadlines for filing applications for these assessments under §58.1-3234 and § 23-219 of the Smyth County Code, and to fix, for the 2010 reassessment year for real property use and elderly application fees, and for any subsequent filing by a landowner, to be paid by property owners who apply for the benefits of use taxation.

NOW THEREFORE, be it Ordained as follows:

1. The filing deadline fixed by §58.1-3234, which is thirty (30) days after the notice of assessment is mailed to the property owner (March 10, 2010) and the filing deadline of § 23-219 of the Smyth County Code, are both hereby extended, as permitted by the Smyth County Code, until ninety (90) days after the mailing of the notice of reassessment in this year of general reassessment only (by June 9, 2010).

2. It is further ordered, and hereby adopted, that an application fee for the parcel owners who apply for land use taxation, without re-certification fees, and in this year of a general reassessment, or subsequently filed by an existing land owner, or when a new application is required by virtue of a change in ownership, a flat fee for each qualifying parcel of Twenty Dollars (\$20.00) per parcel, and in addition, a fee of the Ten Cents (\$0.10) an acre for each acre of any tract of land which is in excess of fifty (50) acres. This fee shall be paid to the Treasurer's Office of Smyth County at the time of the filing of the application.

Nothing further is intended to be accomplished hereby.

On motion of Mr. Blevins, seconded by Mrs. Waddell, and on a vote of Aye 7, Nay 0, the foregoing Special Ordinance was duly adopted on the 9th day of March, 2010.

By Order of the Board of Supervisors, on this 9th of March, 2010.

This Emergency Ordinance will be posted in the Courthouse and the Smyth County Office Building.

b) Requested the Board set the Land Use fees. After discussion; Supervisor Call motioned to set the application fee at \$20 and \$.10 for every acre over 50 acres. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Neitch motioned to authorize signing of the Emergency Ordinance, once Mr. Tate has prepared it. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Richardson briefly spoke on reassessment and stated the reassessment papers should be mailed out Thursday or Friday. He also stated the Board of Equalization should be ready to start in 4 to 5 weeks.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Steve Buston reviewed the revised proposed Six-Year Secondary Road Plan. Mr. Buston requested a public hearing be set for the April meeting for this proposed plan. Supervisor Blevins motioned to set public hearing for April 13, 2010 at 2:00 p.m. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Robert Hurt returned and accepted some maintenance concerns. He also stated Governor McDonnell has approved "pothole" repair money. The repairs will begin once the asphalt companies reopen after winter closings.

Committee Recommendations:

Appointment:

a) With the recommendation from the Appointment Committee; the Board reappointed Mr. Ed Stringer to serve an additional 4 year term on the Mt. Rogers ASAP Board. The vote is as follows:

AYES: 7
NAYS: 0

b) With the recommendation from the Committee; the Board reappointed Mr. Ed Stringer and Mrs. Melinda Roberts to serve an additional 3 year term on the New River/Mount Rogers Workforce Investment Board. The vote is as follows:

AYES: 7
NAYS: 0

c) With the recommendation from the Committee; the Board appointed Mrs. Regina Davidson to the Mountain Community Action Program Inc.(Mt. CAP). The vote is as follows:

AYES: 6
NAYS: 0
ABSTAIN: 1 Davidson

Solid Waste:

The Committee recommended accepting a recycling contract from Scott Computer & Recycling. Mr. Tate stated, after his review of the contract, this company is not licensed by the State Corporate Commission. Mr. Carter stated the company is reviewing this issue. Supervisor Dishner motioned to place this item on Old Business list. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Appointment:

At the regular Board meeting on February 9, 2010, Supervisor Neitch motioned to appoint Mrs. Sally Morgan to serve as Alternate to Mr. Charlie Clark on the New River/Mt Rogers Workforce Investment Consortium Board; this motion was rescinded. The Board received information that the alternate must be a Board member or chief administrative official. Supervisor Neitch motioned to appoint Supervisor Call to serve as Alternate to Mr. Charlie Clark. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSTAIN: 1 Call

The Art League of Marion requests the Board recognize the signs for the 37th Annual Hungry Mother Festival as "official signs" to meet the VDOT regulation. To comply with the Virginia Department of Transportation (VDOT) regulations, Supervisor Dishner motioned to recognize two (2) large signs belonging to the Art League of Marion, as "official signs" advertising the 37th Annual Hungry Mother Festival. This year's festival will be held July 16-18, 2010. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

CLOSED SESSION

At 2:12 p.m. a motion was made by Supervisor Neitch to enter into Closed Session under Section 2.2-3711 – **A.1** Personnel; discussion and consideration of prospective candidates for employment. This was seconded by Supervisor Waddell and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to open meeting, a motion was made by Supervisor Davidson to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION CERTIFICATION OF CLOSED SESSION

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Neitch and the vote is as follows:

AYES: 7
NAYS: 0

PUBLIC HEARING – TAX RELIEF FOR THE ELDERLY

Mr. Carter read the following advertisement that was published in the Smyth County News and Messenger Saturday editions on February 20, 2010 and February 27, 2010:

Notice of Public Hearing on Tax Relief for the Elderly

The Board of Supervisors of Smyth County will hold a **Public Hearing on March 9, 2010 at 3:00 PM at the meeting room of the Board of Supervisors at 121 Bagley Circle, Room 100, Marion, Virginia** for the purpose of considering an amendment to the Smyth County Code to increase the new worth of a property owner to permit relaxed qualification for the benefits of real property taxation for Senior or Disabled Citizens as defined in the Smyth County Code.

The proposed amendments which will be considered are set out hereafter, and a copy of these proposed amendments are available at 121 Bagley Circle, Marion, Virginia during regular business hours on Monday through Friday.

No citizens were present to speak.

At 3:01 p.m., Chair, Clark closed the public hearing.

Committee Recommendations: *(continued)*

Budget:

With the recommendation from the Committee, the Board set a public hearing to consider a \$5,000,000.00 Line-of-Credit for April 13, 2010 at 3:30 p.m. The vote is as follows:

AYES:	7
NAYS:	0

Courthouse:

With the recommendation from the Committee, the Board approved employing HDH Technical Inc. to compile an Indoor Air Quality Remediation Plan, and upon receipt of plan, will allow staff to solicit licensed qualified contractors to perform the work. The vote is as follows:

AYES: 7
NAYS: 0

Water and Sewer:

a) With the recommendation from the Committee; the Board set a public hearing for Notice of Intent to Apply for Funding for projects on April 13, 2010 at 3:00 p.m. The vote is as follows:

AYES: 7
NAYS: 0

b) With the recommendation from the Committee; the Board approved signing a Planning Grant from the Virginia Department of Health. This grant is in the amount of \$15,000 to update the 1999 Standard Specification and Details for the Water Distribution System. The vote is as follows:

AYES: 7
NAYS: 0

c) With the recommendation from the Committee; the Board approved an amendment to the original agreement to formally include Fox Valley Road with Pioneer Water Project. Fox Valley Road Project was included in the funding process of the Pioneer Project, but was not in the original agreement. The vote is as follows:

AYES: 7
NAYS: 0

OLD BUSINESS

1. Collection of delinquent taxes **(8-10-04)**. *At the July 9, 2009 meeting, Mr. Carter stated he has an updated delinquent tax list. Supervisor Perry motioned to continue this issue. Supervisor Neitch seconded the motion and it duly passed:*

AYES: 6

NAYS: 1 C.C. "Charlie" Clark, Jr.

At the October 13, 2009 meeting, Supervisor Neitch inquired about the collection of taxes. It was advised to request a report from the Treasurer. The report should show 60 days after the publication of the delinquent tax list, between current year and last year, and see if there is any difference.

At the December 17, 2009 meeting, Mr. Carter presented the Board with a report prepared by the Treasurer's Office on delinquent tax collections, which was requested at the October 13, 2009 Board meeting. The report compares collections from June 30, 2008 to September 30, 2008 and June 30, 2009 to September 30, 2009, with more taxes being collected in 2008. The delinquent tax list was not published in 2008.

At the February 9, 2010 meeting, Supervisors Davidson and Call inquired about the collection of delinquent taxes. Mr. Tate explained the process. Supervisor Davidson asked if there could be a payment plan to help get the taxes paid. Mr. Tate stated the Treasurer handles the payments. Chairman Clark requested Mr. Carter to contact Mr. Tom Burkett, Treasurer and invite him to the March Board meeting to discuss this issue.

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee **6-13-06**).

3. Appointments: Board of Zoning Appeals **(12-17-09)**
One Alternate - VACANT

4. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer **(5-13-08)**.

5. Radio System Project **(6-26-08)**.

At the February 9, 2010 meeting; Mr. Shannon Williams stated due to bad weather the contractor has requested a 78 day extension to complete contract. Mr. Williams recommends, after an internal staff discussion, a 72 day extension. Supervisor Blevins motioned to approve a 72 day extension on contract. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7

NAYS: 0

6. Referred to the Water and Sewer Counsel, proceed with legal documents to provide uncollectable names and accounts from the Water and Sewer Department to other water providers in the county **(2-10-09)**.

7. Nuisance complaint against a property owned by Joseph F. Ellis, Jr. - The Board voted to leave the matter on the Old Business agenda until the conclusion of a civil case is resolved. *(Civil case filed March 6, 2009)* At that time, the nuisance issue will be revisited. Mr. Patton Graham (Mr. Ellis' Attorney) will update the Board on the civil case as it progresses **(4-14-09)**.

At the November 12, 2009 meeting, Mr. Clegg Williams informed the Board no trial had been set.

At the January 12, 2010 meeting: Mr. Clegg Williams informed the Board, Mr. Patton Graham stated there is a settlement negotiating in progress.

8. Consideration for a \$3,000,000.00 Line-of-Credit. **(12-8-09)**

At the March 9, 2010 meeting: Supervisor Neitch motion to remove from list. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7

NAYS: 0

9. Tax refund request from Commissioner of Revenue; GMAC – vehicle sold. The refund request is \$142.88. **(12-17-09)**

10. Board of Equalization nominations **(1-12-10)**

At the March 9, 2010 meeting: Mr. Tate stated he only had three nominations and he needs six to present to the Circuit Court Judge for appointing. Supervisor Davidson stated she may have two interested. Supervisor Neitch stated she would ask Vickie Stamper.

11. Financial Discussion **(2-9-10)**

CLOSED SESSION

At 3:27 p.m. a motion was made by Supervisor Neitch to enter into Closed Session under Section 2.2-3711 – **A.5** Business/Industrial Prospects; discussion concerning a business or industry considering expansion with no previous announcement being made. This was seconded by Supervisor Blevins and the motion passed with the following vote:

AYES: 7

NAYS: 0

Upon returning to open meeting, a motion was made by Supervisor Neitch to adopt the following resolution certifying the business conducted in closed session as follows:

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Blevins and the vote is as follows:

AYES: 7
NAYS: 0

Mr. Carter informed the Board he had received the revised ADA Compliance report.

Mr. Carter informed the Board on revisions made to the language when entering closed session and what was discussed during closed session.

ADJOURN

At 3:49 p.m. Supervisor Blevins motioned to adjourn meeting and Supervisor Dishner seconded the motion. The motion passed with the following vote:

AYES:	7
NAYS:	0

The Smyth County Board of Supervisors held a called special meeting at 5:00 p.m., **Wednesday, March 31, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.	M. Todd Dishner (arrived at 5:05 p.m.)
Wade H. Blevins, Jr. (left at 6:00p.m.)	Darlene R. Neitch
Roscoe D. Call	Brenda J. Waddell
Regina H. Davidson	

STAFF PRESENT:

Michael Carter, Acting County Administrator
Pam Testerman, Office Service Assistant
Scott Simpson, County Engineer
John H. Tate, Jr., County Attorney

CALL MEETING TO ORDER

With a quorum present, the meeting was called to order at 5:02 p.m.

CLOSED SESSION

At 5:04 p.m. a motion was made by Supervisor Neitch to enter into Closed Session under Section 2.2-3711 – **A.7** Legal counsel consultation and staff briefings; discussion on pending litigations. This was seconded by Supervisor Call and the motion passed with the following vote:

AYES:	6	
NAYS:	0	
ABSENT:	1	Dishner

Upon returning to open meeting, a motion was made by Supervisor Davidson to adopt the following resolution certifying the business conducted in closed session as follows:

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Call and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: 1 Blevins

After discussion in closed session, Supervisor Call authorized Mr. John Tate to proceed with negotiations with Mr. Ford Stephens and report to the Board at next meeting. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: 1 Blevins

ADJOURN MEETING

At 7:15 p.m., Chair Clark adjourned meeting.

The Smyth County Board of Supervisors held its regular February meeting at 12:00 noon, **Tuesday, April 13, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.	M. Todd Dishner
Wade H. Blevins, Jr. (left at 5:30pm)	Darlene R. Neitch
Roscoe D. Call	Brenda J. Waddell
Regina H. Davidson	

STAFF PRESENT:

Michael Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Scott Simpson, County Engineer
Charlie Atkins, CFO
Sally Morgan, Economic Development
Kenny Lewis, Chief Deputy (arrived at 12:15pm)

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

With a quorum present, the meeting was called to order at 12:00 noon. Mr. Mark Haga gave the invocation and Mr. Shannon Williams led the pledge of allegiance.

ADOPTION OF AGENDA

Supervisor Neitch motioned to adopt the agenda as to form, along with the additional agenda. Supervisor Call seconded the motion, vote is as follows:

AYES:	7
NAYS:	0

MINUTES OF PREVIOUS MEETINGS

The Board was presented with the minutes from the following meetings:

Tuesday, March 9, 2010

Wednesday, March 31, 2010

Supervisor Call made a motion to approve the minutes as presented with noted changes. Supervisor Dishner seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

Mr. Charlie Atkins stated at the close of business yesterday, there was a bank balance of \$11,254,000.

PAYMENT OF COUNTY INVOICES

Supervisor Dishner motioned to approve \$5,631,181.83 for appropriations. The following is an explanation of the appropriations approved:

General County	\$ 1,680,000.00
Animal Control Fund 3	\$ 6,181.83
Social Services (April 14 - 30, 2010)	\$ 325,000.00
(May 1 -11, 2010)	\$ 70,000.00
Schools - Operating Fund	\$ 3,550,000.00

Supervisor Waddell seconded the motion, and motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Call motioned to approve the accounts payable listing in the amount of \$1,023,852.25. Supervisor Davidson and Supervisor Dishner seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

CITIZEN'S TIME

There were six (6) citizens present and the following spoke:

Steve Hally, Brain Injury Services, stated they work in 22 counties, 7 districts, and 5 planning districts. His work involves Case Management and Life Skill Training with the client. They work with the client to keep them involved in their communities.

Pam Hall, Brain Injury Services, stated they have 298 clients with 10 being in Smyth County. With having the County's support, it has helped in receiving grants. Brain Injury has partnered with the Wounded Warrior Program to help with war injuries.

Kathy Parks, Client of Brain Injury Services spoke in appreciation of Brain Injury Service and how they have helped her through the Life Skill Training. She has had three brain surgeries due to her epilepsy.

Wilbur Holmes, St. Paul Episcopal Church requested to hold a raffle for the repairs of the church organ. The organ will be repaired off-site for \$21,500. The Board informed Mr. Holmes he would have to contact the VA Game Commission for this request. Mr. Carter gave Mr. Holmes the contact information for the Commission.

Nikki Wyatt, Saltville, had concerns with the tax assessors. Her information was wrong on the tax ticket and she has contacted the Commissioner of Revenue about this. At 522 Valley Road, the road was paved and the ditch was covered and now water runs in her basement. She was advised to talk with VDOT concerning this at 2:00 p.m. She also had concerns with a man riding a 4 wheeler on Valley Road making a disturbance. The road in her subdivision was extended to Breedlove and Crusenberry Lane, which she stated; the people on these roads have taken the road over.

Citizen's time was closed at 12:32 p.m.

NEW BUSINESS

Mr. Mike Carter:

Mr. Carter introduced Mr. Bill Turman, Chief Animal Officer. Mr. Turman introduced his staff at the Animal Shelter and informed the Board of the operations of the Animal Shelter.

Supervisor Call stated he had contacted the Animal Shelter on a few occasions and was pleased with the response. He thanked the staff for their services.

Supervisor Clark inquired on how the new animal nuisance ordinance was working. Mr. Turman stated they have visited some of the areas they have gotten complaints on and handed out papers explaining the ordinance.

Mr. Kenny Lewis, Chief Deputy, requested authorization to purchase four (4) new vehicles from the Police Activity Fund. He is looking to purchase one marked car, one unmarked car, and two Explorers. Mr. Lewis explained he tries to replace at least five (5) vehicles a year to have good vehicles on the road. With Budget Committee recommendation, the Board approved to appropriate \$106,609.94 for the purchase of four (4) vehicles out of the Police Activity Fund, and upon delivery authorized Mr. Carter to sign check. The vote is as follows:

AYES: 7
NAYS: 0

The Board discussed changing the Lodging Tax (Transient Occupancy Tax) from 2% to 5%. After discussion, Supervisor Call motioned to change tax to 5% and Supervisor Dishner seconded the motion. The motion passed with the following vote:

AYES: 7
NAYS: 0

Chair Clark set a Public Hearing for the proposed tax change for May 11, 2010 at 3:00 p.m.

Mr. Clarence Smith gave a presentation to inform the Board of the 2009 SWIFA Annual Report. Mr. Smith thanked the Board for their support.

Mr. Ron Thomason, Smyth County Tourism Association, presented a packet and gave presentation on the Tourism Center. Mr. Thomason stated the center had several retired teachers and principals as volunteers. Mr. Thomason informed the Board that people were using the center's website, since January 2010 they have had over 300 website requests. Since opening in 2007, the center has had visitors from 48 states and 32 foreign countries. Mr. Thomason requested continued support from the County.

PUBLIC HEARING – PROPOSED SIX-YEAR ROAD PLAN
(Virginia Department of Transportation)

At 2:00 p.m., Chair Clark called the public hearing to order. Mr. Mike Carter read the following advertisement published in the Smyth County News and Messenger on Saturday, March 20, 2010 and March 27, 2010:

Notice of Public Hearing on Proposed Secondary Six-Year Road Plan

The Virginia Department of Transportation and the Board of Supervisors of Smyth County, in accordance with Section 33.1-70.01 of the Code of Virginia, will conduct a joint public hearing in the Board meeting room of the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia at 2:00 p.m. on April 13, 2010. The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2010/2011 through 2015/2016 in Smyth County and on the Secondary System Construction Budget for Fiscal Year 2010/2011. Copies of the proposed Plan and Budget may be reviewed at the Abingdon Residency of the Virginia Department of Transportation, located at 700 E. Main Street or at the Smyth County Administrator's Office located at 121 Bagley Circle, Suite 100, Marion, Virginia.

All projects in the Secondary Six-Year Plan that are eligible for federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate federal transportation funds.

Persons requiring special assistance to attend and participate in this hearing should contact the Virginia Department of Transportation at 276-676-5503. Persons wishing to speak at this public hearing should contact the Smyth County Board of Supervisors at 276-783-3298.

With no citizens present to speak, Chair Clark closed the public hearing at 2:03 p.m.

Mr. Steve Buston reviewed the Six-Year Road Plan with the Board. Mr. Buston presented a handout and reviewed a road paving plan. Mr. Buston introduced Ms. Sarah Fields, who was retiring after 32 years, and he informed the Board she had assisted in the behind the scenes for VDOT.

Mr. Buston informed the Board this would be the last meeting him and Mr. Robert Hurt would attend. He presented the Board with information on Marty Halloway; the new point of contact for the County on any questions or maintenance concerns.

Mr. Robert Hurt returned some maintenance concerns. He explained to Supervisor Call the guardrail he had concerns about that with the current standards they would have to rework the whole intersection and that would fall under a construction project instead of through maintenance. If Supervisor Call would like to pursue this, they would have to try and find some construction dollars. Mr. Buston stated this is considered a federal eligible road and construction money does come from federal eligible roads. This could be a potential federal funded project. Supervisor Call stated if any money comes available then he would pursue it.

Chair Clark stated the County has appreciated the year of service Mr. Buston and Mr. Hurt has given and he congratulated Ms. Fields on her retirement.

Mr. Tate explained the following proposed amendments to Chapter 23 Finance & Taxation of the Smyth County Code:

Purpose: Amendment to Chapter 23 of the Smyth County Code, Finance and Taxation

The proposal is to amend ARTICLE VII, Tax Exemptions for Certain Elderly and Disabled Persons, and specifically a part of §23-220 (a) which deals with the net worth of applicants for tax relief. This change requires a change in §23-218(4) and should provide tax relief to certain qualifying individuals by virtue of an increased permitted level of net worth for their qualification for a reduction in real estate taxes. This change should increase the likelihood of an owner qualifying for reduced real estate taxes imposed on landowners.

This proposed amendment would allow a landowner to have assets with a greater net worth (not including the lot and residence of the owner) and may permit a landowner to qualify for the range of benefits shown in the following chart for reduced real estate taxation. This change is still subject to the maximum relief allowed under §23-220 (b) of the County Code.

These proposed amendments would revise the qualification requirements of §23-218 (4) and the percentage of relief permitted under §23-220 (a) of the 2009 published version of the Smyth County Code when considering the net worth of a taxpayer.

The Board of Supervisors proposes to adopt these amendments to §23-218 (4) and §23-220 (a) and to amend the Smyth County Code in the manner set out hereafter. The proposed revisions are set out herein, and if adopted will become a part of the Smyth County Code and the proposed changes are as follows:

Amend §23-218 (4) of the Smyth County Code:

Amend §23-218 (4) of the Code to change a part of the language of this section to state:
"The total combined financial worth of the owners as of December 31 of the year immediately preceding the taxable year in which application is made shall be determined by the commissioner of the revenue to be in an amount not to exceed **\$50,000.00**. Then the remainder of the section shall retain the current language. (The only change in this section is set out in bold, and no other change is made in this Section of the County Code.)

Amend §23-220 (a) to revise the relief chart of this section, following the language,

"This amount shall be adjusted, if necessary, by net worth as follows.

The new chart for relief shall be:

<u>If the income is:</u>	<u>And net worth is:</u>	<u>The percentage is:</u>
\$0.00 to \$10,000.00	0 - \$28,500.00	80%
	\$28,501.00 - \$41,000.00	64%
	\$41,000.00 - \$50,000.00	56%

\$10,001.00 to \$14,000.00	0 - \$28,500.00	70%
	\$28,501.00 - \$41,000.00	55%
	\$41,000.00 - \$50,000.00	40%
\$14,001.00 to \$18,000.00	0 - \$28,500.00	55%
	\$28,501.00 - \$41,000.00	40%
	\$41,000.00 - \$50,000.00	30%
\$18,001.00 to \$22,000.00	0 - \$28,500.00	40%
	\$28,501.00 - \$41,000.00	25%
	\$41,000.00 - \$50,000.00	15%

(b) The maximum relief permitted under this section shall be \$200.00. (No change)

No other change is proposed to be made in these Sections of the County Code, and no other changes are proposed to be made to any other part of TITLE 34, FINANCE AND TAXATION, by the proposed amendments to the 2009 Smyth County Code.

Supervisor Call motioned to adopt amended ordinance and was seconded by Supervisor Dishner. The vote is as follows:

AYES: 7
NAYS: 0

CLEGG WILLIAMS – NUISANCE COMPLAINT HEARING

Mr. Clegg Williams informed the Board of a nuisance complaint he received on a property located in Chilhowie, and the process of notify the property owners. The property owners, Louis and Peggy Perry, live in South Carolina and were not present for the hearing and Mr. Williams had not heard from them. Supervisor Blevins motioned to declare property located at 116 Holiday Drive, Chilhowie and owned by Louis & Peggy Perry, a public nuisance. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

OLD BUSINESS

1. Collection of delinquent taxes (8-10-04). *At the July 9, 2009 meeting, Mr. Carter stated he has an updated delinquent tax list. Supervisor Perry motioned to continue this issue. Supervisor Neitch seconded the motion and it duly passed:*

AYES: 6
NAYS: 1 C.C. "Charlie" Clark, Jr.

At the October 13, 2009 meeting, Supervisor Neitch inquired about the collection of taxes. It was advised to request a report from the Treasurer. The report should show 60 days after the publication of the delinquent tax list, between current year and last year, and see if there is any difference.

At the December 17, 2009 meeting, Mr. Carter presented the Board with a report prepared by the Treasurer's Office on delinquent tax collections, which was requested at the October 13, 2009 Board meeting. The report compares collections from June 30, 2008 to September 30, 2008 and June 30, 2009 to September 30, 2009, with more taxes being collected in 2008. The delinquent tax list was not published in 2008.

At the February 9, 2010 meeting, Supervisors Davidson and Call inquired about the collection of delinquent taxes. Mr. Tate explained the process. Supervisor Davidson asked if there could be a payment plan to help get the taxes paid. Mr. Tate stated the Treasurer handles the payments. Chairman Clark requested Mr. Carter to contact Mr. Tom Burkett, Treasurer and invite him to the March Board meeting to discuss this issue.

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee 6-13-06).
3. Appointments: Board of Zoning Appeals (12-17-09)
One Alternate - VACANT
4. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer (5-13-08).
5. Radio System Project (6-26-08).

At the February 9, 2010 meeting; Mr. Shannon Williams stated due to bad weather the contractor has requested a 78 day extension to complete contract. Mr. Williams recommends, after an internal staff discussion, a 72 day extension. Supervisor Blevins motioned to approve a 72 day extension on contract. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

At the April 13, 2010 meeting; Mr. Shannon Williams stated MorCom International was requesting a 45 day extension to complete contract. MorCom stated the sites were inaccessible from March 1st until March 24th, with this, staff is suggesting a 24 day extension. This would have the contract completion for May 7th. Mr. Williams stated if contract is not complete by May 7th, on May 8th a \$500 per day liquidation damage penalty would start being charged. Mr. Tate advised Mr. Williams if not completed by May 7th to send MorCom a letter stating the penalty being charged.

6. Referred to the Water and Sewer Counsel, proceed with legal documents to provide uncollectable names and accounts from the Water and Sewer Department to other water providers in the county **(2-10-09)**.
7. Nuisance complaint against a property owned by Joseph F. Ellis, Jr. - The Board voted to leave the matter on the Old Business agenda until the conclusion of a civil case is resolved. *(Civil case filed March 6, 2009)* At that time, the nuisance issue will be revisited. Mr. Patton Graham (Mr. Ellis' Attorney) will update the Board on the civil case as it progresses **(4-14-09)**.

At the November 12, 2009 meeting, Mr. Clegg Williams informed the Board no trial had been set.

At the January 12, 2010 meeting; Mr. Clegg Williams informed the Board, Mr. Patton Graham stated there is a settlement negotiating in progress.

8. Tax refund request from Commissioner of Revenue; GMAC – vehicle sold. The refund request is \$142.88. **(12-17-09)**
9. Board of Equalization nominations **(1-12-10)**

At the March 9, 2010 meeting; Mr. Tate stated he only had three nominations and he needs six to present to the Circuit Court Judge for appointing. Supervisor Davidson stated she may have two interested. Supervisor Neitch stated she would ask Vickie Stamper.

At the April 13, 2010 meeting; Mr. Tate stated he had met with Judge Freeman and presented him with the 4 nominees (Archie Atwell, Amanda Walters, Liz Williams, and Tom Copenhaver) from the Board. He also stated Judge Freeman will nominate a 5th person and appoint a Board.

10. Financial Discussion **(2-9-10)**
11. Tax refund request from Commissioner of Revenue; Dennis Wayne Dempsey – error reporting improvement on property for 2007-2009. The refund request is in the amount of \$801.45 plus interest. **(3-9-10)**

At the April 13, 2010 meeting; Mr. Tate stated he contacted the Commissioner of Revenue's Office and left a message requesting more information, but he had not received anything yet.

12. Solid Waste recommendation to accept Recycling Contract. **(3-9-10)**

At the April 13, 2010 meeting; Supervisor Davidson inquired if the company had become licensed with the Commonwealth of Virginia. Mr. Carter stated he had not got a response back from the company.

Supervisor Call referenced Mr. Tom Burkett's letter concerning the elimination of decals. With the Budget Committee in the process of developing the 2010-2011 budget, this issue was refer to the Budget Committee.

Committee Recommendations:

Building and Grounds

After discussion and with the recommendation from Committee; the Board approved the revised ADA Compliance Agreement with the following vote:

AYES: 7
NAYS: 0

Supervisor Davidson commended Mr. Clegg Williams on the effort he took with the Department of Justice.

Mr. Tate mentioned the money to make these renovations needs to be in the 2010-2011 budget.

Courthouse

After discussion and with the Courthouse Committee recommendation; the Board approved the repairs at the 911 Center for \$6,481.46 to install a breaker between the generator and air handlers, install sound material, repair the generator exhaust, and replace a battery charger. The vote is as follows:

AYES: 7
NAYS: 0

PUBLIC HEARING – INTENT TO APPLY FOR FUNDING FOR PROPOSED WATER AND SEWER PROJECTS

At 3:00 p.m. Chair Clark called the public hearing to order. Mr. Carter read the following advertisement that was published in the Smyth County News and Messenger Saturday editions on March 20, 2010 and March 27, 2010 and the Board's Rules and Procedures for public hearing:

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 two proposed projects: 1.) Kelly Hill – Mulberry – Rocky Hollow Water Distribution Project, which consists of the installation of approximately 32,000 linear feet of new 6 and 8 inch water line to serve an estimated 150 residences. 2.) Lucky Lane Area Water Distribution and Sewer Collection Project, which consists of the installation of approximately 4,150 linear feet of waterline, and a 55,000 gallon water storage tank to serve 18 residences. The sewer portion of this project involves approximately 5,400 linear feet of gravity sewer main, and two pumping stations to serve 35 residences.

A public hearing on the proposed projects will be held on April 13, 2010 at 3:00 p.m. or as soon thereafter. Anyone requesting information on these projects or to offer comments should attend this meeting, which will be held at the Board of Supervisors meeting room, 121 Bagley Circle, Marion, Virginia.

There were six (6) citizens present and the following spoke:

Doug Sutteth, West Hungry Mother Drive, Marion, inquired if his road was going to be included in the Lucky Lane water and sewer project. Mr. Simpson informed him that it would be included. Mr. Sutteth stated he would like to see this.

Earl McClure, Chilhowie, inquired about how much these projects would cost, he stated this was not noted in the advertisement. He also questioned the 55,000 tank and stated the Board members should visit this site.

Howard Wilson, Park Blvd, Marion, agrees with the sewer project. He stated there is an unpleasant sight for people coming to the Lake to see.

Atwood Huff, Roanoke, owns property on West Hungry Mother Drive, Marion, thankful he has city water but really needs sewer. Mr. Huff stated if there is anyone doesn't believe the sewer project is not needed, should come out to the Lake around the 4th of July. He also stated if you walk from the campground to the lake you can see the sewer in the ditch. He inquired about a time schedule.

Mr. Simpson explained the reasoning of this public hearing and the process to get to the point of starting the projects. He also explained the funding process and stated Rural Development still has some stimulus money available. He informed that the 55,000 tank was being added to service the whole system, which will include the buildings and sprinkler systems of Hungry Mother Park.

At 3:14 p.m., Chair, Clark closed the public hearing.

PUBLIC HEARING – PROPOSED \$5,000,000.00 LINE-OF-CREDIT

At 3:32 Chair Clark called public hearing to order. Mr. Carter read the following advertisement that was published in the Smyth County News and Messenger Saturday editions on March 20, 2010 and March 27, 2010 and the Board's Rules and Procedures for public hearing:

NOTICE OF PUBLIC HEARING

The Board of Supervisors of Smyth County, Virginia will conduct a **Public Hearing** at the office of the Board of Supervisors, 121 Bagley Circle, Suite 100, Marion, Virginia, **on April 13, 2010, at 3:30 PM, or as soon thereafter on that date as it may commence**, to consider the issuance of a note or notes of the County, under § 15.2-2629 of the Code of Virginia, in anticipation of County revenue in the maximum amount of Five Million Dollars (\$5,000,000.00) for use by the County in anticipation of revenues, and to fund the operations of the County.

As provided by § 15.2-2629 of the Code of Virginia, this note or these notes, will be repaid within one (1) year of their issuance, and no further notes may be issued until this note or notes are paid in full.

This notice of hearing is given pursuant to § 15.2-2636 of the Code of Virginia, as the County proposes to issue its note or notes, and this public hearing is to give the public the right to comment on the proposed borrowing. At this public hearing, the chief financial officer of the County will make a brief presentation at the beginning of the public hearing.

At this public hearing, which, as stated above, will be held at the office of the Board, 121 Bagley Circle, Suite 100, Marion, Virginia, on April 13, 2010 at 3:30 PM, or a soon thereafter as it may begin on that date, and subject to the rules of procedure of the Board of Supervisors of Smyth County, Virginia, any person may appear and state their views thereon.

Mr. Charlie Atkins gave an update on the financial status of the County. Mr. Atkins informed the Board he estimated June's appropriations to be \$11.9 million and estimated \$8 million to be in the bank. He stated per Code to be able to appropriate; the money has to actually be in the bank.

There was one (1) citizen present and spoke:

Earl McClure, Chilhowie, referenced the advertisement and questioned a code section. He also questioned how many years will the County have to keep doing this.

At 3:43 p.m. Chair Clark closed the public hearing.

This will be placed on the agenda for consideration at the April 22nd meeting.

Mr. Carter requested the Board allow Dr. Robinson to attend the April 22nd meeting to present the School Board budget. Chair Clark agreed and requested the use of the Board room of Social Services or the School Board. Mr. Clegg Williams and the Planning Commission will be in the County Board room.

Mr. Carter informed the Board that six Advanced Government students from Chilhowie and Northwood would be attending the regular Board meeting on May 11th. Supervisor Davidson stated she spoke with the AP Government teacher in Chilhowie and she is going to speak at one of his classes. She is going to give a powerpoint presentation prior to the Board meeting. Supervisor Dishner thanked Supervisor Davidson for her efforts in having the students attend meetings. Supervisor Davidson stated she thinks the youth of the County need to be involved.

Mr. Atkins informed the Board that the Extension Agent position is on hold for about four weeks with VA Tech.

Mr. Carter informed the Board that Youth Government Day was May 12th if any member would like to attend.

CLOSED SESSION

At 3:48 p.m. a motion was made by Supervisor Dishner to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.1** Personnel; discussion and consideration of prospective candidates for employment, **A.5** Business/Industrial Prospects; discussion concerning a business or industry considering expansion with no previous announcement being made, and **A.7** Legal counsel consultation and staff briefings; discussion on pending litigations. This was seconded by Supervisor Waddell and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to open meeting, a motion was made by Supervisor Dishner to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION CERTIFICATION OF CLOSED SESSION

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Call and the vote is as follows:

AYES: 7
NAYS: 0

After discussion in closed session; Supervisor Call motioned to proceed with courthouse according with agreed upon plans, with single sally port, no relocation of offices out of courthouse during construct, and with agreed 141 parking spaces. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 5 Call, Davidson, Clark, Dishner, Neitch
NAYS: 2 Blevins, Waddell

Chair Clark set a public hearing for the borrowing of \$25,000,000 for May 11, 2010 at 7:00 p.m. and request to include Davenport & Company on the agenda during the regular meeting.

Mr. Tate informed the Board he would not sign the Order until the borrowing of money had been approved.

CONTINUED

At 5:31 p.m. Chair Clark continued the meeting until April 22, 2010 at 7:00 p.m.

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, April 22, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
Roscoe D. Call
M. Todd Dishner
Brenda J. Waddell

Wade H. Blevins, Jr.
Regina H. Davidson
Darlene R. Neitch

STAFF PRESENT:

Michael L. Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant

PLANNING COMMISSION MEMBERS PRESENT:

Karl Kalber
Dennis Blevins
Graham Davidson

Norman Sparks
Amy Tuell

PLANNING COMMISSION MEMBERS ABSENT:

Don Medley
Wayne Venable

OTHERS PRESENT:

Smyth County News

CALL TO ORDER

Both Chair Clark and Chair Kalber called the public hearing to order. Mr. Carter, Acting County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on April 10 and April 17 (Saturday editions). Mr. Carter also read the rules of procedures for public hearings. There were approximately (50) citizens present interested in these applications.

**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 22, 2010, 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 Seth Heath for a Special Use Permit to establish a Commercial Rodeo Ring or Arena. The property is located at 1217 Fox Valley Road in Marion, identified as a portion of Tax Map No. 55-A-49 and zoned Agricultural/Rural.

An application from Francis & Patricia Taylor for a Special Use Permit for the expansion of a nonconforming use (kennel) located at 1611 Rocky Hollow Road in Atkins. The property is identified as Tax Map No. 38-A-61 and is zoned Agricultural/Rural.

An application from Rich Valley Agricultural Fair Association, Inc. for a Special Use Permit to expand their activities by conducting several individual horse rodeos, team pinning, ATV events, bull riding and concerts throughout the year. The property is located at 325 & 329 Long Hollow Road, Saltville. The property is identified as Tax Map Nos. 19-A-51, 19-A-36B and 19-A-36C, and is zoned Agricultural.

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 the application(s) 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.

APPLICATIONS SUBMITTED

Seth Heath - Special Use Permit. Mr. Williams summarized an application submitted by Seth Heath to operate a commercial rodeo ring/arena. He explained that Mr. Heath purchased approximately 24.5 acres which included the structures addressed as 1209 and 1217 Fox Valley Road and the existing riding ring. Mr. Williams stated he advertised tonight's joint public hearing in the Smyth County News on April 10 and 17 and mailed notice to each applicant's adjoining property owners. He stated he had not received any comments to be relayed at the hearing. He referenced the proper sections of the Ordinance pertaining to Special Use Permits, rodeo ring, and arena.

Mr. Heath was present to address questions and concerns including the following: he would use the existing entrance and it will be the only entrance, restroom facilities will be portable, there will be no concessions, operating hours will be on Saturdays starting at 5 or 6 p.m. until midnight, he estimated operating four to five times per year (usually one big event per month), there will not be on premise security or first aid personnel, and there will be a no alcohol/drug policy. He stated he has been involved with rodeos for the past 15 years in the Virginia and Tennessee areas. He estimates that each event will have approximately 30

participants. Insurance coverage is currently in the process. He feels he has adequate parking and access to the premises.

Kathleen Nicholson was the only citizen present who voiced concerns with the traffic and noise. She lives directly across the street and is concerned the commotion of the rodeos will have a negative effect on local residents.

Mr. Heath addressed Ms. Nicholson's concerns by stating they have tested the sound system and could not hear it at his house located on the same property. He stated that they will direct the sound system away from Ms. Nicholson's residence. Ms. Nicholson stated that Mr. Heath has not tried out the system with animals and public and is concerned that once the Special Use Permit is issued, it won't matter to Mr. Heath.

No one else spoke on this application.

Rich Valley Agricultural Fair Association – Special Use Permit: Mr. Williams summarized an application submitted by the Rich Valley Agricultural Fair Association (hereinafter referred to as "Fair") for a Special Use Permit to expand a non-conforming use. He explained that for decades the Fair has conducted an annual weeklong fair consisting of a variety of events with occasional horse shows held outside of fair week. Recently, there has been a desire to expand the number of events held on the property as well as introduce new events. Some of their most recent events include ATV races, high school rodeo, and a team pinning event conducted by a third party. Mr. Williams explained that while working with the Fair on the application process he learned of plans to conduct bingo, professional wrestling, and auctions. He stated that while some of the proposed uses could be considered allowed "by right," he felt others were regulated by the Ordinance and require a Special Use Permit. He stated he had not received any comments on the application. He again referenced the Special Use Permit section of the Ordinance as well as the section for expansion of non-conforming uses.

Randi Davis was present representing the Fair. She stated the Rich Valley Agricultural Fair Association is celebrating its 75th year. She stated the Fair is a non-profit organization and wishes to conduct other various activities outside the regular fair week. She stated that the Fair would like to be permitted to be open to the community throughout the year to utilize the property to practice for ATV races, ride horses, picnics, etc. She further stated liability insurance does cover citizens outside fair week activities.

No one else spoke on this application.

Francis & Patricia Taylor – Special Use Permit: Mr. Williams summarized the application from Mr. and Mrs. Taylor (owners and operators of Promise Land Animal Rescue, hereinafter referred to as “Rescue”) by stating since their beginning, Rescue has operated out of a horse barn located on the Taylor’s property in Groseclose. They now propose to construct a new facility to house the rescued small animals. He again referenced the Special Use Permit section as well as the section for expansion of non-conforming uses in the Ordinance.

Francis Taylor was present and summarized his history of caring for animals on a smaller scale many years ago. His farm houses approximately 15-20 personal horses in a 15 stall barn with a riding ring and storage for approximately 5,000 bales of hay. As word got out, people started dropping off stray animals at the farm which he and his family would take in and care for. Eventually, volunteers started helping care for the strays and each animal is spayed/neutered, given up to date shots, and visited by, Christy Boyd, local veterinarian almost weekly. Mr. Taylor states that the Rescue operates a “no kill” facility.

Susan Graf, daughter of Mr. and Mrs. Taylor and program manager of the Rescue also spoke. She stated that they often go to local shelters and rescue animals before they are euthanized. They provide humane education to locals, including boy and girl scouts and churches. The rescued animals are also utilized for rehabilitation purposes for physically or mentally limited individuals. She stated that the proposed new structure will remove the small animals from the barn with the larger animals. It will have approximately 20 kennels, office, lobby, classroom, grooming, two large rooms for cats, and an apartment for a caretaker. The construction costs will be provided through fundraisers. She feels the proposed new structure will improve the living arrangements for the animals as well as improving the facilities overall. She stated the Rescue does file annual reports with Department of Agriculture and they have relocated approximately 500 to 600 animals within the last four years.

Danielle Graf, granddaughter of Mr. and Mrs. Taylor, was present and expressed her role with the Rescue. She estimates the building will be less than 4,000 square feet and will have a special drainage and septic system installed for the animal waste. She feels the project will take from six months to one year to complete. She presented a petition with 300 signatures supporting the Rescue’s request.

Several citizens were present voicing their support of this request including Carolann Johnson, Darrin Handy, Susie Ellis, and Beverly Haddock. They feel the expansion will improve the facility as well as the care of the animals.

Two citizens were present voicing opposition of this request based on concerns for noise, surface runoff, runoff of horse waste contaminating creek, horses overcrowding the farm, and current land management (Shannon Williams and Nada Pickle).

The officers of the Rescue responded to the comments in opposition stating the waste from the small animals would be contained in a septic system and waste from the large animals (horses) would be stockpiled on a flat surface for disposal to local farmers for fertilization. Mr. Taylor stated that the horses were now being fed hay instead of grazing to allow the fields to establish vegetation on the balding spots. The Rescue feels all other complaints will be resolved once the construction is finalized and animals can be appropriately relocated on the farm. They feel the recent drought and unusual winter hampered the conditions of the farm.

Chairman Clark and Chairman Kalber closed the joint public hearing at 8:05 p.m.

At 8:13 p.m. the Board of Supervisors convened to School Board meeting room on the 3rd floor.

There were 2 citizens present.

Dr. Mike Robinson reviewed with the Board the 2010/2011 School Board Budget. Dr. Robinson thanked the Board for their support. After discussion; Chair Clark set a public hearing for Thursday, May 13, 2010 at 7:00 p.m.

The Board discussed obtaining a \$5,000,000.00 Line-of-Credit. Mr. Charlie Atkins advised the Board this Line-of-Credit is needed for June payables. With the Budget Committee recommendation, the Board approved the \$5,000,000.00 Line-of-Credit with the following vote:

AYES:	6	Clark, Call, Davidson, Dishner, Neitch, Waddell
NAYS:	1	Blevins

Chair Clark advised Mr. Mike Carter to contact Mr. Tom Burkett, Treasurer and request him to proceed with the process of obtaining a \$5,000,000.00 Line-of-Credit.

Mr. Carter informed the Board Judge Freeman sent four names to be discussed for a nomination to the Board of Equalization. After discussion, Supervisor Davidson motioned to nominate Mr. John Lincoln. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Adjourn meeting

At 8:52p.m. Supervisor Call motioned to adjourn meeting and Supervisor Waddell seconded the motion. The motion passed with the following vote:

AYES: 7
NAYS: 0

The Smyth County Board of Supervisors held its regular May meeting at 12:00 noon, **Tuesday, May 11, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
Wade H. Blevins, Jr.
Roscoe D. Call

Regina H. Davidson
Darlene R. Neitch
Brenda J. Waddell

MEMBERS ABSENT:

M. Todd Dishner

STAFF PRESENT:

Michael Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Scott Simpson, County Engineer
Charlie Atkins, CFO
Sally Morgan, Economic Development
Kenny Lewis, Chief Deputy (arrived at 12:10pm)

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

Chilhowie High School Advanced Government Class:

Teacher: Mr. Keith Holley

Students: Ms. Olivia Bailey

Ms. Hannah Devaney

Ms. Rebecca Hash

Ms. Shannon Howell

Mr. Austin Pote

Northwood High School Advance Government Class:

Teacher: Mr. Jim Carter

Students: Mr. Chaz Harris

Ms. Amber Roberts

Ms. Brandi Sackwitz

Ms. Danielle Sheets

CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

With a quorum present, the meeting was called to order at 12:00 noon. Mr. Travis Chapman gave the invocation and Mr. Charlie Clark led the pledge of allegiance.

ADOPTION OF AGENDA

Supervisor Blevins motioned to adopt the agenda and additional agenda as to form, while adding the issue regarding the Hutton Branch Treatment Plant to the additional agenda. Supervisor Neitch seconded the motion, vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

MINUTES OF PREVIOUS MEETINGS

The Board was presented with the minutes from the following meetings:

Tuesday, April 13, 2010
Thursday, April 22, 2010

Supervisor Blevins made a motion to approve the minutes as presented with noted changes. Supervisor Waddell seconded the motion and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Charlie Atkins presented the Board with the proposed 2010/2011 County Budget for their review. Mr. Atkins stated Mrs. Debbie Schwartz, Deputy Treasurer, informed him the County had a bank balance of \$10 million. Additional; Mr. Atkins informed the Board the revenue stream, at this time, appears better than anticipated.

PAYMENT OF COUNTY INVOICES

Supervisor Blevins motioned to approve \$6,216,521.62 for appropriations. The following is an explanation of the appropriations approved:

General County	\$ 1,525,000.00
Long Hollow Water Project	\$ 1,752.83
Hall Addition #2 Sewer Project	\$ 60,772.25
Hall Addition #2 Sewer Project	\$ 120,388.85
Pioneer/Fox Valley Water Project	\$ 73,607.69
Social Services (May 12 - 31, 2010)	\$ 395,000.00
(June 1 – 8, 2010)	\$ 70,000.00
Schools - Operating Fund	\$ 3,800,000.00
Debt & Capital Outlay Fund	\$ 170,000.00

Supervisor Call seconded the motion, and motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Supervisor Blevins motioned to approve the accounts payable listing in the amount of \$862,612.58. Supervisor Call seconded the motion and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mrs. Sally Morgan, Community and Economic Development, updated the Board on a meeting with the newly appointed Secretary of Commerce and Trade, Mr. Jim Cheng and Deputy Secretary of Rural Economic Development, Ms. Mary Rae Carter.

CITIZEN'S TIME

There were three (3) citizens present, but no one spoke. Chair Clark closed citizen's time at 12:39 p.m.

NEW BUSINESS

Mr. Scott Simpson, County Engineer, discussed the following with the Board:

(a) Approving funding offer from Mt. Rogers Planning District for a Water Treatment Plant Project. The plant will serve the western part of Smyth County and Tannersville area of Tazewell County. The funding offer is for half the cost for the Engineering Report to be prepared by Thompson & Litton, Inc. The Cumberland Plateau Planning District has approved the other half of the cost for Tazewell County out of their 2011 budget. In addition to approving the funding, the contract for Thompson & Litton to prepare the Preliminary Engineering Report and Funding Application must be approved.

After discussion, Supervisor Call motioned to approve the funding offer. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Committee Recommendations:

Water and Sewer

(b) Approving the Paymentus agreement. Mr. Simpson explained to the Board, the Treasurer's Office currently uses Paymentus for County tax payments. This service will be at no cost to the County; the customer will pay a \$2.95 processing fee in addition to their assessed water and sewer bill. This service provides an additional option for customers to pay their water and sewer bills. The Water and Sewer Attorney has reviewed the agreement and found no discrepancies. If approved, it will take about 30 days for Paymentus to install the software and have the site available for customers. The customers will be made aware of this payment option by a link on the County website, notification on bills, and a notice in the Water and Sewer Office.

With recommendation from the Water and Sewer Committee, the Board approved the agreement with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

(c) Approving Draper Aden Engineering Services for Water and Sewer Specifications. Mr. Simpson informed the Board the specifications had not been updated since 1999. In explaining this request, Mr. Simpson made the Board aware of a \$15,000 grant from the Virginia Department of Health that will fund the upgrade to the Water Specifications. With no grant funding available, he request \$10,000 to come out of the current budget for the Sewer Specifications.

With the Water and Sewer Committee recommendation, the Board approved Draper Aden Engineering Services for the Water and Sewer Specification updates, receiving the \$15,000 grant, and appropriating \$10,000 out of the Engineering budget. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

(d) Approve write-off of uncollectible accounts. Mr. Simpson informed the Board there were a few accounts that the Water Department were unable to collect and the department is requesting permission to write-off these accounts totaling \$1,209.48.

With the Water and Sewer Committee recommendation, the Board approved the write-off of uncollectible accounts in the amount of \$1,209.48. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Simpson added with new policy, the Water Department continues to have fewer write-offs.

Mr. Simpson discussed the concern with chlorine at the Hutton Branch Treatment Plant. He explained that chlorine is causing problems for the equipment inside the plant, and that building a 10 x 10 room to house the chlorine would solve the problem. He received a quote from Custom Solutions for \$13,700. Mr. Simpson requested approval to negotiate and enter into agreement with Custom Solutions and appropriate no more than \$13,700. \$9,000 will come out of the Hutton Branch line item and the remaining will come out of the Water Department Maintenance line item.

After discussion, Supervisor Neitch motioned to authorize Mr. Simpson to negotiate the price and enter into an agreement with Custom Solutions on building the room to house the chlorine at the Hutton Branch Treatment Plant. Included in Supervisor Neitch motion is an appropriation no more than \$13,700 for the room. Supervisor Call seconded the motion, and motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Mike Carter, Acting County Administrator, introduced Mr. Jim Bise, Maintenance Superintendent. Mr. Bise informed the Board of the duties of the Maintenance Department. Mr. Bise had each employee introduce themselves, what building they maintained, and the number of years they have been employed with the County.

Ms. Margie Johnson; maintains the Health Department, and has been an employee for 10 years.

Ms. Nancy Quillen; maintains the County Office Building and Jail, and has been an employee for 4 years.

Mr. Adam Hester; helps maintain all County Buildings, and has been an employee for 5 years.

Mr. Tommy Cregger; maintains the County Office Building, and has been an employee for 15 months.

Mrs. Vikki Sparks was unable to attend.

Committee Recommendations: (continued)

Budget

(a) Approve low bid to purchase and install air units for dispatch and computer rooms. Mr. Carter explained the current units had failed five times since December 25, 2009. The concern with the failed units revolves around the damage the equipment will receive if it overheats. There is costly equipment that will be damaged if it overheats; the air units maintain a constant temperature which will help keep the equipment cool.

After discussion and with the Budget Committee recommendation, the Board approved the low bid of \$12,500 from R & M Heating & Cooling Inc. to purchase and install air units for dispatch and computer rooms. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

(Courthouse Repairs line item #001-070000-7016)

(b) Approve funding a deputy position out of the Police Activity Fund. Supervisor Davidson inquired if there were any restrictions on what the Police Activity Fund money could be used for. Sheriff Bradley stated there were no restrictions.

After discussion and with the Budget Committee recommendation, the Board approved funding a \$45,000 to \$50,000 (includes benefits) deputy position out of the Police Activity Fund. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

(c) Mr. Tate requested to delay setting a public hearing for the 2010/2011 budget and tax levy until he had reviewed information on reassessment years concerning the tax levy.

Chair Clark had the students from Chilhowie and Northwood Advanced Government Classes introduce themselves.

Chair Clark explained Board procedures on different issues through out the meeting to the students.

Kristin Untiedt-Barnett, Executive Director – Chamber of Commerce presented the following resolution:

BUSINESS APPRECIATION WEEK 2010

WHEREAS, Governor Robert F. McDonnell has recognized May 16-22, 2010 as **BUSINESS APPRECIATION WEEK** in the **COMMONWEALTH OF VIRGINIA**, and called this observance to the attention of all citizens; and,

WHEREAS, Virginia and its localities recognize that jobs and investment follow private businesses that seize opportunities to expand markets, develop new products, and invest in equipment that improves productivity; and

WHEREAS, the citizens of Smyth County benefit from the jobs and investment that business creation, growth and expansion provide; and

WHEREAS, Smyth County has joined the Commonwealth in developing a business climate of opportunity to encourage entrepreneurial risk-taking, investment, and job growth; and

WHEREAS, businesses in Smyth County play a significant role in growing the economy of the Commonwealth when they assume market risks to reap the rewards of pursuing opportunity; and

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

NOW, THEREFORE, We, the Board of Supervisors, do hereby recognize May 16-22, as **BUSINESS APPRECIATION WEEK** in **Smyth County**, and call this observance to the attention of all our citizens.

Tuesday, May 11, 2010

Mrs. Untiedt-Barnett stated this resolution was also presented to the three Towns, and she explained the events that would be held during the week of May 16 – 22 with local businesses. She invited two representatives from the Board to join her at an event at the Riverside Restaurant in Chilhowie. Additional members were invited for \$15.00 each.

Supervisor Davidson motioned to approve Business Appreciation Week in Smyth County. Supervisor Call seconded the motion, and motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Travis Jackson, with Rural Development explained the following financing options concerning the \$25,000,000 borrowing issue to be discussed later in the meeting:

- 40 year loan with simple interest, today's fixed rate was 4 1/8%; with this option no taxable opinion is needed.
- General Obligation Bonds
- American Recovery and Reinvestment Act (ARRA) stimulus money (expires September 30, 2010)
- Build America Bond (BAB), with the Department of Treasury. A taxable opinion is required and this option returns 35% of the interest cost. This expires December 31, 2010; Rural Development would need this information by September 30, 2010.

Additionally, Mr. Jackson made the Board aware that Rural Development requires an Architect and Environmental Reports for all eligible projects to be considered. He also stated due to timing issues this option could expire before the County could benefit from this program.

Supervisor Davidson inquired about where she may find written information on these options. Mr. Jackson informed her to go on the Department of Treasury (www.irs.gov) website and also on Rural Development's website (www.ruraldevelopment.gov).

OLD BUSINESS

1. Collection of delinquent taxes **(8-10-04)**. *At the July 9, 2009 meeting, Mr. Carter stated he has an updated delinquent tax list. Supervisor Perry motioned to continue this issue. Supervisor Neitch seconded the motion and it duly passed:*

AYES: 6
NAYS: 1 C.C. "Charlie" Clark, Jr.

At the October 13, 2009 meeting, Supervisor Neitch inquired about the collection of taxes. It was advised to request a report from the Treasurer. The report should show 60 days after the publication of the delinquent tax list, between current year and last year, and see if there is any difference.

At the December 17, 2009 meeting, Mr. Carter presented the Board with a report prepared by the Treasurer's Office on delinquent tax collections, which was requested at the October 13, 2009 Board meeting. The report compares collections from June 30, 2008 to September 30, 2008 and June 30, 2009 to September 30, 2009, with more taxes being collected in 2008. The delinquent tax list was not published in 2008.

At the February 9, 2010 meeting, Supervisors Davidson and Call inquired about the collection of delinquent taxes. Mr. Tate explained the process. Supervisor Davidson asked if there could be a payment plan to help get the taxes paid. Mr. Tate stated the Treasurer handles the payments. Chairman Clark requested Mr. Carter to contact Mr. Tom Burkett, Treasurer and invite him to the March Board meeting to discuss this issue.

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee **6-13-06**).
3. Appointments: Board of Zoning Appeals **(12-17-09)**
One Alternate - VACANT
4. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer **(5-13-08)**.
5. Radio System Project **(6-26-08)**.

At the February 9, 2010 meeting; Mr. Shannon Williams stated due to bad weather the contractor has requested a 78 day extension to complete contract. Mr. Williams recommends, after an internal staff discussion, a 72 day extension. Supervisor Blevins motioned to approve a 72 day extension on contract. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

At the April 13, 2010 meeting; Mr. Shannon Williams stated MorCom International was requesting a 45 day extension to complete contract. MorCom stated the sites were inaccessible from March 1st until March 24th, with this, staff is suggesting a 24 day extension. This would have the contract completion for May 7th. Mr. Williams stated if contract is not complete by May 7th, on May 8th a \$500 per day liquidation damage penalty would start being charged. Mr. Tate advised Mr. Williams if not completed by May 7th to send MorCom a letter stating the penalty being charged.

6. Referred to the Water and Sewer Counsel, proceed with legal documents to provide uncollectable names and accounts from the Water and Sewer Department to other water providers in the county **(2-10-09)**.
7. Nuisance complaint against a property owned by Joseph F. Ellis, Jr. - The Board voted to leave the matter on the Old Business agenda until the conclusion of a civil case is resolved. *(Civil case filed March 6, 2009)* At that time, the nuisance issue will be revisited. Mr. Patton Graham (Mr. Ellis' Attorney) will update the Board on the civil case as it progresses **(4-14-09)**.

At the November 12, 2009 meeting, Mr. Clegg Williams informed the Board no trial had been set.

At the January 12, 2010 meeting; Mr. Clegg Williams informed the Board, Mr. Patton Graham stated there is a settlement negotiating in progress.

At the May 11, 2010 meeting; Mr. Clegg Williams informed the Board, he did not have any new information on this issue.

8. Tax refund request from Commissioner of Revenue; GMAC – vehicle sold. The refund request is \$142.88. **(12-17-09)**

At the May 11, 2010 meeting; Mr. Tate stated he had not finished his review on this issue.

9. Board of Equalization nominations **(1-12-10)**

At the March 9, 2010 meeting; Mr. Tate stated he only had three nominations and he needs six to present to the Circuit Court Judge for appointing. Supervisor Davidson stated she may have two interested. Supervisor Neitch stated she would ask Vickie Stamper.

At the April 13, 2010 meeting; Mr. Tate stated he had met with Judge Freeman and presented him with the 4 nominees (Archie Atwell, Amanda Walters, Liz Williams, and Tom Copenhaver) from the Board. He also stated Judge Freeman will nominate a 5th person and appoint a Board.

At the May 11, 2010 meeting; Mr. Carter informed the Board an organizational meeting on Thursday, May 13th and trained on Friday, May 21st the Board of Equalization will be attending. Supervisor Blevins motioned to remove this item from the list. Supervisor Waddell seconded the motion, and motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

10. Financial Discussion **(2-9-10)**

11. Tax refund request from Commissioner of Revenue; Dennis Wayne Dempsey – error reporting improvement on property for 2007-2009. The refund request is in the amount of \$801.45 plus interest. **(3-9-10)**

At the April 13, 2010 meeting; Mr. Tate stated he contacted the Commissioner of Revenue's Office and left a message requesting more information, but he had not received anything yet.

At the May 11, 2010 meeting; Mr. Tate stated he had not finished his review on this issue.

12. Solid Waste recommendation to accept Recycling Contract. **(3-9-10)**

At the April 13, 2010 meeting; Supervisor Davidson inquired if the company had become licensed with the Commonwealth of Virginia. Mr. Carter stated he had not got a response back from the company.

Clegg Williams, Zoning Administrator

(a) Updated the Board on the decisions from the Planning Commission on the Public Hearing for special use permits.

Seth Heath – The Board accepted the Planning Commission's recommendation and approved the application for a Special Use Permit to operate a Rodeo/Riding Arena with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Supervisor Davidson stated she would like for Mr. Heath to make the local law enforcement and EMS personnel aware when he is having an event. Supervisor Call stated Mr. Heath should also make the Animal Shelter aware.

Rich Valley Fair Association – The Board accepted the Planning Commission's recommendation and approved the application for a Special Use Permit to expand a non-conforming use with the following vote:

Tuesday, May 11, 2010

AYES: 6

NAYS: 0

ABSENT: Dishner

Francis and Patricia Taylor (Promise Land Animal Rescue) – The Board accepted the Planning Commission's recommendation and approved the application for a Special Use Permit to expand a non-conforming use with the following vote:

AYES: 6

NAYS: 0

ABSENT: Dishner

Supervisor Davidson informed the Board she made an unannounced visit to the Animal Rescue and she was impressed. She noted it was clean and the attendant took time to show her around the facility, showed her the new septic system, and she further note the land concerns addressed at the public hearing were being addressed.

(b) Mr. Williams updated the Board on a new VDOT issue that will impact the residence of Smyth County. The new issue revolves around the reconstructing of VDOT operations for Smyth County, and requires anyone needing to get an entrance permit must now to Wytheville and pay a \$100 fee.

PUBLIC HEARING – TRANSIENT OCCUPANCY TAX CHANGE

At 3:00 p.m. Chair Clark called the public hearing to order. Mr. Carter read the following advertisement that was published in the Smyth County News and Messenger Saturday editions on April 24, 2010 and May 1, 2010 and the Board's Rules and Procedures for public hearing:

Public Hearing Notice

The Smyth County Board of Supervisors will conduct a public hearing at the next regularly scheduled meeting of the Board on Tuesday, May 11, 2010 at 3:00 P.M., at the Smyth County Office Building, 121 Bagley Circle, Marion, VA.

This hearing will consider the adoption of an amendment to the Smyth County Transient Occupancy Tax pursuant to amended Section 58.1-3819 of the Code of Virginia. The hearing will take public comment on amending Section 34-301: Finance and Taxation, of the Smyth County Code. The Board will consider whether or not to increase the Transient Occupancy Tax. This proposed increase would increase the Transient Occupancy Tax from two percent (2%) to five percent (5%) of the total amount paid for room rental by or for such transient to any hotel, travel campground, or lodging establishment. This tax would apply to facilities rented out for a period of not more than twenty-nine (29) 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, 121 Bagley Circle, Suite 100, Marion, VA, and may be reviewed, or a copy obtained, Monday – Friday, during normal business hours, 8:00 a.m. - 5:00 p.m.

There were no citizens present to speak.

At 3:04 p.m., Chair Clark closed the public hearing.

Additional Agenda Items

Mr. Jeff Richardson was present to discuss the reassessment values with the Board. Categories 1 – 4 had minimal or no change in value and 5 – 6 is now identified as land use. These established values were identified after the Assessors met with the residence of Smyth County. He further identified these values did not include the Senior Citizens' Credit or any meetings with the Board of Equalization.

After discussion; Supervisor Neitch motioned to set the 2010/2011 Budget year Tax Levy Public Hearing for June 14th at 6:00 p.m. Supervisor Blevins seconded the motion, and motion passed the following vote:

Tuesday, May 11, 2010

AYES: 6

NAYS: 0

ABSENT: Dishner

After discussion; Supervisor Davidson motioned to set the Proposed 2010/2011 County Budget Public Hearing for June 15th at 2:00 p.m. Supervisor Blevins seconded the motion, and motion passed with the following vote:

AYES: 6

NAYS: 0

ABSENT: Dishner

Mr. Carter informed the Board of a letter, from the Smyth Wythe Airport inviting them to attend a tour and an option to take a "ride around the pattern" with a local pilot.

CLOSED SESSION

At 3:56 p.m. a motion was made by Supervisor Neitch to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.1** Personnel; discussion and consideration of prospective candidates for employment, **A.5** Business/Industrial Prospects; discussion concerning a business or industry considering expansion with no previous announcement being made, and **A.7** Legal counsel consultation and staff briefings; discussion on pending litigations. This was seconded by Supervisor Call and the motion passed with the following vote:

AYES: 6

NAYS: 0

ABSENT: Dishner

Upon returning to open meeting, a motion was made by Supervisor Neitch to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Call and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Tate stated at the request of the Budget Committee, he had spoke with Mr. Tom Burkett, Treasurer on the Franchise, Utility, and ABC/Wine tax not being collected. Mr. Burkett is going to research the issue and provide Mr. Tate with a list of what taxes are being collected.

CONTINUED

At 4:15 p.m. Chair Clark continued the meeting until 7:00 p.m. for a public hearing.

**7:00 PUBLIC HEARING – PROPOSED ISSUANCE OF GENERAL OBLIGATION PUBLIC
IMPROVEMENT BONDS OF \$25,000,000**

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
Wade H. Blevins, Jr.
Roscoe D. Call

Regina H. Davidson
Darlene R. Neitch
Brenda J. Waddell

MEMBERS ABSENT:

M. Todd Dishner

STAFF PRESENT:

Michael Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Scott Simpson, County Engineer
Charlie Atkins, CFO
Jan Blevins, Deputy

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

At 7:00 p.m. Chair Clark called the public hearing to order. Mr. Carter read the following advertisement that was published in the Smyth County News and Messenger Wednesday editions on April 28, 2010 and May 5, 2010 and the Board's Rules and Procedures for public hearing:

NOTICE OF PUBLIC HEARING

Notice is hereby given that on Tuesday, the 11th day of May, 2010 at 7:00 p.m., 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 \$25,000,000. The purpose of the proposed bonds is to finance, together with other available funds, a new courthouse facility, consisting of an expanded and remodeled courts facility, a parking garage for public use, an emergency communications system, and relocation of the 911 Center.

The public hearing, which may be continued or adjourned, will be held at 7:00 p.m. or as soon thereafter as the matter may be heard on May 11, 2010, in the Board of Supervisors meeting room on the first floor of the Smyth County Office Building at 121 Bagley Circle, Suite 100, Marion, Virginia 24354. Interested persons may appear at such time and place, and subject to the Rules and Procedures of the Board may present their views on this borrowing.

There were an estimated 45 citizens present and the following spoke in opposition to the borrowing of \$25,000,000.00:

Earl McClure
Rodney Blevins
Ron Blevins
Deanie Dimick
Shirley Earp
Rob Eller
Tom Bishop
Kyra Bishop

Charles Wassum III
Cristina Falin
Mary Martin
Anna Wassum
Jo Haymaker
Bill Haymaker
Mary Ellen Hall
Jessie Hall

Fairfax Patterson stated she was delighted it was all going to be in one place.

At 7:42 p.m., Chair Clark closed the public hearing.

Earl McClure inquired about the Courthouse Committee or the Board giving Dan Kegley an informative report to place in the paper so citizens could know what is going on. In response, Mr. Tate informed that all committee meetings were open to the public. He further stated he would talk to anyone wanting to know additional information not prohibited by 2.2-3711 of the Smyth County Code after the Public Hearing.

CONTINUED

Supervisor Blevins motioned to continued meeting until May 13, 2010, at 7:00 p.m. for the School Board Budget Public Hearing. Supervisor Waddell seconded the motion, and motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Carter reminded the Board that tomorrow was Youth Government Day.

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, May 13, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
Wade H. Blevins, Jr.
Roscoe D. Call
Regina H. Davidson

M. Todd Dishner
Darlene R. Neitch
Brenda J. Waddell

STAFF PRESENT:

Michael L. Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Charlie Atkins, Chief Financial Officer
Scott Simpson, Engineer
Deb Montgomery, Deputy

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER

At 7:03 p.m. Chair Clark called the public hearing to order. Mr. Mike Carter, Acting County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on May 1, 2010. Mr. Carter also read the rules of procedures for public hearings.

**NOTICE OF PUBLIC HEARING
ON THE SMYTH COUNTY SCHOOL BUDGET
FOR FISCAL YEAR COMMENCING
July 1, 2010 – June 30, 2011
On Thursday, May 13, 2010 at 7:00 p.m.**

This budget synopsis is prepared and published in accordance with Section 15.2-2506 and 22.1-93, of the Code of Virginia of 1950, as amended. The budget has been prepared and proposed on the basis of estimates made by the Smyth County School Board. The adoption of this proposed budget shall require a monthly appropriation by the Smyth County Board of Supervisors as required in Section 15.2-2506 for any contemplated expenditures.

The Smyth County Board of Supervisors will conduct a hearing for the purpose of receiving public comment on the proposed School Board budget for fiscal year beginning July 1, 2010. The public hearing will be held in the **Board of Supervisors meeting room, 121 Bagley Circle, Smyth County Office Building on Thursday, May 13, 2010 at 7:00 p.m.**

Subject to the rules and procedures of the Board of Supervisors, at the above-mentioned day, time, and place any citizen of Smyth County may appear and express their opinion(s).

A full copy of the proposed Smyth County School Board 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
Michael Carter, Acting County Administrator

Smyth County School Board				
Operations Budget For the Year Ending June 30, 2011				
Revenue Summary for Operations Budget				
	2009-2010	2010-2011	Difference	
State Revenue	\$ 31,303,890	\$ 26,388,312	\$ (4,915,578)	
Local Revenue	\$ 7,839,529	\$ 7,506,218	\$ (333,311)	
Federal Revenue	\$ 5,031,094	\$ 6,386,411	\$ 1,355,317	
State Sales Tax	\$ 4,134,070	\$ 3,933,054	\$ (201,016)	
Other Revenue	\$ 1,633,801	\$ 1,880,100	\$ 246,299	
TOTAL OPERATIONS	\$ 49,942,384	\$ 46,094,095	\$ (3,848,289)	
Expenditure Summary for Operations Budget				
	2009-2010	2010-2011	Difference	
Instruction	\$ 36,888,581	\$ 33,871,221	\$ (3,013,517)	
Administration	\$ 1,788,647	\$ 1,561,449	\$ (227,198)	
Transportation	\$ 2,424,632	\$ 2,147,801	\$ (276,831)	
Facilities	\$ 4,873,799	\$ 4,321,227	\$ (552,572)	
Food Service	\$ 2,406,408	\$ 2,850,285	\$ 443,877	
Technology	\$ 1,560,317	\$ 1,342,112	\$ (218,205)	
TOTAL OPERATIONS	\$ 49,942,384	\$ 46,094,095	\$ (3,864,797)	

Mr. Carter noted the total operations difference number of \$(3,864,797) should be \$(3,848,289).

Smyth County School Board			
Capital Outlay and Debt Service Budget For the Year Ending June 30, 2011			
Revenue Summary for Capital Outlay and Debt Service Budget			
	2009-2010	2010-2011	Difference
State Funds - Lottery	\$ 174,820	\$ -	\$ (174,820)
Local Funds - Debt Service	\$ 1,137,440	\$ 1,291,909	\$ 154,469
Local Funds - Capital Outlay	\$ 185,138	\$ 185,138	\$ -
TOTAL CAPITAL OUTLAY	\$ 1,497,398	\$ 1,477,047	\$ (20,351)
Expenditure Summary for Capital Outlay and Debt Service Budget			
	2009-2010	2010-2011	Difference
Capital Outlay – Facilities	\$ 185,138	\$ 185,138	\$ -
Capital Outlay - Debt Service	\$ 1,312,260	\$ 1,291,909	\$ (20,351)
TOTAL CAPITAL OUTLAY	\$ 1,497,398	\$ 1,477,047	\$ (20,351)

There were 10 citizens present, along with Dr. Robinson and Dr. Cassell and the following spoke:

Deb Hanshew, Atkins District, works at Northwood High School, stated she would like to speak in favor of the for herself, as well as, the teachers, and the Smyth County Education Association. She asked the Board to try and not make any deductions to the proposed budget. Ms. Hanshew informed the Board that Smyth County School teachers are the lowest paid in the State of Virginia from when they start until the tenth year. The teachers, with teaching the children, are making the future for the County and State.

Betty Webb, teaches at Northwood Middle School. Ms. Webb has discussed with Dr. Robinson about cutting her contract to keep employees. She thinks the School Board has done a wonderful job and she feels that they have done what they could to cut the budget. She requested that if the County found any extra pennies coming their way, if they could send some to the School Board. She recommends the adoption of the proposed budget.

At 7:13 p.m. Chair Clark closed the public hearing.

Chair Clark opened up any discussion on the Transient Occupancy Tax change from 2% to 5%. Supervisor Blevins inquired on how many Bed & Breakfast the County had. Mr. Charlie Atkins stated he wasn't sure of the number of Bed & Breakfast the County had, but currently at 2% the County is collecting an estimated \$18,500, and with the increase to 5% the County could collect an estimated \$45,000. The Tourism Association will receive 3% of the amount the County collects. Mr. Atkins informed the board the Town of Marion currently has a 5% Transient Occupancy Tax rate.

Supervisor Neitch requested the Public Hearing on May 11, 2010, concerning the \$25,000,000 borrowing be transcribed, and sent to the judges so they know how the citizens feel.

The following are direct quotes from the Board members concerning the Courthouse and the borrowing of \$25,000,000:

Supervisor Blevins: The Board was here six month ago having this same discussion on borrowing for the courthouse. I have four young daughters, if the borrowing of \$25,000,000 passes, my daughters will be in their late 40s & early 50s when this is paid for. Four years ago the judges turned down what is being proposed today. If this passes, I would like to see metal detectors, deputies, and wands at the doors of the Board room. The average income for households in Smyth County is \$30,083., and the County is going to put a \$25,000,000 debt on them. I don't understand it; I didn't understand it six months ago. I made a motion for it four years ago and really didn't understand it then why we wanted to do something like this. I want the Board to know and the citizens to know, that the citizens are the ones that put me here and not the judges. I took an oath in Mr. Warren's office that I would uphold and support the citizens of this county. The citizens were here in November to speak to us and again on Tuesday, and I am not going to turn my back on them for nothing in this world.

Supervisor Call: I concurred with Supervisor Blevins on some things. I have sympathy for the members that have been through this whole process. I admire them. I have tried to read over all the information since the process started. I can't believe that it has went on this far, and it has went from \$15 million to \$25 million. With all the stimulus money being handed out to all the counties and all the states around here, and this poor little county right here has the lowest paid teachers in the country. I made a promise to the citizens of the Saltville District; that I would not be up here making decisions on what I wanted done, I am for what they want done. They are the ones paying for it. I promised the people that when an issue came before the Board, I would bring before them. I called about 80 people, some were in Charlie's district and some were in Wade's district. I asked them what they wanted the Board to do, the State said we had

to do it, if we don't say "ok"; they will take us to court and probably make us do it. I asked them if they were willing to put forth the money for the Board to go to court to fight this. The other night citizens spoke and made some real good points, and I agree with them. I have a question for the citizens; what do the citizens want the Board to do, if it goes to court, which it probably will, will they still look at the Board as it's their fault. When the State says the Board has to do it, will they get behind the Board and say lets fight this together. The other night; one was for it, the rest against it, and I have spoke to 80 people that were against it. I said if we fight, it will cost more money, more time, and they don't care, they want to Board to fight it and they are behind the Board.

Supervisor Davidson: The figures that were put upon the board Tuesday night was the least costly option that the County had. We can go with that, or as they said not go with that and end up in a court battle. It could cost us way more, we don't know that, but if we don't decide to go with the least costly of what the demands are; there are some grant monies we can apply for that is attached to this option. There are deadlines for these grant monies that run out in a few months and we could possibly lose those. If we take this to trial and go to court they could slap the County with a bigger monetary, will the community still support us then? Those are the things we need to know.

Supervisor Waddell: I feel the same why I felt in November. The citizens on limited income have struggled through the winter to just try and pay their electric bill; we can not put any more on them. We have struggled in our trucking business; we have had to cuts benefits, try to pay electric bills, try to keep trucks on the road, and we can not stand any more. We need to stand our ground, it may cost us in the end, but we need to take a chance on it and see what happens is my opinion. We have taxes and need relief of some kind; we can not just keep adding on and on.

Supervisor Call: I would like to say something else, I have over the pass two weeks called Governor McDonnell to discuss this; I also called and talked to two of his aids and left messages with Governor McDonnell's advisor and has had absolutely no response from them. They simple do not care. My opinion; if this happens with them not given any help all; it was not the County's fault it was not done in 2004, when Mr. Blevins said it had passed, and now it is up \$10 million more dollars, they should at least come up with the \$10 millions that they have cost the County for taking so long. We may have done some of it, I don't know. My opinion; if it happens as far as Governor's McDonnell's administration, he is committing political suicide with me. In Washington County, I'm not saying anything about Washington County personally and/or the state, I'm not sure who they got a \$96 million stimulus package to put water and sewer at exit 13, and there absolutely is nothing there. I have nothing against the people of Tumberlin Creek or Tumberlin area. I love the people, they are good people, but they are putting water and sewer there with this money and creating jobs.

Some of the houses are two miles apart and they have been living fine, but I know everybody needs water and sewer. They say they want to create jobs with stimulus money; the courthouse will take about four years to build and employ 150 people and employ 25 people for two years. Their priorities are wrong, if I ran my house the way they run the government, I would be out in the road in two months. We have got to start saying "no" and get our country back.

Supervisor Davidson: I know no one likes to have more meetings, but wondered if maybe we could put something out there for the public to see why we came up with this. Maybe talk a little bit on the grants Mr. Jackson with Rural Development said we could apply for. Let the public see that and have another public hearing and decide then. We have to do this pretty fast, because we have to apply for these grants in a couple of weeks.

Supervisor Clark: I don't know any one that is for this. I hadn't run across any one that is for this. I don't know any of the Board members that are for this, this was not instituted by this Board. Wade and Darlene were here when this started, most of the Board wasn't here when they started talking about this. When I got here, I was placed on the Courthouse Committee and Mr. Blevins is right, we proposed the courthouse without any parking. Then the Board was told they needed to find 287 parking spots and they could not be on the street. We started looking at their authority, our house of legislators have given more codes to the justice department to be able to do this, and to tax the citizens to do it by by-passing the Board of Supervisors. We already have an Order from March that had courts only, that's the only authority they have. In other words, they can't put constitutional officers in the courthouse and I doubt they will. They can put the clerk's office and courts in the courthouse, and secure them as they see fit and they will. Like Mrs. Davidson said, by doing that, pull all the other constitutional officers out of the courthouse and finding some place for them, the price tag goes up. I had a conversation with the architect back in November, and this is the eighth courthouse they have done in Virginia through the courts. We are not the only ones that have had to do this, and we probably won't be the last. You bet they have the authority and you bet they will do it. A "no" vote will put everyone out of the courthouse except the courts, a "yes" vote puts everybody in the courthouse; the way the Marion citizens want it as you heard one here the other night. This is the way it will pan out, it's not a scare tactic; it's nothing else. A "no" vote, we will be on the outside of the construction fence and have nothing to do with the construction of our courthouse. A "no" vote, we will miss the opportunity for the stimulus funds that are available as Mrs. Davidson said now. A "no" vote will scatter the constitutional officers all over the town or build a big building somewhere. We have to put them somewhere; there are rules and regulations for them too. A "no" vote will hire more security people, as Mr. Blevins said more guards at every door, more maintenance, more buildings. A "no" vote will not stop the

courthouse, unfortunately we are way pass that. The only "no" vote will be, we will not do it, but we will be by-passed. We will have hearings, I don't know how it would come down, but we can refuse to tax the citizens, but they will get a tax levy in the mail through the Treasurer. I do not want to do this, I'm not for the \$25 million, and the next two or three years won't be too bad, with starting the construction process. When its completed and the loans are packed together, that's when it's going to hurt. That I know. I understand the other Board members, there were not a lot of citizens sitting in on the Courthouse Committee meetings, but it's going to happen and to turn it over to the courts to do it and to get it financed to the best advantage we can, that's the only shot we've got. The courts, I think, can set up to a 25 cent tax rate. Our hands are tied. In 1905, the County had to build a courthouse, and Mr. Jimmy Warren told me the Board members did not get re-elected. The County had to build another courthouse in 1972; the county went 70 years without doing anything. So, here we are again, hopefully it will last 50 to 70 years. It will be done; they have already had one Order. We had a 5 to 2 vote to get everybody in the courthouse, we got the parking reduced to 141 spaces, over 4 to 5 years to negotiate this, and after the jail is torn down, there will be more spaces. This is the best we can do. I' not for building the courthouse, but as a Board it is our job. We are the government of the County, and to turn it over to the judges and having the judges do it and tax our citizens, and the judges not being diligent about the financing of it. I think the Board is doing their job. I don't know anyone that wants to do this. I think turning it over to the courts, in 15 years, the County will not be in any better shape.

After discussion, Supervisor Davidson motioned to allow Chair Clark and Mr. Carter under advisement from Mr. Tate to prepare a brief synopsis of how we came to the decision we came to, the grants that are out there, and what will happen if we don't pass this. Once the synopsis is complete; place in newspaper and have another public hearing once everyone has had a chance to read through it and have more knowledge of why we came to the decisions and bring it back to a vote. Supervisor Call seconded the motion.

(The vote is after the following statements)

Supervisor Dishner: I do not want to pass this off for someone else later to deal with. This is gaining us no ground as well. I recognize that tonight the Board did not have the support for this and I am not going to make a motion for it. The \$25 million is not going to only be for the courthouse, but also for the parking garage, communication system, and 911 center. I have been in a lot of closed sessions and everyone is entitled to their vote. I have been in favor for this while the Board has had some control over it. Everyone needs to know as much information about this as they can. I have had no trouble shouldering the responsibility to proceed with this. I feel all along while having control over it that the Board needed to be able to do this, but we just don't have the support to do it.

Supervisor Davidson: This is why I made the motion, because I think this is the Board's best option, but the citizens don't know the best option. I think it would be a good idea, if the Board can, since we are under court order, to let them know. I don't want them to think the Board has just pulled these numbers out of the head; we haven't lost sleep over it, and prayed about because we have, and that is why I made the motion.

Supervisor Dishner: I'm not throwing stones; I think it is a good idea. I know at times we have been under a gag order on what we could say out in public. I think that making a decision on trying to take care of this while we can take of. This has been over the knowledge and information that I have had for the last six years. But everybody doesn't know that, and it has been hard to defend that out in public. People have said you are in favor of it, well they don't understand everything I have heard about it. I think it should all be out for everybody to understand and digest.

The above motion passed with the following vote:

AYES:	5	Davidson, Call, Dishner, Clark, Neitch
NAYS:	2	Blevins, Waddell

After discussing when to set the public hearing, the Board agreed to set the public hearing on June 14, 2010 at 7:00 p.m.

The Board also agreed to set a public hearing for the County Budget on June 15, 2010, at 2:00 p.m. The Board will vote on the \$25,000,000 borrowing and County Budget at their continued meeting on June 24, 2010, at 7:00 p.m.

Supervisor Call motioned to approve increasing the Transient Occupancy Tax from 2% to 5%. Supervisor Davidson seconded the motion, and motion passed with the following vote:

AYES:	5	Call, Davidson, Dishner, Waddell, Clark, Neitch
NAYS:	1	Blevins

Mr. Tate informed the Board that the Tax Levy advertisement had been completed and will be in Saturday's edition of the paper.

Mr. Carter informed the Board of the Board of Equalization organizational meeting earlier in the day. The Board of Equalization established a meeting schedule and it will be published in the paper. In addition, they elected Mr. Copenhaver as Chair and Mr. Lincoln as Vice-Chair and Secretary.

Adjourn meeting

At 8:03p.m. Supervisor Call motioned to adjourn meeting and Supervisor Waddell seconded the motion. The motion passed unanimously.

The Smyth County Board of Supervisors held a called special meeting at 4:00 p.m., **Thursday, May 27, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
Wade H. Blevins, Jr.
Roscoe D. Call
Regina H. Davidson

M. Todd Dishner
Darlene R. Neitch
Brenda J. Waddell

STAFF PRESENT:

Michael Carter, Acting County Administrator
Pam Testerman, Office Service Assistant
Charlie Atkins, CFO
John H. Tate, Jr., County Attorney

OTHERS PRESENT:

Dr. Mike Robinson, School Superintendent
Dr. Jeff Cassell
School Board members

CALL MEETING TO ORDER

Chair Clark called the meeting to order at 4:00 p.m.

Consider the 2010/2011 Smyth County School Board Budget:

Supervisor Call motioned to adopt the School Board 2010/2011 budget.
Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Dishner, Supervisor Clark, and Supervisor Call stated they had family that worked for the School Board and their vote would be impartial.

Supervisor Davidson publically wanted to thank Dr. Robinson. She noted making several calls to Dr. Robinson with questions, and in return he took the time to talk with her and answer her questions.

Supervisor Call stated he had and will continue to attend School Board meetings when possible.

ADJOURN MEETING

At 4:04 p.m., Chair Clark adjourned meeting.

The Smyth County Board of Supervisors held its regular June meeting at 12:00 noon, **Tuesday, June 8, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
Wade H. Blevins, Jr.
Roscoe D. Call
Regina H. Davidson

M. Todd Dishner
Darlene R. Neitch
Brenda J. Waddell

STAFF PRESENT:

Michael Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Scott Simpson, County Engineer
Charlie Atkins, CFO
Sally Morgan, Economic Development
Deb Montgomery, Deputy

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

With a quorum present, the meeting was called to order at 12:00 noon. Mr. Brian Chandler gave the invocation and Mr. Mike Carter led the pledge of allegiance.

ADOPTION OF AGENDA

Supervisor Blevins motioned to adopt the agenda and additional agenda as to form, while adding the SWIFA letter; that Mrs. Sally Morgan would present, to the additional agenda. Supervisor Waddell seconded the motion, vote is as follows:

AYES: 7
NAYS: 0

MINUTES OF PREVIOUS MEETINGS

The Board was presented with the minutes from the following meetings:

Tuesday, May 11, 2010
Thursday, May 13, 2010
Thursday, May 27, 2010

Supervisor Blevins made a motion to approve the minutes as presented with grammatical changes by Mr. Tate. Supervisor Neitch seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

Mr. Charlie Atkins stated Mrs. Debbie Schwartz, Deputy Treasurer, informed him, at closing Friday, the County had a balance of \$7,882,000.00. Additionally; Mr. Atkins informed the Board that, on this date, it appears the County may not have to borrow money for June payables.

PAYMENT OF COUNTY INVOICES

Supervisor Blevins motioned to approve \$5,562,761.25 for appropriations. The following is an explanation of the appropriations approved:

General County	\$ 1,240,000.00
Animal Control Fund 3	\$ 282.50
Pioneer/Fox Valley Water Project	\$ 122,478.75
Social Services (May 12 - 31, 2010)	\$ 0.00
Schools - Operating Fund	\$ 4,200,000.00

Supervisor Call seconded the motion, and motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve the accounts payable listing in the amount of \$694,866.48, which includes two payments to Morcom in the amount of \$241,095.80 for the radio project. Supervisor Call seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

CITIZEN'S TIME

There were six (6) citizens present, the following spoke:

Larry Stevenson, Marion, Mr. Stevenson spoke on the issue of the Courthouse. He presented Mr. Dan Kegley, Smyth County News & Messenger, with some "facts" that were not included in the article concerning the Courthouse in Saturday's, June 5, 2010, edition of the News & Messenger. Mr. Stevenson declared with the money already spent at Exit 44, the County needs to have growth to regain the money back. With no growth, our children will not be able to stay in this County. The County needs growth to pay for the Courthouse, the Courthouse is not going to pay for itself.

Jeff Richardson, Commissioner of Revenue, on behalf of the Constitutional Officers, would like to thank the Board for the support they have given. The Constitutional Officers have used their funds as efficiently as possible. Mr. Richardson informed the Board that in the last five years the Commissioner of Revenue's office has returned to the County an estimated total of \$80,000.

Walter Smith, Konnarock, Mr. Smith spoke on several issues concerning the construction of his home.

*Note: Mr. Steve Hill was on the agenda to speak, but was unable to attend meeting.

Chair Clark closed citizen's time at 12:57 p.m.

NEW BUSINESS

Mr. Mike Carter, Acting County Administrator, introduced Mrs. Diane Spence, Director of Information Systems. He informed the Board Mrs. Spence has been with the County for twenty years. Mrs. Spence informed the Board that her department provides communication and technical support for County employees. She introduced her staff; Ms. Heather Gillespie, System Specialist, has been with the County for nine years. Mrs. Kim Vanhoy, Support Specialist, has been with her department for six years, and was previously an employee of the Sheriff's Department for four years.

Mrs. Pat Hatfield, Director, Smyth-Bland Regional Library, requested the Board consider adopting a Transitional Benefits Program Resolution with the Virginia Retirement System. By adopting this resolution, the Library would be able to work within its budget and not have to lay off two employees. Supervisor Call motioned to refer this issue to the Budget Committee to review. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Call motioned to eliminate the County decals, and to pay Davidson Tire and Kell's Trading Post for only one year to collect taxes instead of two years as Mr. Tom Burkett had requested in his letter to the Board.

Mike Carter read the rules and regulations of the Board, and informed the Board, since this item was not on the agenda, a motion could be made to refer it to a committee.

After discussion; the motion by Supervisor Call was revised to refer this issue to the Budget Committee. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

OLD BUSINESS

1. Collection of delinquent taxes **(8-10-04)**. *At the July 9, 2009 meeting, Mr. Carter stated he has an updated delinquent tax list. Supervisor Perry motioned to continue this issue. Supervisor Neitch seconded the motion and it duly passed:*

AYES: 6
NAYS: 1 C.C. "Charlie" Clark, Jr.

At the October 13, 2009 meeting, Supervisor Neitch inquired about the collection of taxes. It was advised to request a report from the Treasurer. The report should show 60 days after the publication of the delinquent tax list, between current year and last year, and see if there is any difference.

At the December 17, 2009 meeting, Mr. Carter presented the Board with a report prepared by the Treasurer's Office on delinquent tax collections, which was requested at the October 13, 2009 Board meeting. The report compares collections from June 30, 2008 to September 30, 2008 and June 30, 2009 to September 30, 2009, with more taxes being collected in 2008. The delinquent tax list was not published in 2008.

At the February 9, 2010 meeting, Supervisors Davidson and Call inquired about the collection of delinquent taxes. Mr. Tate explained the process. Supervisor Davidson asked if there could be a payment plan to help get the taxes paid. Mr. Tate stated the Treasurer handles the payments. Chairman Clark requested Mr. Carter to contact Mr. Tom Burkett, Treasurer and invite him to the March Board meeting to discuss this issue.

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee **6-13-06**).
3. Appointments: Board of Zoning Appeals **(12-17-09)**
One Alternate - VACANT
4. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer **(5-13-08)**.
5. Radio System Project **(6-26-08)**.

At the February 9, 2010 meeting; Mr. Shannon Williams stated due to bad weather the contractor has requested a 78 day extension to complete contract. Mr. Williams recommends, after an internal staff discussion, a 72 day extension. Supervisor Blevins motioned to approve a 72 day extension on contract. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

At the April 13, 2010 meeting; Mr. Shannon Williams stated MorCom International was requesting a 45 day extension to complete contract. MorCom stated the sites were inaccessible from March 1st until March 24th, with this, staff is suggesting a 24 day extension. This would have the contract completion for May 7th. Mr. Williams stated if contract is not complete by May 7th, on May 8th a \$500 per day liquidation damage penalty would start being charged. Mr. Tate advised Mr. Williams if not completed by May 7th to send MorCom a letter stating the penalty being charged.

At the June 8, 2010 meeting: Mr. Tate inquired about the two invoices approved for payment. He noted the above minutes at the April 13, 2010 meeting, concerning the May 8th date to start a \$500 per day liquidation damage penalty. Mr. Scott Simpson informed Mr. Tate the invoices were milestone payments 5 and 6 and the work completed was before the May 7th deadline. Mr. Simpson informed the Board that Morcom was to start the coverage testing next week.

6. Referred to the Water and Sewer Counsel, proceed with legal documents to provide uncollectable names and accounts from the Water and Sewer Department to other water providers in the county **(2-10-09)**.
7. Nuisance complaint against a property owned by Joseph F. Ellis, Jr. - The Board voted to leave the matter on the Old Business agenda until the conclusion of a civil case is resolved. (Civil case filed March 6, 2009) At that time, the nuisance issue will be revisited. Mr. Patton Graham (Mr. Ellis' Attorney) will update the Board on the civil case as it progresses **(4-14-09)**.

At the November 12, 2009 meeting, Mr. Clegg Williams informed the Board no trial had been set.

At the January 12, 2010 meeting: Mr. Clegg Williams informed the Board, Mr. Patton Graham stated there is a settlement negotiating in progress.

At the May 11, 2010 meeting: Mr. Clegg Williams informed the Board, he did not have any new information on this issue.

8. Tax refund request from Commissioner of Revenue; GMAC – vehicle sold. The refund request is \$142.88. **(12-17-09)**

At the May 11, 2010 meeting: Mr. Tate stated he had not finished his review on this issue.

At the June 8, 2010 meeting: Mr. Tate informed the Board that after his review of the information, the vehicle was sold and a refund in the amount of \$142.88 should be issued to GMAC. Supervisor Blevins motioned to approve the 2009 personal property tax refund request, by the Commissioner of Revenue, in the amount of \$142.88 to GMAC. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

**AYES: 7
NAYS: 0**

Supervisor Blevins motioned to remove this item from Old Business. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

**AYES: 7
NAYS: 0**

9. Financial Discussion **(2-9-10)**
10. Tax refund request from Commissioner of Revenue; Dennis Wayne Dempsey – error reporting improvement on property for 2007-2009. The refund request is in the amount of \$801.45 plus interest. **(3-9-10)**

At the April 13, 2010 meeting; Mr. Tate stated he contacted the Commissioner of Revenue's Office and left a message requesting more information, but he had not received anything yet.

At the May 11, 2010 meeting; Mr. Tate stated he had not finished his review on this issue.

At the June 8, 2010 meeting; Mr. Tate informed the Board, after his review of the information, he could not see where there was any duplication in improvements. He recommended the Board deny this refund. Supervisor Dishner motioned to deny a 2007, 2008, 2009 personal property tax refund request, by the Commissioner of Revenue, in the amount of \$804.45, plus interest to Dennis Wayne Dempsey. After reviewing records, there was not enough evidence to show duplication of improvements. Supervisor Call seconded the motion, and the motion passed with the following vote:

**AYES: 7
NAYS: 0**

Supervisor Dishner motioned to remove item from Old Business. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

**AYES: 7
NAYS: 0**

11. Solid Waste recommendation to accept Recycling Contract. **(3-9-10)**

At the April 13, 2010 meeting; Supervisor Davidson inquired if the company had become licensed with the Commonwealth of Virginia. Mr. Carter stated he did not have a response from the company.

Mrs. Sally Morgan, discussed the following letter of support to extend the deadline for SWIFA Industrial Access Project due to the impact of the national recession on economic development:

June 7, 2010

Mr. Jim D. Bowie
J. D. Bowie Law Offices
P. O. Box 16395
Bristol, Va. 24209

Mr. James L. Keen
Keen HR Services
P.O. Box 70
Vansant, VA 24656

Dear Mr. Bowie and Mr. Keen:

Please see the attached letter sent to the Honorable Sean T. Connaughton, Secretary of Transportation from Gerald Burgess, Botetourt County Administrator, concerning a request for a policy modification for the Industrial Access Program.

The Smyth County Board of Supervisors supports this request to extend the time deadline for qualifying investment due to the impact of the national recession on local economic development. As you know, there is an active Industrial Access Road project in the Highlands Business Park (Phase 2), a joint venture between Smyth and Washington Counties. We were able to meet our deadline for the first phase with the location of the Gates Corporation in the park in 2007. However, once the national recession hit, the prospect activity in the park dropped to almost nil, and continues to be very slow. We are under a deadline of September 15, 2010 to document \$3.26 million in new private sector investment, or we will have to pay VDOT back the cost of the project which was \$326,127 (to be shared 50/50 by each County). Due to significant budget constraints, neither County has budgeted these funds in the upcoming fiscal year budget.

We ask for your support of this proposed change in policy. Please let us know if you have any questions.

Sincerely,

Michael L. Carter
Acting County Administrator

Enclosure

Cc: The Honorable William Wampler
The Honorable Phillip Puckett
The Honorable Joseph P. Johnson
The Honorable Bill Carrico
Mark Reeter, Washington County Administrator

After discussion, Supervisor Call motioned to authorize letter of support. Supervisor Netich seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Committee Recommendations:

Budget:

a) With the recommendation from the Budget Committee, the Board accepted the compactor bid to Mid-State Equipment Co. Inc. in the amount of \$14,880.00.

Supervisor Neitch motioned to appropriate the \$14,880.00 for the compactor from Mid-State Equipment Co. Inc. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

b) With the recommendation from the Budget Committee, the Board adopted the VRS Resolution to continue to pay the 5% VRS contribution for new employees hired after July 1, 2010. The vote is as follows:

AYES: 7
NAYS: 0

Surplus Property:

With the recommendation from the Budget Committee, the Board accepted the following bids on the surplus vehicles totaling \$9,480.00:

Surplus Vehicle Bids

Name	Vehicle	Highest Bid
Archie Young	1995 Ford Crown Vic #0115	\$ 525.00
Archie Young	2001 Ford Crown Vic #8442	\$ 650.00
James Box	2002 Ford Crown Vic #2689	\$ 657.00
Cana Motors	2002 Chevy Impala #2029	\$ 1,204.00

Cana Motors	2002 Chevy Impala #3818	\$ 1,301.00
Edward Widner	2003 Chevy Impala #3123	\$ 1,252.00
Archie Young	2000 Ford Pickup #4596	\$ 1,650.00
Edward Widner	2001 Chevy Pickup #3976	\$ 1,100.00
Edward Widner	2002 Chevy Pickup #5797	\$ 1,501.00
		\$ 9,840.00

The vote is as follows:

AYES: 7
NAYS: 0

Appointment:

With the Appointment Committee recommendation, the Board reappointed Mr. Merrelle Ward to the Smyth County Department of Social Services Board as the Chilhowie District representative. Mr. Ward will serve a four year term that will expire June 30, 2014. The vote is as follows:

AYES: 7
NAYS: 0

With the Appointment Committee recommendation, the Board reappointed Mr. Wayne Waddle to the Smyth County Industrial Development Authority as the North Fork District representative.

The Board also reappointed Mr. Larry Wyatt to the Smyth County Industrial Development Authority as the Chilhowie District representative.

Mr. Waddle and Mr. Wyatt will serve a four year term that will expire June 30, 2014. The vote is as follows:

AYES: 7
NAYS: 0

With the recommendation of the Appointment Committee, the Board reappointed Mr. Rick Bridges to the Community Policy Management Team as the Private Provider representative. Mr. Bridges will serve a one year term that will expire June 30, 2011.

With the recommendation of the Appointment Committee, the Board reappointed Mrs. Carole Greer to the Community Policy Management Team as the Parent representative. Mrs. Greer will serve a one year term that will expire June 30, 2011.

With the recommendation of the Appointment Committee, the Board reappointed Mrs. Brenda Waddell to the Community Policy Management Team as the Board of Supervisors representative. Mrs. Waddle will serve a one year term that will expire June 30, 2011.

With the recommendation of the Appointment Committee, the Board reappointed Mr. Charlie Atkins to the Community Policy Management Team as the Designee for the Board of Supervisor. Mr. Atkins will serve a one year term that will expire June 30, 2011. The vote is as follows:

AYES: 7
NAYS: 0

With the recommendation of the Appointment Committee, the Board reappointed Mr. Todd Dishner to the Marion Downtown Revitalization Committee as the Board of Supervisors representative. Mr. Dishner will serve a one year term that will expire June 30, 2011. The vote is as follows:

AYES: 7
NAYS: 0

With the Appointment Committee recommendation, the Board reappointed Sheriff, David Bradley to the Southwest Virginia Community Corrections Community Criminal Justice Board (CCJB) as the region's sheriff representative. The Board also reappointed Mr. Roy Evans to the CCJB as the region's Commonwealth Attorney representative. In addition; the Board appointed Mr. Michael Carter, 121 Bagley Circle, Suite 100, Marion, VA 24354, to the CCJB as the Smyth County representative.

The two (2) year terms will expire June 30, 2012.

With the recommendation of the Appointment Committee, the Board reappointed Mr. Clegg Williams to the Upper Tennessee River Roundtable's Keep America Beautiful. Mr. Williams will serve a one year term that will expire June 30, 2011. The vote is as follows:

AYES: 7
NAYS: 0

Budget:

With the Budget Committee recommendation, the Board approved the transfer of \$298,954.00 from Instructional fund #61000 to Food Service fund #65000 for the 2009-2010 fiscal year budget. The vote is as follows:

AYES: 7
NAYS: 0

With the Budget Committee recommendation, the Board approved the legal services agreement with Gwyn & Tate (John H. Tate, Jr.) for County Attorney Services, as presented. This will be the final year of the original agreement. The agreement states the rate will remain at the current rate of \$110/hour, along with a \$1,200 monthly retainer fee. The vote is as follows:

AYES: 7
NAYS: 0

With the Budget Committee recommendation, the Board approved the legal services agreement with Campbell & Associates, P.C. (Jeffery L. Campbell) for Water and Sewer Attorney Services as presented. This will be the final year of the original agreement. The agreement states a rate of \$100/hour. The vote is as follows:

AYES: 7
NAYS: 0

With the recommendation from the Budget Committee, the Board approved the consulting service agreement with Hicok, Fern, Brown & Garcia for financial statements. This agreement will be the final year of the original agreement. The vote is as follows:

AYES: 7
NAYS: 0

With the Budget Committee recommendation, the Board approved the rental agreement renewal with VA Department of Education for office space for the Nutrition Specialist in the Morrison Building. The County will received \$1,552.00 annually for the period of July 1, 2010 through June 30, 2011. The vote is as follows:

AYES: 7
NAYS: 0

Solid Waste:

With the recommendation from the Solid Waste Committee, the Board approved creating a new entrance to the Old Quarry Convenience Station. The cost is estimated at \$5,000.00 (011010-8888), which includes the gate, paving, and necessary signage. The vote is as follows:

AYES: 7
NAYS: 0

Supervisor Call thanked the committee and staff on their time and effort concerning this issue.

CLOSED SESSION

At 2:26 p.m. a motion was made by Supervisor Dishner to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.5** Business/Industrial Prospects; discussion concerning a business or industry considering expansion with no previous announcement being made, and **A.7** Legal counsel consultation and staff briefings; discussion on pending litigations. This was seconded by Supervisor Call and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to open meeting, a motion was made by Supervisor Neitch to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION CERTIFICATION OF CLOSED SESSION

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Blevins and the vote is as follows:

AYES: 7
NAYS: 0

Mr. Tate inquired about two SWIFA payments. After review of the Accounts Payable report, Mr. Carter informed Mr. Tate both SWIFA payments were included in the June 2010 payables.

Supervisor Davidson requested that the Smyth-Wythe Joint Airport be placed on July 2010 Board meeting agenda concerning their annual audit. She informed the Board that accordingly to Airport minutes, Wythe County is withholding funds until audit is received.

CONTINUED

At 2:50 p.m. Chair Clark continued the meeting until Monday, June 14, 2010 at 6:00 p.m.

The Smyth County Board of Supervisors held a continued meeting at 6:00 p.m., **Monday, June 14, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
Wade H. Blevins, Jr.
Roscoe D. Call
Regina H. Davidson

M. Todd Dishner
Darlene R. Neitch
Brenda J. Waddell

STAFF PRESENT:

Michael L. Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Becca Kirk, Administrative Assistant
Charlie Atkins, Chief Financial Officer
Scott Simpson, Engineer
Sally Morgan, Community & Economic Development

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER

At 6:01 p.m. Chair Clark called the public hearing to order. Mr. Mike Carter, Acting County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on May 15, 2010. Mr. Carter also read the rules of procedures for public hearings:

NOTICE OF PUBLIC HEARING ON TAX LEVY

The Board of Supervisors of Smyth County, Virginia will hold **a Public Hearing at 6:00 p.m., on June 14, 2010, at the Office of the Board of Supervisors at 121 Bagley Circle, Marion, Virginia,** for the purpose of addressing the real estate reassessment of the County which will be effective January 1, 2010 and the tax levy which will be applied to this reassessment.

The 2010 Reassessment has produced a value which, when compared to the value of the 2009 assessment, and using the 2009 tax rate would result in an increase of real estate taxes levied of more than one (1) per cent in the total real property tax levied in the County.

Smyth County proposes to continue the 2009 tax rate of sixty (\$0.69) nine cents per one hundred (\$100.00) dollars of assessed valuation in the 2010 real estate tax levy, and this advertisement is made, as required by §58.1-3321 of the Code of Virginia of 1950, as follows:

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The County of Smyth proposes to increase property tax levies.

1. Assessment Increase: Total assessed value of real property, excluding Additional Assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 24.81(%) percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate, with the exclusions mentioned above, would be \$0.552 cents per \$100 of assessed value. This rate will be known as the "lowered tax rate."

3. Effective Rate Increase: Smyth County, Virginia proposes to adopt a tax rate of \$0.69 cents per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.138 cents per \$100 of assessed value, or 25 (%) percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

The notice required by §58.1-3330 of the Code of Virginia of 1950, as amended, was given by mail to each land owner in the County in a letter dated March 11, 2010.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, as well as expenditures, the total budget of Smyth County, Virginia will contain a reduction from the previous year in the total budget of 8.57 (%) percent.

A. As set out above, a Public Hearing on the increase will be held on **June 14, 2010 at 6:00 p.m. at 121 Bagley Circle, Marion, Virginia.**

B. This hearing, and any continued hearing, shall be open to the public. The governing body shall permit persons desiring to be heard an opportunity to present oral testimony within such reasonable time limits as shall be determined by the governing body, and according to the Rules of Procedure which have been adopted by the Board of Supervisors.

C. The provisions of this section shall not be applicable to the assessment of public service corporation property by the State Corporation Commission.

There were an estimated 45 citizens present. The following citizens spoke in opposition of the tax levy increase:

John Graham
Earl McClure
Bob Myers
Alvin Minton
Kim Aker
Paul Jones
Tonya Baur
Mary LeClair
Paul York
Stacy York

Marlin Osborne
John Overbay
Dave LeClair
Charles Wassum III
Ron Blevins
Kyra Bishop
Deanie Dimick
Graham Davidson
Roger Anderson

At 6:50 p.m. Chair Clark closed the public hearing.

At 7:00 p.m. Chair Clark called the second public meeting to order. Mr. Mike Carter, Acting County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on June 5, 2010 and June 12, 2010. Mr. Carter also read the rules of procedures for public hearings:

NOTICE OF PUBLIC MEETING

The Board of Supervisors of Smyth County, Virginia will conduct a **Public Meeting** at the office of the Board of Supervisors, at 121 Bagley Circle, Suite 100, Marion, Virginia, **on June 14, 2010, at 7:00 PM, or as soon thereafter on that date as it may commence**, to have a public discussion on the available public information and the published chronology of the developments in the Court Order to renovate and possibly expand the Smyth County Courthouse. This Court Order is dated July 6, 2006 was entered in the Circuit Court of Smyth County.

This will be a public meeting, and not a public hearing. The Board will use the same rules of procedure as to time constraints which are applicable to a public hearing, and a person must be recognized by the Chair to speak. Citizens will be permitted, after being recognized by the Chair, and during their allotted time, to ask questions and receive comments which do not require the disclosure of confidential information in the pending legal proceeding.

This notice of this **PUBLIC MEETING** is given to afford citizens of the County an opportunity to be better informed on the proposed Courthouse project and on the borrowing being considered by the Board of Supervisors to finance the requirements of this project.

At this public meeting, which will be held at the office of the Board, 121 Bagley Circle, Suite 100, Marion, Virginia, on June 14, 2010 at 7:00 PM, or a soon thereafter as it may begin on that date, and subject to the rules of as set out in the Rules of Procedure of the Board of Supervisors of Smyth County, Virginia for a public hearing, as modified above, any citizen of the County may appear and state their views thereon.

If you wish to be on the agenda for this public meeting, you are encouraged to call the office of the Board at 276-783-3298, Extension 223, to register to speak at the public meeting. Prior registrants will be given preference as to time to speak at the meeting.

Mr. John Tate explained he might have to interrupt because of currently being in litigation.

There were an estimated 70 citizens present and the following spoke:

The responses from the Board will be in italics.

Earl McClure, he stated that the Board needed to be honest with the people. He questioned the financial update report the Board is supposed to receive monthly. This report would show what money has been invested and returned by the Glade Park, and what money has been invested and saved by the Regional Jail. He stated if the Board is not receiving this report then there is a serious management problem. He read the article in the newspaper and feels the Board and Mr. Tate are still not being honest. He questioned where the Judges and Lawyers are that want this; they should come in and face the citizens. They should be here telling citizens why they want to take their money.

Hal Minnick, he spoke on the timeline of this issue; it went from security to health, to security, to space management, to parking. He questioned if that was correct. *Supervisor Clark stated that was pretty close.* Mr. Minnick stated that Judge Freeman was the only one that could address the issue of security. There was a security assessment done in April 2009, and the County has provided airport scanners. The Sheriff has implemented everything in security that he can. He would like to know at a later date, how many more things need to be done. He stated the Board needed to shelve the proceedings on this courthouse until something else can be assessed. He felt the Judges needed to be here answering questions. He stated the Board is supposed to represent every person in this county and that they needed to do their job. People can't pay for it; they just won't pay their taxes.

Kim Aker and Paul Jones passed.

Mary LeClair passed her time to Earl McClure. This time will be given to Mr. McClure after everyone else has spoken.

Bob Myer, he stated that it was ridiculous for a 31% tax increase over two years, makes no sense. If we can put the people together, we can find a better way. He wanted to know if the County is taking advantage of technology. There are a lot of emotions in the county; scared, angry, and everything else, and these projects are going to take their tolls. He thinks this is a project that could be avoided and to get down to something that is frugal.

Paul York, he doesn't see how this is going to benefit the County. He inquired about how much money has been spent on the process up to this point. *Mr. Carter informed him that it was less than \$800,000.* Mr. York also inquired about how much more will be spent before building is started on plans. *Mr. Simpson informed him that it would be around \$1 million.*

Stacy York, she wanted to encourage the Board members to represent the citizens and not force them to spend that kind of money.

Ron Blevins, he understands the Board of Supervisors is caught in the middle with self-centered judges and the constituents the Board represents. The citizens offer their help and their assistance for the well being of this county. He questioned, are the Board of Supervisors with the citizens or against them. *Supervisor Clark stated that he was speaking for himself, but believed that each Board member listens to the citizens. No Board member wants to do this and just saying no won't stop the building of the courthouse. There have been other counties to say no and they had to build a courthouse anyway.*

Charles Wassum III, he thought the Judges should be here responding to the people. He quoted a few sections from the Virginia Constitution and stated the judges have overstepped their bounds with the Virginia Constitution. He explained Section 11 and inquired if this goes to court will it be a trial by jury. *Mr. Tate informed him that it will be a trial tried by a judge.* Mr. Wassum stated this is in conflict with the constitution, and can anyone explain how judges can say "you come up with the money to build this courthouse". *Mr. Tate explained the judges are not the plaintiff, the Commonwealth of Virginia is.* Mr. Wassum stated we are the Commonwealth of Virginia, the people are the Commonwealth. *Mr. Tate explained the Commonwealth is composed of the citizens and the law.* Mr. Wassum stated here is the law; the constitution. The judges are overstepping their boundaries. The judges are supposed to be there for the people not against the people, we have not committed any crime.

Graham Davidson, he stated if this has to be done; vote no and let the judges bankrupt the County. Let the judges do that, and then we will deal with them.

Don Lambert, he read the chronology in the paper and he clearly saw there was never actually a plan. He thought it started out with the Judges wanting holding cells to keep people separated. He questioned if the judges just wanted security and not a courthouse built? *Supervisor Clark stated he never heard that. Security and space was the same issue to keep everyone separated.* Mr. Lambert felt if a plan had been established back in 2002, then it wouldn't have turned into the monster that it is. He also inquired about not being able to hold court during renovations. Could they not use wireless like Federal Court does, this would do a lot for that issue. Regarding off-site court, they could hook to a computer that is currently in the courthouse. This is a way to spend less money.

Jeff Hutton, he inquired about the consequences of saying "no". *Mr. Tate told him the Board would go before the Judge Doherty of Salem, Virginia and he will direct what will be done.* Mr. Hutton also inquired about the cost of future litigations? *Mr. Tate explained the other side drives the cost of litigations; and it would be hard to estimate. He would guess the cost would be \$50,000 to \$100,000.* Supervisor Clark added there was a conference call with the Chairman of Appomattox County, and they had people as passionate as Mr. Wassum and others, and it went to court and cost \$365,000 plus the cost of the courthouse in the end.

Supervisor Call stated he heard the people and agree with them. He spoke with Mr. Mark Smith with Rockbridge County. Mr. Smith told him, their courthouse was \$24 million, and then fought it for 7 years and it went to \$30 million. Supervisor Call questioned if it went to court and the people had to pay more money, would they be behind the Board then. He agreed with Supervisor Clark; no Board member wants to do this.

Supervisor Blevins wanted to address Mr. Lambert. He informed that when the Judges first came and asked for security, we started that and they stopped it. He asked why, the response was, because they wanted the courthouse renovated. In March 2006, the same proposal was offered to them with a 5 to 2 vote and they turned it down. He stated that is where he took his stand. He is with the people and will remain there through out the duration of this. He is behind them 110%.

Mr. Carter read the following from the July 7, 2006 signed Court Order:

The County concedes the Court Facilities are insecure, out of repair, or otherwise pose a danger to the health, welfare and safety of court employees or the public, this Court FINDS, DECLARES, DECREES and ORDERS that the Court Facilities are in violations of VA Code §15.2-1643.

Tonya Baur, she stated if the Judges don't like it here in Smyth County, then they need to go elsewhere.

Deanie Dimick, inquired if the Virginia statute defies what had to be done that Mr. Tate described, the same as the code section Mr. Carter referenced in the Order. *Mr. Tate made her aware it was the same.*

Kyra Bishop, she inquired if the plans had been cut back and economized. *We can't spend this much money. Supervisor Davidson stated the County had looked at the plans and made cuts. We've addressed not moving courts out during construction, leaving the Constitutional Officers in the courthouse and cutting space. Mrs. Bishop inquired why so many courtrooms, can courts not share. Supervisor Clark stated he was told there is court every day and Mr. Tate confirmed; Juvenile Court is a confidential court, Circuit Court is everyday, and General District Court is Tuesday through Friday.*

Rod Blevins, he inquired if these judges come to you and say that your people have to spend \$25 million to make them happy, what else will they want. He stated this needs to be challenged.

Tom Bishop, he called for a mock vote; *Supervisor Clark stated he was not going to ask for that. He informed Mr. Bishop that there will be a public meeting when the vote is taken and he is more than welcome to be there. Mr. Bishop stated with the taxes he has already paid on his businesses, he has contributed almost \$4 million toward the courthouse, and that's not what he wants it to go to. He stated he has businesses in other states that he can take more of his business to.*

Roger Anderson, he stated he understands more now, and the Board is with the citizens but feels that the wheels are just spinning here. He stated we have nothing to say about it, the Judge is going to tell us what to do.

Debbie Williams, she works at the free clinic and with the number of people she sees every day; the people in this County can not afford this. This will not benefit the citizens to spend \$25 million; the construction bid will probably be awarded to a contractor outside of Smyth County that will get his material from outside of Smyth County. The Regional Jail uses pods; maybe that is something the County could do. She doesn't see the need for a larger courthouse.

John Overbay, he inquired why we are where we need a courthouse of this caliber. He stated the County needs to be more conservative and make better decisions. If better decisions were made, we would not be here today.

Howard Burton, he requested Mr. Carter to read the Order again. After Mr. Carter read the Order, Mr. Burton inquired if the Code Section 15.2-1643 overrides the Constitution of Virginia. *Mr. Tate informed him that this was a statue passed by the General Assembly of Virginia and it is presumed to be enforceable.* Mr. Burton felt our fight should be that this is unconstitutional.

Joe Shumate, he inquired if the Judges were appointed or elected. *Mr. Tate told him they were elected by the General Assembly.*

Earl McClure, he inquired why the County agreed that the courthouse condition was going to propose a danger to the health and welfare of the public. He stated he trusted Scott, and the County needed to go back to block one, and, the County needs a project manager and need to have a list of priorities; what's going to be done now and how much. There have been so many indecisions with six (6) changes to the parking and seven (7) revisions of what people want. Mr. McClure stated the IDA has done nothing; there are no new industries or jobs. He inquired if the County has a recovery plan.

Anna Wassum, gave time to **Charlie Wassum**, he questioned the Board members if they thought the trial should be by jury. *If it goes to trial Supervisors Davidson, Waddell, Dishner, Call would like for it to be a trial by jury. Supervisor Clark informed him that it would not be a trial by jury.* Mr. Wassum said the Virginia Constitution supports that decision, the statue and judges should be subservient to it.

At 8:15 p.m. Chair Clark closed the public meeting.

The Smyth County Board of Supervisors held a continued meeting at 2:00 p.m., **Monday, June 15, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
Wade H. Blevins, Jr.
Roscoe D. Call

M. Todd Dishner
Darlene R. Neitch
Brenda J. Waddell

MEMBER ABSENT:

Regina H. Davidson

STAFF PRESENT:

Michael L. Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Becca Kirk, Administrative Assistant
Charlie Atkins, Chief Financial Officer

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER

At 2:02 p.m. Chair Clark called the public hearing to order. Mr. Mike Carter, Acting County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on May 29, 2010. Mr. Carter also read the rules of procedures for public hearings:

**NOTICE OF PUBLIC HEARING ON THE PROPOSED SMYTH COUNTY BUDGET
FOR FISCAL YEAR JULY 1, 2010 - JUNE 30, 2011**

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 the purpose, except as it relates to the budget for the Smyth County School Board, which is governed by §22.1-93, et Seq.

This 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 Tuesday, June 15, 2010, at 2:00 p.m., or

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soon thereafter, at which time any citizens 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 Tuesday, June 15, 2010.

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.

<u>Revenue</u>	<u>FY/2010 Budget</u>	<u>Proposed FY/2011</u>	<u>Inc./Dec.</u>
Revenue from Local Sources	\$2,958,002	\$8,172,458	\$5,214,456
Real Property Taxes	8,055,000	9,000,000	945,000
Public Services	540,000	575,000	35,000
Personal Property	2,814,500	2,833,500	19,000
Machinery & Tools	1,651,500	1,656,000	4,500
Merchants Capital	186,000	186,000	0
Lodging Tax	1,500	18,500	17,000
Penalties & Interest	230,000	230,000	0
Franchise License Taxes	7,000	0	-7,000
Motor Vehicle License	288,000	222,000	-66,000
Rolling Stock Tax	28,000	32,812	4,812
Utility Licenses Tax	92,000	162,000	70,000
Consumer's Utility Tax	1,234,000	1,193,000	-41,000
Permits & Other Licenses	56,125	52,375	-3,750
Fines & Forfeitures	53,000	123,000	70,000
Interest on Investments	500,500	400,500	-100,000
Use of Property	131,318	52,318	-79,000
Court Cost	10,576	10,876	300
Charges for Commonwealth Attorney	1,500	1,800	300
Charges Sanitation & Waste	644,000	650,000	6,000
Expenditure Refunds	708,932	595,746	-113,186
Miscellaneous/Borrowing	4,654,500	76,600	-4,577,900
Public Safety Grant Money	1,020,000	75,000	-945,000
Revenue from the Commonwealth	376,982	271,933	-105,049
PPTRA	1,804,316	1,804,310	-6
Comprehensive Service Act	781,468	706,500	-74,968
Commonwealth Attorney	512,654	489,863	-22,791
Sheriff	1,819,944	1,641,911	-178,033
Commissioner of the Revenue	117,136	96,890	-20,246
Treasurer	129,199	102,631	-26,568
Registrar/Electoral Board	56,563	56,563	0
Clerk's office	283,739	315,687	31,948
Local Sales Tax	1,700,000	1,800,000	100,000
Categorical Aid - Other	340,500	350,500	10,000
Payment in Lieu of Taxes	0	0	0
Special Assessments	6,375	7,500	1,125
Animal Licenses	10,400	11,425	1,025
IDA Funds	22,000	45,000	23,000
State School Funds	42,027,859	38,587,877	-3,439,982
School Debt & Capital Outlay	174,820	0	-174,820
Damage Stamp Revenue	0	0	0
Board of Welfare -Social Serv	4,088,984	3,748,065	-340,919
School Textbook Revenue	216,000	231,233	15,233
On-Site Wastewater Revenue	765	0	-765

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Cedars/Hall Project	1,256,000	0	-1,256,000
Pioneer Greenwood Project	445,500	0	-445,500
Southfork Long Hollow Project	400,000	0	-400,000
Allison Gap Project	480,000	0	-480,000
Water-Sewer Revenue	1,505,000	1,557,000	52,000
Connection Fees	17,000	17,000	0
Application Fees	4,000	4,000	0
Miscellaneous	198,175	5,000	-193,175
Special Projects	1,080,000	60,000	-1,020,000
Special Welfare	206,918	170,010	-36,908
Comm. Attorney Drug Asset Revenue	4,000	4,000	0
Sheriff Drug Asset Revenue	4,000	4,000	0
Sheriff Dare Revenue	3,000	7,000	4,000
Courthouse Security Revenue	70,010	76,000	5,990
Asset Forfeiture	24,500	24,500	0
Revenue from Radar Fund Fines	320,000	440,000	120,000
Total	<u>\$86,353,760</u>	<u>\$78,955,883</u>	<u>-\$7,397,877</u>

Expenditures	FY/2010 Budget	Proposed FY/2011	Inc./Dec.
Board of Supervisors	\$973,027	\$5,696,034	\$4,723,007
County Administration	433,989	511,047	77,058
Commissioner of the Revenue	290,176	263,498	-26,678
Assessor	110,000	30,000	-80,000
Treasurer	293,978	298,407	4,429
Information Systems	326,515	348,948	22,433
Registrar	160,017	175,166	15,149
Circuit Court	78,193	74,550	-3,643
General District Court	12,920	11,580	-1,340
Juvenile & Domestic Courts	244,800	269,400	24,600
Clerk of the Circuit Court	456,442	473,193	16,751
Sheriff	2,779,553	2,687,587	-91,966
Law Library	11,000	11,000	0
Commonwealth Attorney	563,389	519,075	-44,314
Victim Witness Asst. Program	55,503	55,760	257
Central Dispatch	6,500	6,500	0
Smyth County Basic 911	2,438,908	895,205	-1,543,703
Volunteer Fire Department	359,000	409,000	50,000
Ambulance & Rescue Service	218,000	218,000	0
Forrestry	8,126	8,990	864
Sheriff - Jail	1,135,687	1,490,210	354,523
Building Inspection & Zoning	399,454	381,666	-17,788
Animal Control - Dog Warden	351,138	301,930	-49,208
Medical Examiner - Coroner	900	700	-200
Emergency Services - Civil Defense	26,338	26,215	-123
Motor Vehicle License	11,700	11,700	0
Refuse Collection & Disposal	1,462,873	1,386,737	-76,136
Convenience Stations	352,609	352,609	0
Rye Valley Water Co.	84,332	87,479	3,147
Smyth County Tourism	86,002	35,685	-50,317
Courthouse Maintenance	178,305	193,620	15,315

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Health Department Bldg Main.	94,196	89,731	-4,465
County Office Bldg Main.	283,823	297,831	14,008
Local Health Department	504,003	444,023	-59,980
Mental Health	166,022	166,022	0
Welfare & Social Services	4,200	4,200	0
Other	364,284	329,302	-34,982
Community Colleges	47,814	51,103	3,289
Capital Improvements	3,690,000	1,800,000	-1,890,000
Recreation	43,400	42,450	-950
Library Administration	992,036	926,466	-65,570
Planning Commission	15,173	15,173	0
Community & Economic Development	259,257	263,054	3,797
County Engineer	142,890	137,171	-5,719
Industrial Development Authority	504,418	469,092	-35,326
Soil & Water Conservation	28,250	28,250	0
Cooperative Extension Program	94,278	94,878	600
Comprehensive Service Act	1,053,693	987,919	-65,774
Animal Control	45,948	50,434	4,486
IDA General Expenses	1,850	1,500	-350
County School Operations	52,189,782	47,571,142	-4,618,640
Damage Stamp	0	0	0
Welfare & Social Service Cost	4,773,210	4,501,386	-271,824
School Textbook Fund Expense	200,000	196,233	-3,767
Special Dispatch Funds	25,836	25,836	0
Cedars/Hall Project	1,256,000	0	-1,256,000
Allison Gap Project	480,000	0	-480,000
Pioneer Greenwood Project	445,500	0	-445,500
Southfork Long Hollow Project	400,000	0	-400,000
Water-Sewer Department	2,542,167	2,501,756	-40,411
County Funded Projects	1,080,000	60,000	-1,020,000
Special Welfare Funds	206,918	169,000	-37,918
Comm. Wealth Attorney Drug Asset Exp	4,000	4,000	0
Sheriff Drug Asset Expense	4,000	4,000	0
Sheriff Dare Program	7,000	7,000	0
Sheriff SS Incentive	0	0	0
Courthouse Security	69,973	76,070	6,097
Asset Forfeiture	24,500	24,500	0
Radar Fund Expense	399,965	384,870	-15,095
Total	<u>\$86,353,760</u>	<u>\$78,955,883</u>	<u>-\$7,397,877</u>

There were an estimated nine (9) citizens present. The following spoke:

Robert Myers, he believes we need to live within our means. He would recommend the budget be sent back with 0% tax increase. He stated an efficiency program needs to be created for each department and even for schools. He mentioned people need to be involved; citizens are also at fault for lack of interest and input.

Charlie Wassum, he felt the budget should be advertised where it would accurately reflect finances in the County. Mr. Wassum declared the average person doesn't understand the format. He also felt the budget could be pared down to things that are needed, not wanted.

Earl McClure, he appreciated the two-way conversational meeting held on June 14, 2010, and he wished there were more meetings like that. As for the budget; Mr. McClure stated the County needs to look at expenses and make cuts. He mentioned a few accounts and inquired about how much the County has saved with the Regional Jail. He feels there needs to be more explanation to the individual accounts so citizens may have a better understanding.

Mary LeClair, she feels the County needs to live within its means and look at ways to save. She inquired why the large increase in some accounts. Ms. LeClair also stated people were negative about Board meetings being during the daytime and not nighttime; this is not fair to taxpayers.

Jim Frank, he inquired about "Revenue from Local Sources" account because it's not very clear as to what it consist of. He explained, compared to Illinois where he moved from, he thought the Board was doing a good job and didn't think the tax increase was too unjust at this point.

Deanie Dimick, she feels the Board should challenge the departments to cut expenses and be more efficient.

Chair Clark closed public hearing at 2:33 p.m.

CLOSED SESSION

At 2:26 p.m. a motion was made by Supervisor Call to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.7** Legal counsel consultation and staff briefings; discussion on pending litigations. This was seconded by Supervisor Dishner and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

Upon returning to open meeting, a motion was made by Supervisor Call to adopt the following resolution certifying the business conducted in closed session as follows:

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Dishner and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Davidson

CONTINUE MEETING

Supervisor Wade motioned to continue meeting until June 24, 2010 at 7:00 p.m. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidosn

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, June 24, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
Wade H. Blevins, Jr.
Roscoe D. Call
Regina H. Davidson

M. Todd Dishner
Darlene R. Neitch
Brenda J. Waddell

PLANNING DISTRICT MEMBERS PRESENT:

Karl Kalber
Dennis Blevins
Graham Davidson

Norman Sparks
Amy Tuell
Wayne Venable

STAFF PRESENT:

Michael L. Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Clegg Williams, Zoning Administrator
Becca Kirk, Administrative Assistant
Charlie Atkins, Chief Financial Officer
Scott Simpson, Engineer
Sally Morgan, Community & Economic Development

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER

At 7:02 p.m. Chair Clark and Chair Kalber called the public hearing to order. Mr. Mike Carter, Acting County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on May 15, 2010. Mr. Carter also read the rules of procedures for public hearings:

**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, June 24, 2010, 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 Lakeside Ready Mix, Inc. requesting an amendment to the official Zoning Map by rezoning approximately 5 acres owned by David R. Cassell and located at the intersection of Bear Creek Road and Lee Hwy. from Agricultural/Rural to Industrial. 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 beside 4935 Lee Hwy. in Marion, Virginia, and is identified as a portion of Tax Map No. 48-A-126 and can be found in Grid Map No. 6418 of the official Zoning Map of Smyth County.

An application from Smyth-Wythe Joint Airport Commission for a Special Use Permit to expand a non-conforming use (construct a new terminal). The property is located at 8223 Lee Hwy. in Rural Retreat. It is identified as Tax Map No. 38-A-102 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.

There were an estimated 35 citizens present.

Lakeside Ready Mix, Inc. — Application to Amend the Zoning Map: At approximately 7:05 p.m. Mr. Williams explained an application from Lakeside Ready Mix, Inc. (Lakeside) to amend the zoning map. He stated that when he first met the VanDyke family who own and operate Lakeside, they did not have a specific site chosen but desired to expand their concrete business to Smyth County. Mr. Williams explained the property needed to be zoned Industrial and then an approved application for a Special Use Permit would be required. With that knowledge, Lakeside began searching for a suitable tract. Ultimately they decided on a 5 acre tract of land currently owned by Rusty Cassell on the corner of Lee Hwy and Bear Creek Roads. The property is currently zone Agricultural/Rural and is identified by Tax Map No. 48-A-12. Mr. Williams pointed out the 2003 Comprehensive Plan identifying this property as Commercial/Industrial for future land use. Additionally, it is also located in the Atkins Enterprise Zone.

For both of tonight's hearings, Mr. Williams said Lakeside and the Smyth-Wythe Joint Airport Commission filed their application with the required fee and first class mailing was sent to all adjoining property owners. The required legal notice of hearing ran on June 12 and 19 of the Smyth County News, for both applications.

Mr. Williams then read into the records a letter of support from Jared Fravel, Merillat and a letter from Becky Bane, VDOT Permit Specialist summarizing the VDOT entrance requirements.

Rusty VanDyke was present representing Lakeside. He stated the business is family owned and has been in operation for 11 years. Lakeside intends to expand their operation to Smyth County. He stated the operation would start out with a few employees and run approximately 3 trucks. He presented a site plan to the room.

One citizen spoke in opposition to the application, Dan Rapoza. Mr. Rapoza lives across Lee Hwy from the site and is extremely concerned about the pollution a concrete operation can create. Mr. VanDyke assured Mr. Rapoza their operation was clean and was required to obtain various permits pertaining to the environment from several agencies. Mr. VanDyke described the dust collection process used by Lakeside to collect any dust for reuse. Mr. Rapoza felt Lakeside was being untruthful and only telling the information they wanted people to hear.

Graham Davidson and Norman Sparks both spoke favorably of the operations by Lakeside in Washington County. Each of them visited the Washington County site unannounced the day before and was impressed by the operations.

No one else spoke on the application._

Smyth-Wythe Joint Airport Commission – Special Use Permit: Mr. Williams summarized an application submitted by the Smyth-Wythe Joint Airport Commission (Airport) for a Special Use Permit to expand a non-conforming use. Mr. Williams explained when zoning was adopted in 2002, airports were not contemplated and as a result are not considered a "by right" use nor a use permitted by "special use". As a result, the airport is considered a non-conforming use. The property is zoned Agricultural/Rural and is identified as Tax Map No. 38-A-102 and is identified in the 2003 Comprehensive Plan as Commercial/Industrial for future land use. The Airport plans to add a new terminal to their facilities. Mr. Williams received general comments but was not asked for forward them at tonight's hearing. He referenced the Special Use Permit section of the Ordinance as well as the section for expansion of non-conforming uses.

Bob Dix was present representing the Airport. He stated his opinion that the Airport should have been considered during the zoning process in 2002. He stated the airport has not constructed a building in many years and now wishes to construct a new terminal.

J. W. Cumbow spoke on the application. He stated he feels the airport has ruined the development potential for his property and feels the addition of a terminal may lead to more expansions resulting in more restrictions to his property.

No one else spoke on this application.

Chairman Clark and Chairman Kalber closed the joint public hearing at 7:41 p.m.

At 7:44 p.m. Chairman Clark reconvened the Board meeting.

There were an estimated 28 citizens present.

FINANICAL UPDATE

Mr. Charlie Atkins informed the Board there was a bank balance of \$8 million, and there were sufficient funds for the appropriations. Mr. Atkins presented the Board with a handout from the Auditor of Public Accounts report and discussed a comparison of the information from 2002 and 2009.

PAYMENT OF COUNTY INVOICES

Supervisor Call motioned to approve \$4,948,230.35 for appropriations. The following is an explanation of the appropriations approved:

General County	\$ 250,000.00
Hall Addition #2 Sewer Project	\$ 48,230.35
Schools - Operating Fund	\$ 4,650,000.00

Supervisor Dishner seconded the motion, and motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Neitch motioned to approve to rescind previous appropriation for the School – Debt & Capital Outlay Fund in the amount of \$120,000.00. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Committee Recommendations:

- a) With the Budget Committee recommendation, the Board approved the elimination of County decals and a licensing fee will be added to the annual tax tickets. The vote is as follows:

AYES: 7
NAYS: 0

- b) With the Budget Committee recommendation, the Board denied adopting the VRS Resolution for Transitional Benefits Program. The vote is as follows:

AYES: 7
NAYS: 0

Being a Board of Director for the Bank of Marion, Supervisor Clark removed himself as Chair and from the following discussion:

- c) With the recommendation from the Budget Committee, the Board accepted the proposal from the Bank of Marion for a Line-of-Credit in the amount of \$5,000,000.00 with an interest rate of 1.59% on the outstanding balance for the life of the loan and with no additional fees.

In addition, the Board approved the following resolution for the \$5,000,000 Line-of-Credit:

**RESOLUTION AUTHORIZING THE BORROWING OF UP TO
\$5,000,000 IN ANTICIPATION OF THE COLLECTION
OF TAXES AND REVENUES FOR THE 2010 YEAR
BUDGET YEAR 2011**

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SMYTH COUNTY,
VIRGINIA:**

1. The Board of Supervisors (the "Board") of Smyth County, Virginia (the "County"), determines that it is necessary and expedient for the County to borrow money and issue its note in the maximum amount of \$5,000,000 at any given time in anticipation of the collection of taxes and revenues in order to pay expenses expected to be incurred prior to the collection of such taxes and revenues and to enter into a loan agreement with a financial institution.
2. Such note shall be sold to the "lowest bidder" as determined by the Board to be in the best interest of the county, may be in the form of a line of credit, which line of credit may provide for the County to draw down such amounts not to exceed \$5,000,000 at any given time, and shall bear the rate of interest as set forth in the loan agreement. Such note shall be signed by the Chairman or Vice-Chairman of the Board, countersigned by the Clerk of the Board and the County's seal affixed thereto.
3. The Board authorizes the Acting County Administrator to execute and deliver a loan or financing agreement to the lending institution. Such agreement shall set forth the terms of the note and shall be in such form as the Acting County Administrator determines to be in the best interest of the County.
4. The note shall be a general obligation of the County for the payment of principal and of interest on which its full faith and credit shall be irrevocably pledged.
5. The Clerk of the Board, in collaboration with the County Attorney, is authorized and directed to see to the immediate filing of a certified copy of this resolution in the Circuit Court of Smyth County.
6. 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 and correct extract from the minutes of a regular meeting of the Board of Supervisors held on June, 24, 2010, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the Board of Supervisors of Smyth County, Virginia, this 24th day of June, 2010.

(SEAL)

Michael L. Carter, Clerk
Smyth County Board of Supervisors

The vote is as follows:

AYES: 5 Roscoe Call, Todd Dishner, Brenda Waddell,
Darlene Neitch, Regina Davidson
NAYS: 1 Wade Blevins
ABSTAIN: 1 Charlie Clark

- d) With the recommendation from the Budget Committee, the Board approved matching funds for water projects for Porter Valley Road and Burgess Hollow/Goodpasture Hollow/Highway 16. The vote is as follows:

AYES: 7
NAYS: 0

- e) With the recommendation from the Budget Committee, the Board approved the following 2010/2011 Budget items changes:

Removal of County decal:
Revenue – (\$207,000)
Motor Vehicle Fund - \$9,700
Local Reserve Fund - \$197,300

Part-time employee for General District Court
Police Activity Fund - \$20,000

502 Fund Grants
North Fork Treatment Plant - \$41,000
Update Water Specifications - \$15,000

\$5,000,000 Line-of-Credit borrowing

Supervisor Call motioned to approve all changes to the 2010/2011 proposed budget. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Atkins also mentioned that the lodging tax increase and the elimination of taxing farm equipment were reflected in the proposed budget.

With the Budget Committee recommendation, the Board approved the following tax levies, which is a direct reflection of the 2009 tax rates with the exception of eliminating the tax on farm equipment. (Effective July 1, 2010):

The board adopted a Real Estate levy on all taxable real estate located in Smyth County, Virginia, including equalized real estate where applicable, a levy of \$.69 per \$100.00 of assessed valuation; a Tax on tangible personal property and the tangible personal property of service corporations, a 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); a levy on Machinery & Tools at \$1.55 per \$100.00 of assessed valuation; on Category 23 items (trucks used in Interstate Commerce over 10,000 pounds) a unit levy of \$1.55 per \$100.00 of assessed valuation; On Merchants Capital, a unit levy of \$.40 per \$100.00 of assessed valuation; and tax on Airplanes by a unit levy of \$1.40 per \$100.00 of assessed valuation.

The vote is as follows:

AYES: 6
NAYS: 1 Blevins

With the Budget Committee recommendation, the Board approved the 2010/2011 Budget as presented, which will include the above mentioned changes. The vote is as follows:

AYES: 6
NAYS: 1 Blevins

Supervisor Neitch motioned to approve the following appropriation:

Social Services (July 1 – 13, 2010)	\$70,000.00
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Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Call motioned to approve borrowing the \$25,000,000 and adopt the Resolution Providing For The Issuance and Sale of General Obligation Bonds for Courthouse renovations, Parking Garage, Relocation of 911 Center, and Communication Project. Supervisor Dishner seconded the motion. Upon the request of Supervisor Blevins, the vote was taken as roll-call and Chair Clark gave the Supervisors an opportunity to explain their vote:

The following are direct quotes:

Supervisor Call – AYE – I had trouble with and worried about this. I have called several people including the Governor, Joe Johnson, Rick Boucher, and everyone in the country and there is just no other way out. After talking to well over 300 of my constituents, and I have attended every Town Counsel meeting since I been on this Board. I've never missed a Town Counsel meeting. I've discussed it with them, they have read what was in the paper, heard Charlie Clark on the radio, and I have answered any questions I possibly could, to the best of my ability. I'm a rookie here and I realize that. They have gone through this for a lot years; and I admire them for that. I don't see how they did it. There is no way out of what's going to happen and I'm sure of that. I've talked to enough people to know. I've talked to other supervisors in other areas who were forced to do courthouses. They had to do it and all its doing was costing you and me. The further it goes, the more it's going to cost; the bigger the snow ball gets. As my grand-daddy said "Let's put this mule in the barn, we're done with it". We've got to do it; all my constituents say do it. All the public hearings, since I've been here, none of the people from the Saltville District has come in and voiced opposition against it. I'm sure there are some people on this Board that will vote against it. I'm sure of that and I respect them for it. If their constituents tell them to, that is exactly what they ought to do. My constituents tell me to go for it, and that is what I have to do. Not necessarily my opinion, but I have to do what they tell me. Of course, I'll probably end up looking like a villain or whatever for voting yes, but I'm no different than the person up here that votes no. If I would vote against my constituents on this; I don't deserve to be sitting here. I do what they tell me to do; I am a conduit for them and only for them.

Supervisor Dishner – AYE – I seconded the motion and if you look back in the minutes you will see I took a stand on this in the past. We have heard some opposition here in this room. I feel like I have to represent my district as well as all citizens of Smyth County. I feel like this is the best thing we need to do while we have had some control over it. I know we have had a lot of people say be the first County that says no; say no. That is why we are here today, six years ago it we wouldn't have said no, we wouldn't be making this \$25,000,000 action tonight. Saying no is what has led us to here, and it has grown; every year it has cost us more money. Every year we see the same faces come back in opposition. I have not had trouble to stand up and say that this is what I believe what we need to do as a county. So that is why I second this motion.

Supervisor Waddell – Nay – The whole time we have been through this I have been against it. I know we need to make some security adjustments and do maintenance to the courthouse, I go along with that. But I don't agree with, the timing, the economy, and the situation that all households are in, that we can afford it. I think personally for Smyth County as a Board we should take a stand and be the first to say we are not doing it. Right or wrong, my constituents say vote no and other districts say vote no. So tonight I vote no.

Supervisor Clark – AYE – I want to echo Mr. Dishner's comments. We are here tonight because we have been voting no. It has got us nowhere, it has cost us everyday, and it has skyrocketed. While interest rates are low and construction costs are coming in low, we can not afford not to do it. We are going to have to do it down the road anyway. I vote in affirmative.

Supervisor Neitch – Nay – When I took this office, I promised to listen to and be a voice for the people. I have listened to many people about this particular item and they have all said vote no. With the economy the way it is, right now is not the time to add more of a burden on people. So I vote no.

Supervisor Blevins – Nay – I think the people of the County already know where I stand. I'm not going to change tonight. I vote no, and let us see what happens.

Supervisor Davidson – AYE – I'm another new member of this Board, so looking at this courthouse I have done a lot of studying and lot of research. Looking at other areas, not just in Virginia but in Tennessee to see what they have done. I have asked a lot of questions, and I think that is very important. I do know some of you know by voting no in the past has gotten us to where we're at now, that's why it's in litigations now because we've said no for so many years. I also know that it's not the past Boards fault we're in litigations. I haven't asked them, but I'm pretty sure they kept saying no because they thought the economy was going to get better. So what happened now is we have a law suit. I had someone that is against this courthouse to do some research for me and see if they could find any cases anywhere, not just in Virginia, anywhere; where the community has won. This person is not here and they did not call me as of today. They were to call me if they found something, so I can only imagine they didn't find anything. And it is with heavy heart, but I just can not gamble the future and let it go to trial, I can not do that. My vote's yes.

The motion passed with the following vote:

AYES:	4
NAYS:	3

CLOSED SESSION

At 8:31 p.m. a motion was made by Supervisor Dishner to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.7** Legal counsel consultation and staff briefings; discussion on pending litigations. This was seconded by Supervisor Call and the motion passed with the following vote:

AYES: 6
NAYS: 1 Blevins

Upon returning to open meeting, a motion was made by Supervisor Dishner to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION CERTIFICATION OF CLOSED SESSION

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Call and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: 1 Blevins (stepped out of room)

ADJOURN MEETING

At 9:05 p.m. Supervisor Neitch motioned to adjourn meeting. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES:	6	
NAYS:	0	
ABSENT:	1	Blevins (stepped out of room)

The Smyth County Board of Supervisors held its regular July meeting at 12:00 noon, **Tuesday, July 13, 2010.** The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
Wade H. Blevins, Jr.
Roscoe D. Call
Regina H. Davidson

M. Todd Dishner
Darlene R. Neitch
Brenda J. Waddell

STAFF PRESENT:

Michael Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Scott Simpson, County Engineer
Charlie Atkins, CFO
Sally Morgan, Economic Development
Jan Blevins, Deputy

OTHERS PRESENT:

Smyth County News & Messenger

CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

With a quorum present, the meeting was called to order at 12:00 noon. Mrs. Pam Testerman gave the invocation and Ms. Norma Teaters led the pledge of allegiance.

ADOPTION OF AGENDA

Supervisor Davidson motioned to adopt the agenda and additional agenda as to form, while adding a nomination to Rye Valley Water Authority Board by Supervisor Neitch, to the additional agenda. Supervisor Call seconded the motion, vote is as follows:

AYES: 7
NAYS: 0

MINUTES OF PREVIOUS MEETINGS

The Board was presented with the minutes from the following meetings:

Tuesday, June 8, 2010
Monday, June 14, 2010
Tuesday, June 15, 2010
Thursday, June 24, 2010

Supervisor Call made a motion to amend the minutes of the June 24, 2010 meeting with the correction to the tax levy motion as explained by Mr. John Tate. Supervisor Blevins seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

Supervisor Call motioned to approve the minutes of June 8, June 14, and June 15 with grammatical changes by Mr. Tate. Supervisor Dishner seconded the motion, and the vote is as follows:

AYES: 7
NAYS: 0

Mr. Charlie Atkins presented the Board with a copy of the 2010/2011 adopted budget. He also informed the Board that there was \$5 million in the bank as of July 13, 2010, and this is an efficient amount to cover the requested appropriations. Supervisor Call inquired about the Line-of-Credit. Mr. Atkins informed him the County has not had to use it to date.

Chairman Clark introduced Mr. David Rose, Manager of Public Finance with Davenport & Company. Mr. Rose informed the Board he met with County and School Board staff to discuss the financial structure of the County.

PAYMENT OF COUNTY INVOICES

Supervisor Dishner motioned to approve \$4,803,486.88 for appropriations. The following is an explanation of the appropriations approved:

General County	\$ 1,865,000.00
Animal Control Fund 3	\$ 6,052.91
Hall Addition #2 Sewer Project	\$ 71,301.73
Pioneer/Fox Valley Water Project	\$ 86,132.24
Social Services (July 14 - 31, 2010)	\$ 305,000.00
(August 1 – 10, 2010)	\$ 70,000.00
Schools - Operating Fund	\$ 1,500,000.00
Debt & Capital Outlay Fund	\$ 900,000.00

Supervisor Call seconded the motion, and motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Call motioned to approve the accounts payable listing in the amount of \$1,146,932.86. Supervisor Dishner seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

CITIZEN'S TIME

There were three (3) citizens present, no one spoke:

Chairman Clark closed citizen's time at 12:15 p.m.

Committee Recommendations:

Budget

(a) Mr. Mike Carter explained the \$1,414,960 amendment to the School Board's 2010/2011 budget. With the Budget Committee recommendation, the Board approved setting a public hearing for the School Board's budget amendment for August 10, 2010 at 3:30 p.m. The vote is as follows:

AYES: 7
NAYS: 0

NEW BUSINESS

Mr. Mike Carter, Acting County Administrator, introduced Mr. Clegg Williams, Zoning Administrator. Mr. Williams explained the duties of the Zoning and Building Inspection department. Mr. Williams also introduced his staff; Ms. Betty Tilson, Mrs. Becca Kirk, Mr. Jim Blevins, and Mr. Bud Owens.

Supervisor Call stated he appreciated the service he had received from this department.

Committee Recommendations: (continued)

Budget

(b) Mr. Atkins explained the process the Budget Committee went through in selecting Brown, Edwards & Company as the auditing firm for the County. With the Budget Committee recommendation, the Board approved Brown, Edwards, & Company as the County's auditing firm. The vote is as follows:

AYES: 7
NAYS: 0

(c) With the Budget Committee recommendation, the Board approved the appropriation for \$26,741.51 for the Four-For-Life-Fund. The money will be distributed as follows:

Marion Life Saving Crew	\$6,653.79
Chilhowie Fire Dept/EMS	\$6,653.79
Sugar Grove EMS	\$6,653.78
Saltville EMS	\$6,653.78

The vote is as follows:

AYES: 7
NAYS: 0

Mr. Arthur Barker, Sheriff Department, was present to request approval for the Byrne Justice Assistance Grant in the amount of \$2,847 with a local match of \$285. Mr. Barker stated the \$285 local match would come out of the Police Activity Fund. He explained that this is a grant the Sheriff's Department has received each year, and that this year the department will purchase ballistic helmets for the SERT Unit with the funds. After discussion, Supervisor Blevins motioned to authorize Mr. Carter to sign the grant once Mr. Barker has filled in the information that he explained to the Board concerning the ballistic helmets. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Wythe County requested one-half of the taxes collected on airplanes housed at Smyth-Wythe Joint Airport for 2008 and 2009. Mr. Atkins spoke with Ms. Becky Kress in the Commissioner of Revenue's Office, and she confirmed the taxes were collected in 2008 by June 3, 2009 in the amount of \$19,456.50 and in 2009 by April 26, 2010 in the amount of \$4,339.59. After discussion, Supervisor Blevins motioned to approve appropriation of \$11,898.05 to Wythe County for one-half of taxes collected on airplanes housed at Smyth-Wythe Joint Airport. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mrs. Sally Morgan, Community and Economic Development, provided an update on the VDOT Economic Development Access Road program for the Highlands Business Park. She informed the Board that VDOT had accepted the documentation of private sector investment in the park, and that there is no longer any local obligation from Smyth County on repayment of the funding for the access road construction.

Chairman Clark informed the Board that the Smyth County Tourism Association By-Laws need to be approved. He also stated that the Town of Chilhowie had approved the by-Laws and that the Town of Marion will consider them at their next meeting. This issue was continued until next meeting for Mr. Tate to review the by-laws to confirm this is the correct copy.

Supervisor Neitch nominated Mr. Donald Bonham (424 Cedar Springs Road, Sugar Grove, VA 24375, 677-3588) to the Rye Valley Water Authority to replace Mr. Robert Medley. Supervisor Blevins seconded the nomination, and Mr. Bonham was appointed to the Rye Valley Water Authority with the following vote:

AYES: 7
NAYS: 0

Committee Recommendations: (continued)

Appointment

With Budget Committee recommendation, the Board appointed Mr. Roscoe Call to the Mt. Rogers Housing Board. The vote is as follows:

AYES: 7
NAYS: 0

Supervisor Davidson inquired about no longer receiving revenue from franchise and ABC tax. She questioned if the County had received any documentation from Richmond. Mr. Tate reviewed the Code of Virginia and found no information about no longer receiving tax revenue. Mr. Atkins will research and see if he can find any additional information from the Commonwealth.

Mrs. Sally Morgan, Community and Economic Development, briefly explained the Indoor Plumbing Program, and how the Virginia Department of Housing and Community Development provides funding for the program. Mrs. Morgan introduced Mr. Scott Booth with Mt. Rogers Planning District. Mr. Booth stated he had directed the Indoor Plumbing Program for 10 years. He also explained the program is for households without complete indoor plumbing, but they can sometimes work with homes with inadequate water supply to the home or inadequate wastewater disposal outside the home. Mr. Booth informed the Board that 32 households in the County had been improved under this program over the past 10 years with \$1.5 million of funding. Mrs. Morgan identified a request of \$800 from a county resident who is not eligible for the Indoor Plumbing Program, but has requested assistance in repairing a failing septic system. These funds would supplement other dollars from Mountain CAP and District 3. Mrs. Morgan requested the \$800 come out of the Watson Gap Housing Rehab Project program income funds. After discussion, Supervisor Waddell motioned to approve the appropriation of \$800 from the Watson Gap Housing Rehab Project funds. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Mike Carter informed the Board of Virginia Department of Transportation's request for a bridge closing. Mr. Carter read the following resolution:

RESOLUTION FOR BRIDGE CLOSING

The Board of Supervisors of Smyth County, in regular meeting on the 13th day of July, 2010, adopted the following:

RESOLUTION

WHEREAS, the Virginia Department of Transportation has deemed it necessary to close a portion of Route 675 (Blue Springs Road) in Smyth County for the replacement of bridge structure 6080, and;

NOW, THEREFORE, BE IT RESOLVED, that the Smyth County Board of Supervisors hereby concurs with the Virginia Department of Transportation's decision to close a portion of Route 675 to traffic from 1 August 2010 until reconstruction of structure 6080 is complete. The closure will be at 0.60 mile North of Route 612 (Camp Road).

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

Supervisor Neitch motioned to approve the resolution. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

OLD BUSINESS

1. Collection of delinquent taxes (8-10-04). *At the July 9, 2009 meeting, Mr. Carter stated he has an updated delinquent tax list. Supervisor Perry motioned to continue this issue. Supervisor Neitch seconded the motion and it duly passed:*

AYES: 6
NAYS: 1 C.C. "Charlie" Clark, Jr.

At the October 13, 2009 meeting, Supervisor Neitch inquired about the collection of taxes. It was advised to request a report from the Treasurer. The report should show 60 days after the publication of the delinquent tax list, between current year and last year, and see if there is any difference.

At the December 17, 2009 meeting, Mr. Carter presented the Board with a report prepared by the Treasurer's Office on delinquent tax collections, which was requested at the October 13, 2009 Board meeting. The report compares collections from June 30, 2008 to September 30, 2008 and June 30, 2009 to September 30, 2009, with more taxes being collected in 2008. The delinquent tax list was not published in 2008.

At the February 9, 2010 meeting, Supervisors Davidson and Call inquired about the collection of delinquent taxes. Mr. Tate explained the process. Supervisor Davidson asked if there could be a payment plan to help get the taxes paid. Mr. Tate stated the Treasurer handles the payments. Chairman Clark requested Mr. Carter to contact Mr. Tom Burkett, Treasurer and invite him to the March Board meeting to discuss this issue.

At the July 13, 2010 meeting: Supervisor Call questioned why this was still on the Old Business list. He stated we need to work on a system to get these delinquent taxes paid. Supervisor Davidson agreed. She stated she knew that the Board had this explained to them before, but something needs to be done to get these taxes paid. Mr. Tate advised to speak to the Judge. Chairman Clark set a Delinquent Tax Committee and placed Supervisor Dishner, Supervisor Call, and Supervisor Davidson on the committee to discuss what to do to move forward.

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee **6-13-06**).
3. Appointments: Board of Zoning Appeals (12-17-09)
One Alternate - VACANT
4. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer (**5-13-08**).
5. Radio System Project (**6-26-08**).

At the February 9, 2010 meeting; Mr. Shannon Williams stated due to bad weather the contractor has requested a 78 day extension to complete contract. Mr. Williams recommends, after an internal staff discussion, a 72 day extension. Supervisor Blevins motioned to approve a 72 day extension on contract. Supervisor Call seconded the motion, and the motion passed with the following vote:

**AYES: 7
NAYS: 0**

At the April 13, 2010 meeting; Mr. Shannon Williams stated MorCom International was requesting a 45 day extension to complete contract. MorCom stated the sites were inaccessible from March 1st until March 24th, with this, staff is suggesting a 24 day extension. This would have the contract completion for May 7th. Mr. Williams stated if contract is not complete by May 7th, on May 8th a \$500 per day liquidation damage penalty would start being charged. Mr. Tate advised Mr. Williams if not completed by May 7th to send MorCom a letter stating the penalty being charged.

At the June 8, 2010 meeting; Mr. Tate inquired about the two invoices approved for payment. He noted the above minutes at the April 13, 2010 meeting, concerning the May 8th date to start a \$500 per day liquidation damage penalty. Mr. Scott Simpson informed Mr. Tate the invoices were milestone payments 5 and 6 and the work completed was before the May 7th deadline. Mr. Simpson informed the Board that Morcom was to start the coverage testing next week.

6. Referred to the Water and Sewer Counsel, proceed with legal documents to provide uncollectable names and accounts from the Water and Sewer Department to other water providers in the county (**2-10-09**).
7. Nuisance complaint against a property owned by Joseph F. Ellis, Jr. - The Board voted to leave the matter on the Old Business agenda until the conclusion of a civil case is resolved. (Civil case filed March 6, 2009) At that time, the nuisance issue will be revisited. Mr. Patton Graham (Mr. Ellis' Attorney) will update the Board on the civil case as it progresses (**4-14-09**).

At the November 12, 2009 meeting, Mr. Clegg Williams informed the Board no trial had been set.

At the January 12, 2010 meeting; Mr. Clegg Williams informed the Board, Mr. Patton Graham stated there is a settlement negotiating in progress.

At the May 11, 2010 meeting; Mr. Clegg Williams informed the Board, he did not have any new information on this issue.

8. Financial Discussion (2-9-10)

9. Solid Waste recommendation to accept Recycling Contract. (3-9-10)

At the April 13, 2010 meeting; Supervisor Davidson inquired if the company had become licensed with the Commonwealth of Virginia. Mr. Carter stated he did not have a response from the company.

At the July 13, 2010 meeting; Supervisor Blevins inquired about this issue. Mr. Carter informed him and the Board, that the company still had not filed with the State Corporation Commission.

CLOSED SESSION

At 2:02 p.m. a motion was made by Supervisor Waddell to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.1** Personnel; discussion and consideration of prospective candidates for employment, and **A.7** Legal counsel consultation and staff briefings; discussion on pending litigations. This was seconded by Supervisor Call and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to open meeting, a motion was made by Supervisor Dishner to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION CERTIFICATION OF CLOSED SESSION

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Call and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Blevins (stepped out of room)

Nuisance Complaint

Mr. Clegg Williams updated the Board on the complaint he received on property located at 3180 Walker's Creek Road, 3196 Walker's Creek Road, and 3198 Walker's Creek Road. Mr. Williams stated he has tried to work with the properties owners, Mr. Mike Smith and Mr. Harry Smith; brothers, to get this nuisance complaint resolved. Mr. Williams also explained that one of the brothers contemplated on getting a demolition permit, but had not to date. Mrs. Amy Smith Byrd spoke on behalf of her dad, Mr. Jay Smith. She stated that her dad's house is right in the middle of the nuisance. She also stated that her dad tries to keep his property maintained. Mr. Williams explained the procedure if these properties were declared a nuisance. Supervisor Waddell motioned to declare properties located at 3180, 3196, and 3198 Walker's Creek Road a nuisance. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Planning Commission Recommendation:

(a) Mr. Clegg Williams updated the Board on the Planning Commission decision concerning a Map Amendment to rezone property. Supervisor Blevins motioned to accept the Planning Commission recommendation to approve a Map Amendment to rezone property located at the intersection of Lee Highway and Bear Creek Road from A/R to Industrial for Lakeside Ready Mix Inc. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Dishner mentioned he had done business with Lakeside and was very impressed by the cleanliness of their business. Supervisor Dishner also stated he felt this business would be an asset to the County.

(b) Mr. Clegg Williams updated the Board on the Planning Commission decision concerning a Special Use Permit. Supervisor Blevins motioned to accept Planning Commission recommendation to approve Special Use Permit for Smyth-Wythe Airport Commission to expand a non-conforming use by constructing a terminal. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mrs. Sally Morgan presented the Board with a handout on the 2009 Smyth County Economic Indicators. She informed the Board that the report contained updates on the economic statistics for the County.

CONTINUED

At 2:58 p.m. Chair Clark continued the meeting until Thursday, July 22, 2010 at 7:00 p.m.

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, June 24, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr., Chairman
Wade H. Blevins, Jr.
Roscoe D. Call
Regina H. Davidson

M. Todd Dishner
Darlene R. Neitch
Brenda J. Waddell

PLANNING DISTRICT MEMBERS PRESENT:

Karl Kalber, Chairman
Dennis Blevins
Graham Davidson

Norman Sparks
Wayne Venable

PLANNING DISTRICT MEMBERS ABSENT:

Amy Tuell

STAFF PRESENT:

Michael L. Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Clegg Williams, Zoning Administrator
Becca Kirk, Administrative Assistant
Charlie Atkins, Chief Financial Officer
Scott Simpson, Engineer
Sally Morgan, Community & Economic Development

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER

At 7:02 p.m. Chairman Clark and Chairman Kalber called the public hearing to order. Mr. Mike Carter, Acting County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on July 10, and July 17, 2010. Mr. Carter also read the rules of procedures for public hearings:

**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, July 22, 2010, 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 Lakeside Ready Mix, Inc. for a Special Use Permit to operate a concrete manufacturing/processing facility. The property is located at the intersection of Lee Hwy and Bear Creek Road in Marion and identified as being a portion of Tax Map No. 48-A-126.

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.

There were three (3) citizens present.

Lakeside Ready Mix, Inc. — Application for a Special Use Permit: At approximately 7:03 p.m. Mr. Williams stated with the recent approval of Lakeside Ready Mix's (Lakeside) request for a map amendment, they now request a Special Use Permit to operate a concrete manufacturing/processing facility. Mr. Williams stated the property is located at the intersection of Lee Hwy and Bear Creek Road in Marion and is identified as being a portion of Tax Map No. 48-A-126. Mr. Williams said Lakeside filed their application with the required fee and first class mailing was sent to all adjoining property owners. He also pointed out the pertinent sections of the Zoning Ordinance for Special Use Permits. The required legal notice of hearing ran on July 10 and 17 of the Smyth County News, for both applications.

Rusty VanDyke was present representing Lakeside; however, due to the details presented during the map amendment application, no other explanations were requested from either the Planning Commission or Board of Supervisors. No one spoke on the application.

Chairman Clark and Chairman Kalber closed the joint public hearing at 7:05 p.m.

At 7:12 p.m. Chairman Clark reconvened the Board meeting.

Supervisor Blevins motioned to approve and appropriate \$13,842.00 for the Feeder Cattle Grant pass through money. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: 1 Dishner (out of room)

Committee Recommendations:

Water and Sewer

Mr. Scott Simpson was present and discussed the rate increases and the target rates to be eligible for Rural Development grants. With recommendation from the Water and Sewer Committee, the Board approved advertising the proposed water and sewer rates and setting a public hearing for October 12, 2010 at 3:00 p.m. The vote is as follows:

AYES: 5 Call, Dishner, Clark, Neitch, Davidson
NAYS: 2 Waddell, Blevins

Courthouse Committee

Mr. Simpson was present and discussed the amendments to the 2006 Mosley Architect's agreement with the Board. After discussion and with recommendation from the Courthouse Committee, the Board approved amendments to the original 2006 Mosley Architect's agreement. The vote is as follows:

AYES: 4 Call, Dishner, Clark, Davidson
NAYS: 3 Waddell, Neitch, Blevins

PUBLIC HEARING – Konnarock-Green Cove Community Center

Mr. Mike Carter, Acting County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on July 3, and July 10, 2010. With no one present to speak, Supervisor Dishner motioned to forgo reading the rules of procedures. Supervisor Call seconded the motion, and the motion passed unanimously:

BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS

The Smyth County Board of Supervisors will conduct a hearing on Thursday, July 22, 2010, at 7:30 P.M. or as soon there after, as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application for an Annual Musical or Entertainment Festival permit under the Code of Smyth County, Virginia:

The Konnarock-Green Cove Laurel Valley Community Association has submitted a festival application for an event to be held on Sunday, September 19, 2010. This event will be held at the Konnarock-Green Cove Community Center located at 6535 Whitetop Road, Troutdale, Virginia, 24378, and will be held between the hours of 11:00 a.m. and 5:00 p.m.

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.

Mrs. Anne Pennington, Damascus, VA, was present representing the Konnarock Green Cover Laurel Valley Community Association.

Mr. Carter read a letter from Richard Weaver giving permission to have any festival through out the year.

There was no one present to speak.

At 7:30 p.m. Chairman Clark closed the public hearing.

Supervisor Neitch motioned to waive the rules and take vote on this festival application. Supervisor Blevins seconded the motion, and the motion passed unanimously.

Supervisor Neitch motioned to approve Konnarock-Green Cove Laurel Valley Community Association festival permit. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

CLOSED SESSION

At 7:32 p.m. a motion was made by Supervisor Dishner to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.7** Legal counsel consultation and staff briefings; discussion on pending litigations. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 1 Blevins

Upon returning to open meeting, a motion was made by Supervisor Davidson to adopt the following resolution certifying the business conducted in closed session as follows:

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Call and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: 1 Blevins (left at 7:33 p.m. during closed session)

ADJOURN MEETING

At 8:14 p.m. Chairman Clark adjourned the meeting.

The Smyth County Board of Supervisors held its regular August meeting at 12:00 noon, **Tuesday, August 10, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.	M. Todd Dishner (arrived 12:26 p.m.)
Wade H. Blevins, Jr.	Darlene R. Neitch
Roscoe D. Call	Brenda J. Waddell
Regina H. Davidson (arrived 12:22 p.m.)	

STAFF PRESENT:

Michael Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Scott Simpson, County Engineer
Lisa Richardson, Financial Assistant
Sally Morgan, Economic Development
Kenny Lewis, Deputy

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

With a quorum present, the meeting was called to order at 12:00 noon. Mrs. Pam Testerman gave the invocation and Mrs. Sally Morgan led the pledge of allegiance.

ADOPTION OF AGENDA

Supervisor Blevins motioned to adopt the agenda and additional agenda as to form, while adding Heartwood Resolution by Chairman Clark, to the additional agenda. Supervisor Call seconded the motion, vote is as follows:

AYES:	5
NAYS:	0
ABSENT:	Davidson, Dishner

Mrs. Lisa Richardson, Financial Assistant; informed the Board that there was \$5,052,000 in the bank as of August 10, 2010, and this is a sufficient amount to cover the requested appropriations. She also informed the Board that for August there was a positive cash balance.

PAYMENT OF COUNTY INVOICES

Supervisor Blevins motioned to approve \$3,453,432.36 for appropriations. The following is an explanation of the appropriations approved:

General County	\$ 1,355,000.00
Hall Addition #2 Sewer Project	\$ 75,693.27
Pioneer/Fox Valley Water Project	\$ 92,739.09
Social Services (August 11 - 31, 2010)	\$ 295,000.00
(September 1 – 14, 2010)	\$ 60,000.00
Schools - Operating Fund	\$ 1,500,000.00
Debt & Capital Outlay Fund	\$ 75,000.00

Supervisor Call seconded the motion, and motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Davidson, Dishner

Supervisor Blevins motioned to approve the accounts payable listing in the amount of \$720,717.32, with includes a payment of \$144,790.93 to Morcom for the radio system. Supervisor Call seconded the motion and the vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Davidson, Dishner

Mr. Mike Carter informed the Board there is one more payment to Morcom for the radio system.

Supervisor Neitch nominated L.V. Pokey Harris, 169 Dry Fork Road, Chilhowie, VA 24319, 276-646-2271, to the Planning Commission for the Rye Valley District. Supervisor Blevins seconded the nomination, and the vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Davidson, Dishner

MINUTES OF PREVIOUS MEETINGS

The Board was presented with the minutes from the following meetings:

Tuesday, July 13, 2010
Thursday, July 22, 2010

Supervisor Blevins motioned to approve the minutes of July 13, and July 22. Supervisor Call seconded the motion, and the vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Davidson, Dishner

CITIZEN'S TIME

There were four (4) citizens present; no one spoke:

Chairman Clark closed citizen's time at 12:19 p.m.

NEW BUSINESS

Mr. Mike Carter, explained the Mt. Rogers Community Service Board's annual Performance Contract with the Department of Behavioral Health and Developmental Services. He informed the Board this contract is brought before the Board each year. Supervisor Blevins motioned to approve contract. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Davidson, Dishner

Mr. Scott Simpson, County Engineer discussed with the Board an agreement with Thompson & Litton for Engineering Review and a Phase 1 Archaeological Survey for the potential North Fork Holston River Water Treatment Plant. Mt. Rogers Planning District and the Cumberland Plateau have approved funding for this agreement. He also informed that a test well will need to be drilled, and the \$15,600 funds for the well will come out of the Water Source Study line item (501-085060-003). After discussion, Supervisor Neitch motioned to approve the agreement. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Davidson, Dishner

Mr. Arthur Barker, Sheriff's Department explained the DMV grant to the Board. This is a grant that the Sheriff's Department receives each year. Supervisor Blevins motioned to approve grant. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Davidson, Dishner

Chairman Clark explained the resolution supporting the Wilderness Road. After the Board members and council read the following resolution:

WHEREAS, From 1775-1810 an estimation of nearly 300,000 settlers traveled through Virginia to the Cumberland Gap. This migration and western movement is a significant point of Virginia history and to the development of the United States of America. Today, an estimated 43 million Americans can trace their ancestors to the migration through Virginia along the Wilderness Road: Virginia's Heritage Migration Route.

WHEREAS, The historical migration of early settlers and pioneers to Virginia followed closely to what is now Route 11, 58 and 23 from Winchester to Cumberland Gap (including the Daniel Boone Wilderness Trail — Route 58 from Moccasin Gap to Cumberland Gap), but also followed other "spur" migration routes such as the Carolina Road along Route 220 and the Fincastle Turnpike along Routes 42, 61, 19, 460, 71 and 72.

WHEREAS, These migration routes are now being developed as driving routes/trails to preserve, interpret and promote the history, heritage and culture of the early pioneer settlement and migration through Virginia, and the role that Virginia played in the migration of settlers through Virginia and to other states of our growing of the nation.

WHEREAS, The Wilderness Road organization has been formed as a recognized non-profit organization under the leadership and guidance of the Virginia Tourism Corporation, in partnership with tourism representatives from 28 tourism localities and 12 state/federal partners, to develop and promote the driving route of the Wilderness Road: Virginia's Heritage Migration Route, and spurs known as The Carolina Road, and The Fincastle/Cumberland Gap Turnpike, connecting with the Daniel Boone Wilderness Trail, and individual community loops for each locality.

WHEREAS, The mission of the Wilderness Road organization is to develop a new tourism product to increase economic growth, and tourism spending in the region. The purpose of the organization is to promote *The Wilderness Road: Virginia's Heritage Migration Route* from Winchester to Cumberland Gap in a way that preserves and interprets the heritage of the migration era from the 1700s to the mid 1800s, to increase tourism visitation and economic impact of tourism spending.

WHEREAS, The Commonwealth of Virginia has recognized the driving route as *The Wilderness Road: Virginia's Heritage Migration Route*, which shall not affect any other designation heretofore or hereafter applied to this route or any portions thereof.

WHEREAS, there are more than 2,700 miles of roads designated as Virginia Byways, to help attract visitors and support economic development through tourism, and the Virginia Department of Transportation (VDOT), the Virginia Tourism Corporation (VTC), the Virginia Department of Conservation and Recreation (DCR) and the Commonwealth Transportation Board (CT8), encourages local governments to nominate roads for Virginia Byway designation.

WHEREAS, the United States Secretary of Transportation recognizes certain roads (including multi-state) as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, recreational and scenic qualities, with the Wilderness Road: Virginia's Heritage Migration Route, (including the Daniel Boone Wilderness Trail), and applicable spurs known as The Carolina Road, and The Fincastle/Cumberland Gap Turnpike include each of these intrinsic qualities.

WHEREAS, The National Scenic Byways Program is part of the U.S. Department of Transportation, Federal Highway Administration, and the program is a grass-roots collaborative effort established to help recognize, preserve and enhance selected roads throughout the United States.

WHEREAS, since 1992, the National Scenic Byways Program has provided funding for almost 1500 state and nationally designated byway projects in 48 states.

THEREFORE BE IT RESOLVED, that Smyth County expresses its support to the Virginia Department of Transportation and the General Assembly of the Commonwealth of Virginia to provide Virginia Byway designation of the Wilderness Road: Virginia's Heritage Migration Route (including the Daniel Boone Wilderness Trail), and the Fincastle Turnpike and Carolina Road spur routes.

BE IT FURTHER RESOLVED, that Smyth County expresses its support to the U.S. Department of Transportation, Federal Highway Administration, and United States Secretary for National Byway Designation of the Wilderness Road: Virginia's Heritage Migration Route (including the Daniel Boone Wilderness Trail) , and the spur Fincastle Turnpike and Carolina Road routes.

FINALLY BE IT RESOLVED, that Smyth County fully supports the efforts of the Wilderness Road

organization to develop and promote the Wilderness Road: Virginia's Heritage Migration Route (including the Daniel Boone Wilderness Trail), and the spur Fincastle Turnpike and Carolina Road routes, as Virginia Byway(s) and National Scenic Byway(s).

Date

Charlie Clark, Jr., Chairman
Smyth County Board of Supervisors

Supervisor Blevins motioned to approve the resolution. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Mike Carter, Acting County Administrator, introduced Mrs. Sandy Elswick, Smyth County Registrar. Mrs. Elswick introduced her assistant registrar; Mrs. Cathy Goins. She also explained the duties the Registrar's Office performs.

Supervisor Call thanked them for the assistance he had received.

Committee Recommendations:

Water and Sewer

a) After discussion and with recommendation from the Water and Sewer Committee; the Board approved the transfer of water service to the Town of Marion for the hospital complex. Smyth County currently has sewer lines on property and will continue to serve the hospital with sewer service. The vote is as follows:

AYES: 6
NAYS: 0
ABSTAIN: Davidson

b) After discussion and with the recommendation from the Water and Sewer Committee; the Board approved the Water Department to write-off uncollectible accounts in the amount of \$3,573.64. The vote is as follows:

AYES: 7
NAYS: 0

Planning Commission Recommendation:

With the Planning Commission recommendation to approve application for a Special Use Permit to operate a concrete manufacturing/processing facility on property located at the intersection of Lee Highway and Bear Creek Road, Supervisor Dishner motioned to accept the Planning Commission recommendation to approve the application from Lakeside Ready Mix, Inc. for a Special Use Permit to operate a concrete manufacturing/processing facility. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mrs. Lavonda Brickey, Mt. Rogers Health District, was present to request the Board appropriate \$505.78 to pay for advertising the Rabies Clinics. Supervisor Dishner motioned to approve and appropriate \$505.78 (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, through out the county in October 2010. Supervisor Blevins seconded the motion, and the motion passed unanimously.

Mrs. Bev Haddock, Smyth County Humane Society and **Mrs. Julie Reimer**, Saving Furry Friends – gave a powerpoint presentation on the Smyth County Animal Shelter. These organizations would like to have volunteers at the Animal Shelter to help the staff and be able to extend the hours of operation.

There were 18 citizens present for this presentation.

Committee Recommendations: (continued)

Animal Control

After discussion; the Board agreed to send the issue of having volunteers at the Animal Shelter back to the Animal Control Committee for further discussion.

Mr. Jeff Richardson, Commissioner of Revenue and **Ms. Suzanne Lee**, discussed with the Board a Real Estate tax refund for Mr. Dennis Dempsey. After explaining the circumstances of the duplication of improvements assessed, Supervisor Neitch motioned to rescind the June 8, 2010 motion denying Mr. Wayne Dempsey a real estate tax refund. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

After discussion, Supervisor Neitch motioned to approve a real estate tax refund request for 2007, 2008, and 2009 in the amount of \$993.86 to Mr. Wayne Dempsey. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Jeff Richardson discussed a tax refund request from Ford Motor Credit Company. He informed the Board that DMV or Ford Motor Credit could not supply sufficient records as to where the vehicle was garaged on January 1. With insufficient evidence; Supervisor Blevins motioned to deny a personal property tax refund request for 2007 and 2008 from Ford Motor Credit Company for a vehicle garaged outside Smyth County. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

OLD BUSINESS

1. Collection of delinquent taxes **(8-10-04)**. *At the July 9, 2009 meeting, Mr. Carter stated he has an updated delinquent tax list. Supervisor Perry motioned to continue this issue. Supervisor Neitch seconded the motion and it duly passed:*

AYES: 6
NAYS: 1 C.C. "Charlie" Clark, Jr.

At the October 13, 2009 meeting, Supervisor Neitch inquired about the collection of taxes. It was advised to request a report from the Treasurer. The report should show 60 days after the publication of the delinquent tax list, between current year and last year, and see if there is any difference.

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At the July 13, 2010 meeting; Supervisor Call questioned why this was still on the Old Business list. He stated we need to work on a system to get these delinquent taxes paid. Supervisor Davidson agreed. She stated she knew that the Board had this explained to them before, but something needs to be done to get these taxes paid. Mr. Tate advised to speak to the Judge. Chairman Clark set a Delinquent Tax Committee and placed Supervisor Dishner, Supervisor Call, and Supervisor Davidson on the committee to discuss what to do to move forward.

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee **6-13-06**).
3. Appointments: Board of Zoning Appeals **(12-17-09)**
One Alternate - VACANT
4. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer **(5-13-08)**.
5. Radio System Project **(6-26-08)**.

At the February 9, 2010 meeting; Mr. Shannon Williams stated due to bad weather the contractor has requested a 78 day extension to complete contract. Mr. Williams recommends, after an internal staff discussion, a 72 day extension. Supervisor Blevins motioned to approve a 72 day extension on contract. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

At the April 13, 2010 meeting; Mr. Shannon Williams stated MorCom International was requesting a 45 day extension to complete contract. MorCom stated the sites were inaccessible from March 1st until March 24th, with this, staff is suggesting a 24 day extension. This would have the contract completion for May 7th. Mr. Williams stated if contract is not complete by May 7th, on May 8th a \$500 per day liquidation damage penalty would start being charged. Mr. Tate advised Mr. Williams if not completed by May 7th to send MorCom a letter stating the penalty being charged.

At the June 8, 2010 meeting; Mr. Tate inquired about the two invoices approved for payment. He noted the above minutes at the April 13, 2010 meeting, concerning the May 8th date to start a \$500 per day liquidation damage penalty. Mr. Scott Simpson informed Mr. Tate the invoices were milestone payments 5 and 6 and the work completed was before the May 7th deadline. Mr. Simpson informed the Board that Morcom was to start the coverage testing next week.

6. Referred to the Water and Sewer Counsel, proceed with legal documents to provide uncollectable names and accounts from the Water and Sewer Department to other water providers in the county **(2-10-09)**.
7. Nuisance complaint against a property owned by Joseph F. Ellis, Jr. - The Board voted to leave the matter on the Old Business agenda until the conclusion of a civil case is resolved. *(Civil case filed March 6, 2009)* At that time, the nuisance issue will be revisited. Mr. Patton Graham (Mr. Ellis' Attorney) will update the Board on the civil case as it progresses **(4-14-09)**.

At the November 12, 2009 meeting, Mr. Clegg Williams informed the Board no trial had been set.

At the January 12, 2010 meeting; Mr. Clegg Williams informed the Board, Mr. Patton Graham stated there is a settlement negotiating in progress.

At the May 11, 2010 meeting; Mr. Clegg Williams informed the Board, he did not have any new information on this issue.

8. Financial Discussion **(2-9-10)**
9. Solid Waste recommendation to accept Recycling Contract. **(3-9-10)**

At the April 13, 2010 meeting; Supervisor Davidson inquired if the company had become licensed with the Commonwealth of Virginia. Mr. Carter stated he did not have a response from the company.

At the July 13, 2010 meeting; Supervisor Blevins inquired about this issue. Mr. Carter informed him and the Board, that the company still had not filed with the State Corporation Commission.

10. Tourism Association bylaws **(7-13-10)**

At the August 10, 2010 meeting; after Mr. Tate confirming this was the correct bylaws, Supervisor Davidson motioned to sign resolution. Supervisor Dishner seconded the motion, and the motion passed unanimously.

Was added to Old Business list:

11. ABC/Franchise fees **(7-13-10)**

At the August 10, 2010 meeting; Mr. Tate informed the Board that he wrote letter concerning the ABC profits. Mrs. Debbie Schwartz, Chief Deputy Treasurer, informed Mr. Tate that all franchise fees are sent to Richmond then reimbursed to localities.

PUBLIC HEARING – Adwolfe Volunteer Fire Department – Festival Application

At 3:02, Chairman Clark opened the public hearing. Mr. Mike Carter, Acting County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on July 24, and July 31, 2010. With no one present to speak, Chairman Clark informed Mr. Carter to forgo reading the rules of procedures:

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

The Smyth County Board of Supervisors will conduct a public hearing on Tuesday, August 10, 2010, at 3:00 P.M. or as soon there after, as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application for an Annual Musical or Entertainment Festival permit under the Code of Smyth County, Virginia:

The Adwolfe Volunteer Fire Department has submitted a festival application for a three (3) day event to be held September 10, 11, and 12, 2010. This event will be held at the Adwolfe Volunteer Fire Department located at 104 Thomas Bridge Road, Marion, Virginia, 24354. The applied festival hours are as follows:

Friday, September 10 - 6:00 p.m. thru 11:00 p.m.

Saturday, September 11 - 12:00 noon thru 11:00 p.m.

Sunday, September 12 - 12:00 noon thru 8:00 p.m.

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.

Chairman Clark closed the public hearing at 3:03 p.m.

Supervisor Neitch motioned to waive the rules and take the vote on this festival application. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7

NAYS: 0

Supervisor Neitch motioned to approve the festival application from Adwolfe Volunteer Fire Department for September 10, 2010; 6:00 p.m. – 11:00 p.m., September 11, 2010; 12 noon – 11:00 p.m., and September 12, 2010; 12 noon – 8:00 p.m. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7

NAYS: 0

CLOSED SESSION

At 3:10 p.m. a motion was made by Supervisor Neitch to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.5** Business/Industrial Prospects; discussion concerning a business or industry considering expansion with no previous announcement being made, and **A.7** Legal counsel consultation and staff briefings; discussion on pending litigations. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7

NAYS: 0

Upon returning to open meeting, a motion was made by Supervisor Call to adopt the following resolution certifying the business conducted in closed session as follows:

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

PUBLIC HEARING – School Board 2010/2011 Budget Amendment

At 3:30, Chairman Clark opened the public hearing. Mr. Mike Carter, Acting County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on July 24, and July 31, 2010. With no one present to speak, Chairman Clark informed Mr. Carter to forgo reading the rules of procedures:

**NOTICE OF PUBLIC HEARING
ON AMENDING THE SMYTH COUNTY SCHOOLS BUDGET
FOR THE FISCAL YEAR
July 1, 2010 through June 30, 2011
On August 10, 2010 at 3:30 p.m.**

Pursuant to section 15.2-2507 of the Code of Virginia, the Smyth County Board of Supervisors will conduct a public hearing on August 10, 2010 at 3:30 P.M., in the Board of Supervisors meeting room at 121 Bagley Circle, Smyth County Office Building.

At the above mentioned day, time and place any citizen may appear and express their opinion(s).

The purpose of the hearing will be to receive public comment on proposed amendments to the School Board budget and the Smyth County budget for fiscal year 2010-2011. The amendments relate to the Smyth County Schools capital outlay budget only and involve remaining funds from fiscal year 2009-2010 and unbudgeted funds for fiscal year 2010-2011. A full copy of the current budget is available at the Smyth County Board of Supervisors Office, 121 Bagley Circle, Suite 100 and may be viewed during regular business hours, Monday through Friday. A synopsis of the proposed budget amendments follows.

By order of the Smyth County Board of Supervisors
Michael L. Carter, Acting County Administrator

Smyth County School Board				
Operations Budget For the Year Ending June 30, 2011				
Revenue Summary for Operations Budget				
	2010-2011 ORIGINAL	2010-2011 PROPOSED	Difference	
State Revenue	\$ 26,388,312	\$ 26,388,312	\$	-
Local Revenue	\$ 7,506,218	\$ 7,506,218	\$	-
Federal Revenue	\$ 6,386,411	\$ 6,386,411	\$	-
State Sales Tax	\$ 3,933,054	\$ 3,933,054	\$	-
Other Revenue	\$ 1,880,100	\$ 1,880,100	\$	-
TOTAL OPERATIONS	\$ 46,094,095	\$ 46,094,095	\$	-
Expenditure Summary for Operations Budget				
	2010-2011 ORIGINAL	2010-2011 PROPOSED	Difference	
Instruction	\$ 33,871,221	\$ 33,871,221	\$	-
Administration	\$ 1,561,449	\$ 1,561,449	\$	-
Transportation	\$ 2,147,801	\$ 2,147,801	\$	-
Facilities	\$ 4,321,227	\$ 4,321,227	\$	-
Food Service	\$ 2,850,285	\$ 2,850,285	\$	-
Technology	\$ 1,342,112	\$ 1,342,112	\$	-
TOTAL OPERATIONS	\$ 46,094,095	\$ 46,094,095	\$	-
Smyth County School Board				
Capital Outlay and Debt Service Budget For the Year Ending June 30, 2011				
Revenue Summary for Capital Outlay and Debt Service Budget				
	2010-2011 ORIGINAL	2010-2011 PROPOSED	Difference	
Local Funds - Debt Service	\$ 1,291,909	\$ 1,291,909	\$	-
Local Funds - Capital Outlay	\$ 185,138	\$ 1,600,098	\$	1,414,960
TOTAL CAPITAL OUTLAY	\$ 1,477,047	\$ 2,892,007	\$	1,414,960
Expenditure Summary for Capital Outlay and Debt Service Budget				
	2010-2011 ORIGINAL	2010-2011 PROPOSED	Difference	
Capital Outlay – Facilities	\$ 185,138	\$ 1,600,098	\$	1,414,960
Capital Outlay - Debt Service	\$ 1,291,909	\$ 1,291,909	\$	-
TOTAL CAPITAL OUTLAY	\$ 1,477,047	\$ 2,892,007	\$	1,414,960

Dr. Mike Robinson and Dr. Jeff Cassell with the School Board were present for the public hearing.

Chairman Clark closed the public hearing at 3:32 p.m.

ADJOURN

At 3:36 p.m. Supervisor Neitch motioned to adjourn meeting. Supervisor Waddell seconded the motion, and the motion passed unanimously.

Charlie Clark, Jr., Chairman

The Smyth County Board of Supervisors held its regular September meeting at 12:00 noon, **Tuesday, September 14, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
Wade H. Blevins, Jr.
Roscoe D. Call

Regina H. Davidson
Darlene R. Neitch
Brenda J. Waddell

MEMBERS ABSENT:

M. Todd Dishner

STAFF PRESENT:

Michael Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Scott Simpson, County Engineer
Charlie Atkins, CFO
Sally Morgan, Economic Development
Kenny Lewis, Deputy Sheriff

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

With a quorum present, the meeting was called to order at 12:00 noon. Mrs. Pam Testerman gave the invocation and Mr. Scott Simpson led the pledge of allegiance.

ADOPTION OF AGENDA

Mr. Mike Carter explained deletion of item (a) and (b) under the Budget recommendations, and the addition of a new entrance at the Wilkenson Mill Convenience Station. Supervisor Blevins motioned to adopt the agenda, with the deletions and additional agenda to form. Supervisor Call seconded the motion, vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

MINUTES OF PREVIOUS MEETINGS

The Board was presented with the minutes from the following meetings:

Tuesday, August 10, 2010

Supervisor Blevins motioned to approve the minutes of August 10, 2010. Supervisor Call seconded the motion, and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Charlie Atkins reported that at the end of August there was \$6,359,178 in the bank, and he spoke with Mrs. Debbie Schwartz, Deputy Treasurer, and so far this month they have collected \$500,000, with the big deposit day tomorrow, September 15, 2010. He informed the Board there was sufficient money in the bank to cover the appropriations. Additional, Mr. Atkins stated there has been no need to use the approved Line-of-Credit, and he hopes to avoid having to do so.

PAYMENT OF COUNTY INVOICES

Supervisor Blevins motioned to approve \$5,995,873.60 for appropriations. The following is an explanation of the appropriations approved:

General County	\$ 1,340,000.00
Animal Control Fund 3	\$ 326.06
Pioneer/Fox Valley Water Project	\$ 100,747.86
Hall Addition #2 Sewer Project	\$ 139,799.68

Social Services (September 15 - 30, 2010)	\$ 295,000.00
(October 1 - 12, 2010)	\$ 60,000.00
Schools - Operating Fund	\$ 4,000,000.00
Textbook Fund	\$ 10,000.00
Debt & Capital Outlay Fund	\$ 50,000.00

Supervisor Call seconded the motion, and motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Supervisor Blevins motioned to approve the accounts payable listing in the amount of \$673,717.77. Supervisor Call seconded the motion and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

U.S. Department of Justice

Mr. Carter explained the County was awarded \$235,000, no local match, Law Enforcement Technology Grant. This grant will be used to place radios and repeaters in emergency vehicles. Supervisor Davidson motioned to approve the Law Enforcement Technology Grant. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Appalachian Juvenile Commission

Mr. Carter informed the Board that Mr. Tim Dotson, Executive Director of Appalachian Juvenile Commission presented him with a check in the amount of \$15,700. This was due to savings in the Commission's 2009-2010 budget.

Committee Recommendations:

Budget

With the Budget Committee recommendation, the Board approved a 3-year Generator Maintenance agreement with Carter Machinery. The price schedule for year one and year two will be \$8,715 with an increase to \$8,975 for year three. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

Building and Grounds

With the Building and Grounds Committee recommendation, the Board approved Mr. Clegg Williams as the ADA Coordinator. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

CITIZEN'S TIME

There were three (3) citizens present, the following spoke:

Earl McClure – informed the Board that there were errors in the advertisement in the paper for rezoning on Beasley Lane.

Chairman Clark closed citizen's time at 12:20 p.m.

NEW BUSINESS

Mr. Mike Carter, Acting County Administrator, introduced Mr. Scott Simpson, County Engineer. Mr. Simpson stated that he is a licensed engineer in Virginia and had been with the County for six years. He explained his duties with the Water and Sewer Department and services with other projects of the Board, including grant writing. He also explained that his duties are 75% in office and 25% out of office.

Supervisor Clark and Supervisor Call thanked Mr. Simpson for the services he provides to the County.

Mrs. Sally Morgan, Community and Economic Development:

a) explained that on Sept. 1, Supervisor Call and her met with staff from MRPDC and two community residents from Allison Gap area to talk about potential application for Community Development Block Grant (CDBG) funds for a housing rehabilitation project in that neighborhood. They decided to propose an application for Spring 2011 (usually a March deadline) for the Lick Skillet neighborhood. There has been written requests made from those residents, and they know there are housing rehab needs in the area. (This would be treated as a first phase, because there is a much wider area of need in the Allison Gap area, and hopefully the County can apply in subsequent years for other sections).

She also explained that before any action on authorizing such a grant application is requested; the Board needs to hold one public hearing to solicit comments from the general public about any community development and housing needs in the County. Then later a second public hearing must be held for the Board to consider the preparation of a grant application for a housing rehab project.

Supervisor Call motioned to set the first public hearing at 2:00 p.m. on October 12, 2010. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

b) With the Industrial Development Authority recommendation, Supervisor Blevins motioned to approve the Enterprise Zone building permit rebate in the amount of \$442.00 to Chilhowie Milling Company for building permit on the Riverfront Restaurant. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Consideration of the School Board Budget Amendment

After a brief discussion, Supervisor Blevins motioned to approve the budget amendment to increase the School Board's budget by \$1,414,960. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Dr. Mike Robinson, Superintendent and Dr. Jeff Cassell, Financial Director were present for the consideration.

Mr. Scott Simpson –

a) Engineering Term Service Agreement Renewal – request to exercise final year of the two 1-year renewal option provided in the 2008 agreement. After discussion, Supervisor Blevins motioned to approve the final year of the two 1-year renewal option on the Engineering Term Service agreement. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSNET: Dishner

b) Mt. Rogers Planning District Commission Agreements for water projects – explained that the County was awarded two Southwest Virginia Water/Wastewater Construction Fund grants totaling \$190,000. A grant for \$90,000 is for Burgess Hollow, Goodpasture Hollow, and Highway 16 water projects; and a grant for \$100,000 is for Porter Valley Road water project. There are matching funds in the 2010/2011 budget for these projects. With Water and Sewer Committee recommendation, the Board approved the agreements with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Additional; Mt. Rogers is providing \$20,000 toward a Sewer Service Preliminary Engineering Report for McCreedy, North Holston, Watson Gap, and Pleasant Heights. Mr. Simpson is currently searching for additional funding to have this report prepared.

c) Engineering Service Agreements for water projects – Mr. Simpson explained that the agreement with Anderson & Associates, Inc. (\$36,000) is to assist with the bidding, contract administration, and resident project representation throughout the construction of the Porter valley Road waterline extension project. Also, the Peed & Bortz, LLC (\$13,000) agreement is to provide professional engineering services for the Highway 16, Burgess Hollow, and Goodpasture Hollow waterline extension project from bidding through construction administration. There is funding in the 2010/2011 budget for these agreements. Supervisor Blevins motioned to approve agreements. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Simpson also updated the Board on various projects.

Wilkenson Mill Convenience Station

Mr. Carter informed the Board that he received approval from VDOT to install a new entrance at Wilkenson Mill Convenience Station. He received an estimated of about \$5,200. (011010-8888) After discussion, Supervisor Blevins motioned to approve and appropriate to construct a new entrance at the Wilkenson Mill Convenience Station. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

OLD BUSINESS

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

At the July 9, 2009 meeting, Mr. Carter stated he has an updated delinquent tax list. Supervisor Perry motioned to continue this issue. Supervisor Neitch seconded the motion and it duly passed:

AYES: 6
NAYS: 1 C.C. "Charlie" Clark, Jr.

At the October 13, 2009 meeting, Supervisor Neitch inquired about the collection of taxes. It was advised to request a report from the Treasurer. The report should show 60 days after the publication of the delinquent tax list, between current year and last year, and see if there is any difference.

At the December 17, 2009 meeting, Mr. Carter presented the Board with a report prepared by the Treasurer's Office on delinquent tax collections, which was requested at the October 13, 2009 Board meeting. The report compares collections from June 30, 2008 to September 30, 2008 and June 30, 2009 to September 30, 2009, with more taxes being collected in 2008. The delinquent tax list was not published in 2008.

At the February 9, 2010 meeting, Supervisors Davidson and Call inquired about the collection of delinquent taxes. Mr. Tate explained the process. Supervisor Davidson asked if there could be a payment plan to help get the taxes paid. Mr. Tate stated the Treasurer handles the payments. Chairman Clark requested Mr. Carter to contact Mr. Tom Burkett, Treasurer and invite him to the March Board meeting to discuss this issue.

At the July 13, 2010 meeting; Supervisor Call questioned why this was still on the Old Business list. He stated we need to work on a system to get these delinquent taxes paid. Supervisor Davidson agreed. She stated she knew that the Board had this explained to them before, but something needs to be done to get these taxes paid. Mr. Tate advised to speak to the Judge. Chairman Clark set a Delinquent Tax Committee and placed Supervisor Dishner, Supervisor Call, and Supervisor Davidson on the committee to discuss what to do to move forward.

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee **6-13-06**).
3. Appointments: Board of Zoning Appeals (**12-17-09**)
One Alternate - VACANT
4. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer (**5-13-08**).

At the September 14, 2010 meeting; Supervisor Blevins motioned to remove this item from the list. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

5. Radio System Project (**6-26-08**).

At the February 9, 2010 meeting; Mr. Shannon Williams stated due to bad weather the contractor has requested a 78 day extension to complete contract. Mr. Williams recommends, after an internal staff discussion, a 72 day extension. Supervisor Blevins motioned to approve a 72 day extension on contract. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

At the April 13, 2010 meeting; Mr. Shannon Williams stated MorCom International was requesting a 45 day extension to complete contract. MorCom stated the sites were inaccessible from March 1st until March 24th, with this, staff is suggesting a 24 day extension. This would have the contract completion for May 7th. Mr. Williams stated if contract is not complete by May 7th, on May 8th a \$500 per day liquidation damage penalty would start being charged. Mr. Tate advised Mr. Williams if not completed by May 7th to send MorCom a letter stating the penalty being charged.

At the June 8, 2010 meeting; Mr. Tate inquired about the two invoices approved for payment. He noted the above minutes at the April 13, 2010 meeting, concerning the May 8th date to start a \$500 per day liquidation damage penalty. Mr. Scott Simpson informed Mr. Tate the invoices were milestone payments 5 and 6 and the work completed was before the May 7th deadline. Mr. Simpson informed the Board that Morcom was to start the coverage testing next week.

6. Referred to the Water and Sewer Counsel, proceed with legal documents to provide uncollectable names and accounts from the Water and Sewer Department to other water providers in the county **(2-10-09)**.
7. Nuisance complaint against a property owned by Joseph F. Ellis, Jr. - The Board voted to leave the matter on the Old Business agenda until the conclusion of a civil case is resolved. *(Civil case filed March 6, 2009)* At that time, the nuisance issue will be revisited. Mr. Patton Graham (Mr. Ellis' Attorney) will update the Board on the civil case as it progresses **(4-14-09)**.

At the November 12, 2009 meeting, Mr. Clegg Williams informed the Board no trial had been set.

At the January 12, 2010 meeting; Mr. Clegg Williams informed the Board, Mr. Patton Graham stated there is a settlement negotiating in progress.

At the May 11, 2010 meeting; Mr. Clegg Williams informed the Board, he did not have any new information on this issue.

8. Financial Discussion **(2-9-10)**
9. Solid Waste recommendation to accept Recycling Contract. **(3-9-10)**

At the April 13, 2010 meeting; Supervisor Davidson inquired if the company had become licensed with the Commonwealth of Virginia. Mr. Carter stated he did not have a response from the company.

At the July 13, 2010 meeting; Supervisor Blevins inquired about this issue. Mr. Carter informed him and the Board, that the company still had not filed with the State Corporation Commission.

At the September 14, 2010 meeting; With Mr. Carter never receiving anything showing the Company had filed with the State Corporation Commission, Supervisor Blevins motioned to remove this item from the list. Supervisor Call seconded the motion, and the motion passed with the following vote:

10. Tourism Association bylaws **(7-13-10)**

At the August 10, 2010 meeting; after Mr. Tate confirming this was the correct bylaws, Supervisor Davidson motioned to sign resolution. Supervisor Dishner seconded the motion, and the motion passed unanimously.

At the September 14, 2010 meeting: Supervisor Blevins motioned to remove this item from the list. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

11. ABC/Franchise fees (7-13-10)

At the August 10, 2010 meeting; Mr. Tate informed the Board that he wrote letter concerning the ABC profits. Mrs. Debbie Schwartz, Chief Deputy Treasurer, informed Mr. Tate that all franchise fees are sent to Richmond then reimbursed to localities.

Supervisor Neitch inquired about the McMullen Bridge closing as to a time line on repairs. Mr. Carter informed her he will contact Mr. Matthew Cox with VDOT to receive more information on this issue.

Chairman Clark inquired if Mr. Carter had received the traffic study. Mr. Carter had not.

Committee Recommendations

Animal Control

With the Animal Control Committee recommendation, the Board approved having volunteers, through the Smyth County Human Society, help at the Animal Shelter. Mr. Bill Turman, Chief Animal Control Officer, will provide the volunteers with a schedule. If the schedule is not followed by volunteers or any issues may arise, this program will no longer be available. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

Appointment

With the Appointment Committee recommendation, the Board appointed Mr. Bill Huber as Fifth Member of the State Building Code Board of Appeals. Mr. Huber will serve a four year term expiring December 31, 2014. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

With the Appointment Committee recommendation, the Board appointed Mr. Gerald Hall as an alternate to the State Building Code Board of Appeals. Mr. Hall will serve a four year term expiring December 31, 2014. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

With the Appointment Committee recommendation, the Board appointed Mr. R.B. Henderson as an alternate to the Board of Zoning Appeals. Mr. Henderson will replace Ron Thomason as alternate, and will serve his remaining term which expires December 31, 2012. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

Budget

(a) The Board continued the issue on reimbursement of mileage for members of the Board, committees, and subcommittees attending meetings.

(b) With the Budget Committee recommendation, Supervisor Call motioned to approve setting the PPTRA rate at 74% for the 2010 assessments. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

(c) With the Budget Committee recommendation, the Board approved a budget amendment in the amount of \$175,133 for aid to locality reduction. This payment is due to the Commonwealth in January 2011. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

001-011010-8888-5 Local Aid to Commonwealth - \$175,133

001-010000-1000 Reserve Account - \$175,133

Ordinance

With the recommendation of the Ordinance Committee, the Board set a public hearing for the following amendments to the Smyth County Code:

Chapter 5, Amusement, Article III, Musical and Entertainment Festivals – To amend the nonrefundable fee to an amount of \$200.00 from the present fee of \$75.00

Chapter 14, Buildings and Building Regulations, Article II, Building Regulations, Division 3, Administration, to shorten the appeal time from a decision of the Board of Zoning Appeals from ninety (90) days to thirty (30) days

Chapter 14, Buildings and Building Regulations, Article II, Building Regulations, Division 4, Permits, to limit a permit to a total of thirty-six (36) months

Chapter 23, Finance and Taxation, Article III, Property Tax, to rewrite the requirements for filing a form 762, report of property, mobile homes and machinery and tools used in a business or trade, by a complete rewrite of §23-42 to permit “filing by exception” for existing vehicles and other objects of taxation of personal property and machinery and tools

After discussion, Supervisor Neitch motioned to set public hearing on October 12, 2010, at 3:15 p.m. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

NAYS: 6
NAYS: 0
ABSENT: Dishner

Water and Sewer Committee

With the Water and Sewer recommendation, the Board approved the following resolution:

**SMYTH COUNTY VDH PLANNING GRANT
RESOLUTION**

WHEREAS, Smyth County has the specific need to establish a County owned Drinking Water source for the Atkins and Groseclose water systems, and

WHEREAS, the Virginia Department of Health-Office of Drinking Water Planning Grant Funding Program fits the needs of this type of project, and

WHEREAS, the County wishes to drill a test well at one or more locations identified in the Preliminary Engineering Report for well site evaluation,

THEREFORE, BE IT RESOLVED, that the Smyth County Board of Supervisors hereby agree to seek grant funding from the Office of Drinking Water for the following project:

Atkins Test Well Construction

in an amount not to exceed \$30,000.

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 _____ day of _____, 2010.

Clerk of Board

C. C. Clark, Jr., BOS Chairman

The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Bill Rush –

(a) Discussed a potential project that consisted of closing a section of Market Street. With closing this section, a realignment of the remaining section of Market Street will be developed to connect it to Route 16. This will be at the expense of the developer. After discussion, Supervisor Davidson motioned to adopt a resolution supporting this project contingent upon all requirements being met and authorize Mr. Carter to sign. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Rush will send information to prepare the resolution.

(b) Mr. Rush requested the Board consider the Public Private Partnership Act (PPPA). This Act is legislation that the Board would adopt and submit to the State Commission. Mr. Rush briefly explained the PPPA process to the Board. By adopting this legislation, there would be no commitment from the Board, and they would still have the right to go out for bids on projects. This Act is to bring investors to this area and provide opportunity for the private sector to compete. No action was taken at this time.

Supervisor Davidson motioned to have the following items added to the agenda. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

a) Geriatric Unit Closing at SWVA Mental Health – Supervisor Davidson stated she would like to send a resolution stated the Board was against the unit closing at the SWVA Mental Health Institute. Supervisor Davidson motioned to send resolution to Commissioner of Mental Health. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Supervisor Davidson will send information to prepare resolution.

Mr. Tate advised the Board to also send a copy to all State Representatives.

b) Revision of Courthouse plans – Mr. Simpson informed the Board he had received the revised plans. He also informed them that based on the hearing on September 3, 2010; the County had twenty-one days to send the revised plans to Mr. Ford Stephens. Supervisor Davidson motioned to allow Mr. Simpson and Mr. Tate to forward the revised plans to Mr. Stephens. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 5 Davidson, Call, Waddell, Clark, Neitch
NAYS: 1 Blevins
ABSENT: Dishner

CLOSED SESSION

At 2:45 p.m. a motion was made by Supervisor Call to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.1** Personnel; discussion and consideration of prospective candidates for employment, **A.3** Land; discussion or consideration of the acquisition of real property for a public purpose, **A.5** Business/Industrial Prospects; discussion concerning a business or industry considering expansion with no previous announcement being made, and **A.7** Legal counsel consultation and staff briefings; discussion on potential litigations. This was seconded by Supervisor Davidson and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Upon returning to open meeting, a motion was made by Supervisor Call to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION CERTIFICATION OF CLOSED SESSION

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Neitch and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

Supervisor Call motioned to have Mr. Tate to write a letter to Mr. Mark Fenyk and authorize Chairman Clark to sign the letter. Supervisor Waddell seconded the motion, and motion passed with following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

CONTINUED

At 3:27 p.m. Supervisor Neitch motioned to continue the meeting until Thursday, September 23, 2010 at 7:00 p.m. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, September 23, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr., Chairman
Wade H. Blevins, Jr.
Regina H. Davidson

M. Todd Dishner
Darlene R. Neitch
Brenda J. Waddell

MEMBERS ABSENT:

Roscoe D. Call

PLANNING DISTRICT MEMBERS PRESENT:

Karl Kalber, Chairman
Dennis Blevins
Graham Davidson

Norman Sparks
Wayne Venable

PLANNING DISTRICT MEMBERS ABSENT:

Amy Tuell

STAFF PRESENT:

Michael L. Carter, Acting County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Clegg Williams, Zoning Administrator
Becca Kirk, Administrative Assistant
Scott Simpson, Engineer
Sally Morgan, Community & Economic Development

CALL TO ORDER

At 7:00 p.m. Chairman Clark and Chairman Kalber called the public hearing to order. Mr. Mike Carter, Acting County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on September 11, and September 18, 2010. Mr. Carter also read the rules of procedures for public hearings:

**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 23, 2010, 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 Beasley Lane, LLC, which has been forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an amendment to the official Zoning Map at Marion, Virginia, to rezone approximately 9.5 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 located beside 462 Beasley Lane in Marion, Virginia, and is identified as being a portion of Tax Map No. 66-A-98E and can be found in Grid Map No. 5475 of the official Zoning Map of Smyth County.

An application from Wendy Raynor on behalf of WXYM Radio for a Special Use Permit to expand a non-conforming use by increasing the size of their transmitter building. The property is located at 188 Valley Road, Saltville. The property is identified as a portion of Tax Map No. 41-A-78D, 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.

Beasley Lane, LLC — Application to Amend the Zoning Map: At approximately 7:03 p.m. Mr. Williams explained an application from Beasley Lane, LLC to amend the zoning map. Bill Rush and David Richards were present on behalf of Beasley Lane, LLC requesting approximately 9.5 acres of a tract of land recently purchased on Beasley Lane in Marion be rezoned from A/R to R. The property is identified as a portion of 66-A-98E. Mr. Williams pointed out the pertinent sections of the ordinance for the application. He stated that each of the applicants paid the required fee and he advertised notice of this public hearing in the Smyth County News on September 11 and 18. Additionally, he sent letters to all of the adjoining property owners for each application for which an affidavit is on file.

Mr. Rush explained his corporation purchased the land on Beasley Lane to develop affordable building lots. Mr. Rush explained that once the property is rezoned, he will proceed with the requirements of the Subdivision Ordinance.

Mr. Richards, a partner in Beasley Lane, LLC, addressed the Board and Commission explaining his dedication to build in Smyth County by developing and creating affordable lots and housing.

Mr. Williams then read into record an email from Becky Bane of VDOT. In it, she described her meeting with Mr. Rush on the site to work out any concerns for highway entrances. He also read into record a letter in opposition from Robert and Barbara Pruitt, a telephone message from Raleigh Wyatt also opposed, and a telephone conversation from Amy Tuell voicing her concerns about additional drainage.

Melinda Tolbert, Norman Parks, Charles Barker, Linda Barker, Allen Tolbert, James Tolbert, and Mary Gilley spoke in opposition with concerns of additional drainage. Their lands already flood and they are concerned what the impact of new development will have on their properties. Earl McClure spoke in opposition of the process of rezoning.

Regina Davidson questioned Mr. Williams as to what uses were permitted on the property as it is currently zoned. Mr. Williams explained the land could be divided into four tracts with two dwellings on each and he read the extensive list of uses allowed by right in the A/R District.

Mr. Rush stated he knew the exceptions to the subdivision ordinance and did not intend to develop this land in that manner. He wants to develop the land as a subdivision and comply with the ordinance. Mr. Williams explained that Mr. Rush will have to comply with the Erosion and Sediment Control Ordinance once ground disturbing begins.

Mr. Dishner reiterated Mr. Williams' description of how the property could be developed without getting the property rezoned. Rezoning, he continued, might bring a few more homes but it would mean the entire development would have to comply with the Subdivision Ordinance and the must more stringent Residential District regulations.

No one else spoke on the application.

Wendy Raynor – Special Use Permit: Mr. Williams explained an application from Wendy Raynor who owns and operates WXYM radio in Saltville. Mr. Williams explained when zoning was adopted, "radio stations" were not contemplated as a use allowed by right or by special use permit in any district. Consequently, WXYM is considered a non-conforming use. Ms. Raynor's application is to expand her non-conforming use by replacing an 8' x 8' building, which houses transmitters, with a 25' x 25' building,

Ms. Raynor was present and confirmed that she rented the land but owns the building in which WXYM operates. No one else spoke on this application.

Chairman Clark and Chairman Kalber closed the joint public hearing at 7:58 p.m.

Chairman Kalber recessed the Planning Commission.

The Board of Supervisors continued their meeting at 7:59p.m.

VACO's 2010 Annual Conference Attendance

Mr. Carter informed the Board of the Annual Conference and needed to know by October 1st who planned to attend. Chairman Clark stated if no one else was going to attend, he would. Supervisor Blevins stated he believed Supervisor Call wanted to attend. Supervisor Davidson stated she would let Mr. Carter know tomorrow.

Employee Health Fair

Mr. Carter informed the Board that the Department of Social Services was having their annual Health Fair and is allowing the County to once again participate. He also informed that the fair will be on Friday, October 15, 2010, and he read the tests that will be offered. Mr. Carter requested the Board approve and appropriate \$2,000 (001-056000-5827) for the County employees to participate in the Health Fair. Supervisor Dishner motioned to approve and appropriate \$2,000 (001-05600-5827) for County employees to participate in the Health Fair. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSNET: Call

Mr. Tate informed the Board that Mr. Scott Simpson submitted to Mr. Ford Stephens the necessary information for consideration of the judges. He stated he call Mr. Stephens, and Mr. Stephens informed him that they had not acted on that yet.

ADJOURN MEETING

At 8:04 p.m. Supervisor Dishner motioned to adjourn the meeting. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Call

The Smyth County Board of Supervisors held its regular October meeting at 12:00 noon, **Tuesday, October 12, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
Wade H. Blevins, Jr.
Roscoe D. Call

Regina H. Davidson
M. Todd Dishner
Brenda J. Waddell

MEMBERS ABSENT:

Darlene R. Neitch

STAFF PRESENT:

Michael Carter, County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Scott Simpson, County Engineer
Charlie Atkins, CFO
Sally Morgan, Economic Development
Kenny Lewis, Deputy Sheriff

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

With a quorum present, the meeting was called to order at 12:00 noon. Bro. Fred Conley gave the invocation and Mr. Charlie Atkins led the pledge of allegiance.

ADOPTION OF AGENDA

Supervisor Blevins motioned to adopt the agenda, and additional agenda to form. Supervisor Call seconded the motion, vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Neitch

MINUTES OF PREVIOUS MEETINGS

The Board was presented with the minutes from the following meetings:

Tuesday, September 14, 2010

Thursday, September 23, 2010

Supervisor Blevins motioned to approve the minutes of September meetings. Supervisor Call seconded the motion, and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Neitch

Mr. Charlie Atkins reported that at the end of September there was a bank balance of \$4.4 million. Mr. Atkins recommended approving \$2,067,630.95 of the appropriations at today's meeting, and then approve \$3,962,567.81 of the appropriations at the October 26, 2010 continued meeting. Mr. Atkins stated at this point there is no need to use the approved Line-of-Credit, and it looks as if the County may not have to through December 2010.

PAYMENT OF COUNTY INVOICES

Supervisor Blevins motioned to approve \$2,067,630.95 for appropriations. The following is an explanation of the appropriations approved:

Out of the \$1,890,000.00 requested for General County \$1,277,432.19 was appropriated.

\$7,710.65 for Animal Control Fund 3 was appropriated.

\$132,533.75 for Hall Addition #2 Sewer Project was appropriated.

\$99,954.36 for Pioneer/Fox Valley Water Project was appropriated.

\$290,000.00 for Social Service(October 13 - 31, 2010) was appropriated.

\$60,000.00 for Social Service(November 1-9, 2010) was appropriated.

Out of the \$3,400,000.00 requested for School – Operating Fund \$200,000.00 was appropriated.

The remainder of the requests totaling \$3,962,567.81 will be on the agenda for consideration at the continued Board meeting on October 26, 2010.

Supervisor Call seconded the motion, and motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Supervisor Call motioned to approve the accounts payable listing in the amount of \$1,245,140.14. Supervisor Blevins seconded the motion and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Neitch

Chairman Clark recognized the Government Class of Mr. Jason McClure of Marion Senior High School and welcomed them to the meeting.

CITIZEN'S TIME

There were an estimated thirteen (13) citizens present, the following spoke:

Mrs. Kristine Untiedt-Barrett, Chamber of Commerce – informed the Board of several events in the County that the Chamber was sponsoring and invited the Board to attend.

Mrs. Wanda Scott – explained that on June 21, 2010, there was a water leak on her property that the water department was fixing. The gasket blew on the water line and threw rocks against her home and her son's truck. Mrs. Scott informed the Board she spoke to the Water and Sewer Committee on August 26, 2010, and damages were sent to the Water and Sewer attorney, Jeff Campbell. Mr. Carter informed the Board that Mr. Campbell stated he would have a recommendation at the October 28, 2010, Water and Sewer Committee.

Chairman Clark closed citizen's time at 12:19 p.m.

CLOSED SESSION

At 12:20 p.m. a motion was made by Supervisor Dishner to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.1** Personnel; discussion and consideration of prospective candidates for employment. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Upon returning to open meeting, a motion was made by Supervisor Call to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION CERTIFICATION OF CLOSED SESSION

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Davidson and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Neitch

Supervisor Dishner motioned to appoint Mr. Mike Carter as the County Administrator. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 5 Dishner, Waddell, Clark, Call, Davidson
NAYS: 1 Blevins
ABSENT: Neitch

NEW BUSINESS

Mr. Mike Carter, County Administrator, introduced Mrs. Sally Morgan, Economic Development. Mrs. Morgan explained her position and the duties she carries out. She also introduced Mr. Manuel Street, GIS Technician and explained his duties.

Mr. John Clark, Manager, Town of Marion, discussed a resolution giving the Town of Marion the authority to charge for fire calls outside the corporate limits to recover fire cost. The Town of Marion would bill to the insurance company, the homeowner would not be pursued. It was stated that if the fire rekindled, there would no extra charge. Mr. John Tate questioned "plus expenditures for time and resources" under Structure Fires, Level Two – business or industrial fire. Mr. Clark stated he would obtain clarification of this and have it stated in the resolution. After discussion, Supervisor Call motioned to authorize the Town of Marion to charge for calls outside the corporate limits, with clarification on the charge of expenditures for time and resources. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Mr. Tom Graham and Mr. John Graham, Proposal for the King School of Medicine – Mr. Tom Graham explained the impact the King School of Medicine would have if built in Smyth County. Mr. John Graham presented a powerpoint presentation provided by King College on information of the King School of Medicine. Mr. Tom Graham stated that Dr. Jordan with King College visited various sites considered for the construction of the school. Mr. John Graham informed the Board they will be meeting with the Town of Saltville and Town of Chilhowie later in the week. Mr. Tom Graham explained about the Tobacco Commission having a \$25 million matching grant, and the matching money is needed for the construction of the School.

Mr. Jim Gates, Marion Town Council, stated this is something the county can not pass. The Town endorsed a conditional pledge of \$7.5 million. He also stated he thinks there needs to be a joint effort with the Towns and the County.

Dr. Chris Qualls, Academic Affairs, Emory & Henry College, stated that Emory & Henry College has a partnership with Mt. State Health Alliance to use part of the current Smyth County Community Hospital campus for physical therapy studies under the Allied Health Professionals, which is a physician extension program.

Mrs. Lindy White, CEO, Smyth County Community Hospital, stated the reuse of the Hospital campus is important. They would like to partner with the Higher Education sector. The Hospital Board of Directors and Mt. State Health Alliance Board both support the reuse of the campus. King College has shown interest in the Hospital campus and has had brief discussions with the Hospital. The reuse committee discussed a resolution for King College to use the remaining campus based on no conflict with the partnership with Emory & Henry College. Mrs. White also stated that they are eager to have discussions with King College.

Mr. Tom Graham stated he spoke with Dr. Jordan with King College and agreed not to have any conflict with Emory & Henry College concerning the hospital campus. Mr. Graham also stated that Dr. Jordan would like to discuss with Emory & Henry College a possible partnership.

Mr. David Helms, Mayor, Town of Marion, stated this opportunity is very important and the Towns and County need to move forward. Mr. John Clark, Manager, Town of Marion stated the Town Council approved \$7.5 million.

After discussion, Supervisor Call motioned to adopt the resolution with revisions by County Attorney, Mr. John Tate. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Supervisor Call stated he spoke with about 75 of his constituents and they all were for the school being located in Smyth County.

Mr. Helms, Mayor, Town of Marion, thanked the Supervisors for their support.

PUBLIC HEARING – Community Development Block Grant

At 2:44 p.m., Chairman Clark opened the public hearing. Mr. Mike Carter, County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on September 29, 2010, and Saltville Progress, on September 30, 2010, and the Board's Rules and Procedures for public hearing:

NOTICE OF PUBLIC HEARING

Smyth County will hold a public hearing on Tuesday, October 12 at 2:00 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 given the opportunity to comment on Smyth County's past use of CDBG funds. All interested citizens are urged to attend.

There were an estimated 9 citizens present. No citizen spoke. Mrs. Sally Morgan presented a handout for public information and explained the Community Development Block Grant.

At 2:49 p.m. Chairman Clark closed the public hearing.

Mr. Jeff Richardson, Commissioner of Revenue – Enterprise Zone Exemptions

Mr. Richardson explained that pursuant to the requirements of the Smyth County Code Section 34, Article VII, he is obligated to bring the Board up-to-date on tax exemptions for businesses in the Enterprise Zone. Mr. Richardson requested the Board to authorize exoneration for the value in order to carry out the tax exemption on the following businesses:

Ellis Historical Properties LLC -	\$ 7,863.24
JABE Investments -	\$ 502.32
LT Developments -	<u>\$ 6,679.89</u>
Total	\$15,045.45

After discussion, Supervisor Call approved exoneration of \$7,863.24 for Ellis Historical Properties LLC, \$502.32 for JABE Investments, and \$6,679.89 for LT Developments. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

PUBLIC HEARING – Proposed Water/Sewer Rate Increase

At 3:04 p.m., Chairman Clark opened the public hearing. Mr. Mike Carter, County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on July 28, 2010, and August 4, 2010, and the Board's Rules and Procedures for public hearing:

Public Hearing Proposed Increase in Water and Sewer Rates

Pursuant to Section 15.2-5136 (G) 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 as follows:

Water Rates – Residential

Current Rates		Proposed Rates – 7% increase	
0 – 1,000 gallons	\$16.05 minimum bill	0 – 1,000 gallons	\$17.17 minimum bill
1,001 – 6,000 gallons	\$6.96 per 1,000 gallons	1,001 – 6,000 gallons	\$7.45 per 1,000 gallons
6,001 and over	\$8.56 per 1,000 gallons	6,001 and over	\$9.16 per 1,000 gallons

Water Rates – Commercial

Current Rates		Proposed Rates – 7% increase	
0 – 4,000 gallons	\$37.45 minimum bill	0 – 4,000 gallons	\$40.07 minimum bill
Each additional 1,000 gallons	\$8.56 per 1,000 gallons	Each additional 1,000 gallons	\$9.16 per 1,000 gallons

Water Rates – Industrial

Current Rates		Proposed Rates – 7% increase	
0 – 25,000 gallons	\$173.88 minimum bill	0 – 25,000 gallons	\$186.05 minimum bill
Each additional 1,000 gallons	\$8.56 per 1,000 gallons	Each additional 1,000 gallons	\$9.16 per 1,000 gallons

Sewer Rates – Residential

Current Rates		Proposed Rates – 10% increase	
0 – 1,000 gallons	\$16.05 minimum bill	0 – 1,000 gallons	\$17.66 minimum bill
1,001 – 6,000 gallons	\$6.96 per 1,000 gallons	1,001 – 6,000 gallons	\$7.66 per 1,000 gallons
6,001 and over	\$8.56 per 1,000 gallons	6,001 and over	\$9.42 per 1,000 gallons
Residential Flat Rate	\$29.96 per month	Residential Flat Rate	\$32.98 per month

Sewer Rates – Commercial

Current Rates		Proposed Rates – 10% increase	
0 – 4,000 gallons	\$37.45 minimum bill	0 – 4,000 gallons	\$41.20 minimum bill
Each additional 1,000 gallons	\$8.56 per 1,000 gallons	Each additional 1,000 gallons	\$9.42 per 1,000 gallons

Sewer Rates -Industrial

Current Rates		Proposed Rates – 10% increase	
0 – 3,000 gallons	\$53.50 minimum bill	0 – 3,000 gallons	\$58.85 minimum bill
Each additional 1,000 gallons	\$8.56 per 1,000 gallons	Each additional 1,000 gallons	\$9.42 per 1,000 gallons

Sewer Rates –Industrial Enterprise Zone

Current Rates		Proposed Rates – 10% increase	
0 – 3,000 gallons	\$53.50 minimum bill	0 – 3,000 gallons	\$58.85 minimum bill
Each additional 1,000 gallons	\$8.56 per 1,000 gallons	Each additional 1,000 gallons	\$9.42 per 1,000 gallons

A Public Hearing will be conducted by the Smyth County Board of Supervisors on Tuesday, October 12, 2010 beginning at 3:00 p.m. in the Board of Supervisors meeting room, 121 Bagley Circle, Marion, Virginia.

There were an estimated 6 citizens present, and the following spoke:

Mary LeClair – stated her household did not receive a 7% increase in income. She added that this much of an increase year after year is ridiculous.

At 3:11 p.m. Chairman Clark closed the public hearing.

Supervisor Blevins motioned to set a Public Hearing for Ordinance Changes for November 10, 2010 at 3:00 p.m. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Mr. Clegg Williams, Zoning Administrator updated the Board on the Planning Commission's decision concerning a Map Amendment for Beasley Lane LLC to rezone the property and also a Special Use Permit for Wendy Raynor to expand her non-conforming use (radio station).

With the recommendation of the Planning Commission, the Board approved the Special Use Permit request of Mrs. Wendy Raynor to expand her non-conforming use (radio Station). The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Neitch

In the absence of Supervisor Neitch, Supervisor Call motioned to continued the recommendation for a Map Amendment request of Beasley Lane, LLC until the continued meeting of the Board of Supervisors on October 26, 2010. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 5 Call, Waddell, Dishner, Blevins, Davidson
NAYS: 1 Clark
ABSENT: Neitch

OLD BUSINESS

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

At the July 9, 2009 meeting, Mr. Carter stated he has an updated delinquent tax list. Supervisor Perry motioned to continue this issue. Supervisor Neitch seconded the motion and it duly passed:

**AYES: 6
NAYS: 1 C.C. "Charlie" Clark, Jr.**

At the October 13, 2009 meeting, Supervisor Neitch inquired about the collection of taxes. It was advised to request a report from the Treasurer. The report should show 60 days after the publication of the delinquent tax list, between current year and last year, and see if there is any difference.

At the December 17, 2009 meeting, Mr. Carter presented the Board with a report prepared by the Treasurer's Office on delinquent tax collections, which was requested at the October 13, 2009 Board meeting. The report compares collections from June 30, 2008 to September 30, 2008 and June 30, 2009 to September 30, 2009, with more taxes being collected in 2008. The delinquent tax list was not published in 2008.

At the February 9, 2010 meeting, Supervisors Davidson and Call inquired about the collection of delinquent taxes. Mr. Tate explained the process. Supervisor Davidson asked if there could be a payment plan to help get the taxes paid. Mr. Tate stated the Treasurer handles the payments. Chairman Clark requested Mr. Carter to contact Mr. Tom Burkett, Treasurer and invite him to the March Board meeting to discuss this issue.

At the July 13, 2010 meeting; Supervisor Call questioned why this was still on the Old Business list. He stated we need to work on a system to get these delinquent taxes paid. Supervisor Davidson agreed. She stated she knew that the Board had this explained to them before, but something needs to be done to get these taxes paid. Mr. Tate advised to speak to the Judge. Chairman Clark set a Delinquent Tax Committee and placed Supervisor Dishner, Supervisor Call, and Supervisor Davidson on the committee to discuss what to do to move forward.

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee **6-13-06**).
3. Appointments: Board of Zoning Appeals (**12-17-09**)
One Alternate – VACANT
4. Radio System Project (**6-26-08**).

At the February 9, 2010 meeting; Mr. Shannon Williams stated due to bad weather the contractor has requested a 78 day extension to complete contract. Mr. Williams recommends, after an internal staff discussion, a 72 day extension. Supervisor Blevins motioned to approve a 72 day extension on contract. Supervisor Call seconded the motion, and the motion passed with the following vote:

**AYES: 7
NAYS: 0**

At the April 13, 2010 meeting; Mr. Shannon Williams stated MorCom International was requesting a 45 day extension to complete contract. MorCom stated the sites were inaccessible from March 1st until March 24th, with this, staff is suggesting a 24 day extension. This would have the contract completion for May 7th. Mr. Williams stated if contract is not complete by May 7th, on May 8th a \$500 per day liquidation damage penalty would start being charged. Mr. Tate advised Mr. Williams if not completed by May 7th to send MorCom a letter stating the penalty being charged.

At the June 8, 2010 meeting; Mr. Tate inquired about the two invoices approved for payment. He noted the above minutes at the April 13, 2010 meeting, concerning the May 8th date to start a \$500 per day liquidation damage penalty. Mr. Scott Simpson informed Mr. Tate the invoices were milestone payments 5 and 6 and the work completed was before the May 7th deadline. Mr. Simpson informed the Board that Morcom was to start the coverage testing next week.

At the October 12, 2010 meeting; Mr. Shannon Williams updated the Board on the progress of the Radio System. He also informed the Board that the project is near completion.

6. Referred to the Water and Sewer Counsel, proceed with legal documents to provide uncollectable names and accounts from the Water and Sewer Department to other water providers in the county (**2-10-09**).

7. Nuisance complaint against a property owned by Joseph F. Ellis, Jr. - The Board voted to leave the matter on the Old Business agenda until the conclusion of a civil case is resolved. *(Civil case filed March 6, 2009)* At that time, the nuisance issue will be revisited. Mr. Patton Graham (Mr. Ellis' Attorney) will update the Board on the civil case as it progresses **(4-14-09)**.

At the November 12, 2009 meeting, Mr. Clegg Williams informed the Board no trial had been set.

At the January 12, 2010 meeting; Mr. Clegg Williams informed the Board, Mr. Patton Graham stated there is a settlement negotiating in progress.

At the May 11, 2010 meeting; Mr. Clegg Williams informed the Board, he did not have any new information on this issue.

At the October 12, 2010 meeting; Mr. Clegg Williams informed the Board that a court date of November 9, 2010, was set.

8. Financial Discussion **(2-9-10)**
9. Animal Control waiver **(9-14-10)**

At the October 12, 2010 meeting; Mr. Tate stated he had not completed the waiver.

10. Mileage for meetings **(9-14-10)**
11. ABC/Franchise fees **(7-13-10)**

At the August 10, 2010 meeting; Mr. Tate informed the Board that he wrote letter concerning the ABC profits. Mrs. Debbie Schwartz, Chief Deputy Treasurer, informed Mr. Tate that all franchise fees are sent to Richmond then reimbursed to localities.

Mr. Mike Carter requested the Board consider observing Halloween on Saturday, October 30, 2010. He informed that in the past when Halloween fell on a Sunday, the Board held Trick-or-Treat on Saturday. Supervisor Blevins motioned to observe Halloween on Saturday, October 30, 2010. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Mr. Scott Simpson requested to set a Public Hearing for the Intent to Apply for the Funding for North fork Water Treatment Facility project. Mr. Simpson stated that the Engineering and Environmental Report is being finalized and explained that holding a public hearing is required by Rural Development. Additionally, Mr. Simpson informed the Board that the Treatment Facility will be located on approximately 1.5 acres. Supervisor Dishner motioned to the set public hearing for November 10, 2010 at 2:00 p.m. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYS: 6
NAYS: 0
ABSENT: Neitch

Committee Recommendations:

Budget

With the recommendation of the Budget Committee, the Board approved the distribution of the 2011 Department of Fire Programs checks totaling \$58,749.00. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Neitch

Recommended Distribution:

Atkins Fire Department	\$12,191.50
Adwolfe Fire Department	\$12,191.50
Nebo Fire Department	\$12,191.50
Sugar Grove Fire Department	\$12,191.50
Town of Chilhowie	\$ 4,991.50
Town of Saltville	<u>\$ 4,991.50</u>
	\$58,749.00

Water and Sewer

With the recommendation of the Water and Sewer Committee, the Board approved refunding Mr. Andrew Bresnock \$545.00 for a water meter never set due to the property being sold. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Neitch

Mrs. Sally Morgan, explained that the Konnarock Retreat House, Inc.(KRH) is proposing to convert the former Konnarock Training School building and adjacent cottage into overnight lodging facility (for up to 30 persons), meeting space, and dining facilities. More than \$325,000 in public and private funds and \$15,500 in donated services have already been invested in Phase I of the project. Phase II will include interior renovations of the 17,240 sq ft facility and exterior site work, including parking space, installation of an on-site sewage treatment facility and a well.

The budget for Phase II is the following:

\$500,000	Appalachian Regional Commission
\$500,000	Tobacco Commission
<u>20,863</u>	Konnoarock Retreat House, Inc.
\$1,020,863	

Mrs. Morgan informed the Board that the Konnarock Retreat House is applying to the Appalachian Regional Commission for \$500,000 and would like a letter of support from the Board of Supervisors. Supervisor Blevins motioned to approve Mrs. Morgan prepare a letter of support for the Konnarock Retreat House. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Mr. John Tate requested the issue on the waiver for volunteers assisting at the Animal Control Shelter be continued until the November meeting.

Mr. John Tate informed the Board that the issue of the Courthouse Order has been resolved.

CONTINUED

At 3:51 p.m. Chairman Clark continued the meeting until Tuesday, October 26, 2010, at 7:00 p.m.

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Tuesday, October 26, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr., Chairman
Wade H. Blevins, Jr.
Roscoe D. Call
Regina H. Davidson

M. Todd Dishner
Darlene R. Neitch
Brenda J. Waddell

STAFF PRESENT:

Michael L. Carter, County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Clegg Williams, Zoning Administrator
Sally Morgan, Community & Economic Development

CALL TO ORDER

With a quorum present, the meeting was called to order at 7:07 p.m.

Mr. Charlie Atkins reported on the financial status of the county. He informed the Board that as of October 22, 2010, there was approximately \$5.2 million in the bank, and there are sufficient funds for the following appropriations. Mr. Atkins stated that, his opinion, the County should not have to use the approved Line-of-Credit for November.

PAYMENT OF COUNTY INVOICES

Supervisor Dishner motioned to approve 3,970,067.81 for appropriations. The following is an explanation of the appropriations approved:

General County	\$ 620,067.81
Schools - Operating Fund	\$3,200,000.00
Debt & Capital Outlay Fund	\$ 150,000.00

Supervisor Call seconded the motion, and motion passed with the following vote:

AYES: 7
NAYS: 0

Planning Commission Recommendation:

Supervisor Neitch had a few questions as to if the Board could legally consider this recommendation from the Planning Commission based on property classification in the Zoning Ordinance. Mr. Clegg Williams and Mr. John Tate addressed these questions and discussed different Code sections. Mr. Williams informed the Board that Zoning Ordinance was amended a few years ago based on the confusion of classification of property. Supervisor Davidson questioned Mr. Tate as to the legality of this issue. Based on what Mr. Tate read in the Code of Virginia, the Board could consider this recommendation. Supervisor Davidson questioned Mr. Williams as to having different restrictions between A/R and residential classification. Mr. Williams stated there are different restrictions.

Supervisor Blevins stated if the recommendation does not pass; Beasley Lane, LLC could go through the Sub-division Ordinance and would not need approval from the Board. They could place 12 homes on the property, plus pig lots, cattle, etc. Supervisor Blevins questioned, how could not approving this protect the neighbors?

Mr. Bill Rush stated Beasley Lane, LLC did not want to go the route of the Sub-division Ordinance and brought this before the Planning Commission and the Board of Supervisors.

After discussion, Supervisor Dishner motioned to accept the recommendation from the Planning Commission to approve Beasley Lane, LLC's application to rezone approximately 9.5 acres from A/R to R, with a condition that emphasis be made on drainage and flood control. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 5 Dishner, Davidson, Call, Clark, Blevins
NAYS: 2 Neitch, Waddell

Consider Comprehensive Stormwater Detention Agreement

Mr. Williams explained to the Board that VDOT was revising their requirements on accepting roads into the state system. VDOT is no longer accepting responsibility for maintaining the stormwater drainage systems or settlement ponds, and is requesting an agreement with the County for the County's responsibility on maintaining the stormwater drainage systems. There was a discussion concerning the subdivision residences developing a Homeowners' Association to maintain the settlement ponds. This issue was continued.

Mrs. Sally Morgan, Economic Development

(a) Proposed amendment to the Enterprise Zone to include hospital property

Mrs. Morgan explained the current Enterprise Zone incentives to the Board. She presented a map outlining the proposed current hospital property and additional property to include in the Enterprise Zone. After discussion, Supervisor Call motioned to amend the Enterprise Zone to include the outlined property. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSNET: Blevins (stepped out of room)

(b) Proposed application to Tobacco Commission for Mega-Site project

Mrs. Morgan explained an opportunity for planning and engineering funding for a "mega-site" project. The Tobacco Commission is awarding a 10% local match grant for a "Mega-Site" project. The deadline for the application is November 1, 2010. She informed the Board that this will be a multi-year funding, but if you do not apply in this first round of applications, you will not be allowed to apply in the subsequent year. Mrs. Morgan presented an estimated cost for a mega-site planning project. The estimation showed the 10% local match would be \$14,500. Mrs. Morgan discussed different locations in the IDA budget the

match could potentially come from. After discussion, Supervisor Call motioned to approve application to the Tobacco Commission for a Mega-Site grant with a local match of \$14,500 contingent upon the IDA approving the funds to be released from the IDA 2010/2011 budget. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mrs. Morgan will speak to Chairman of the IDA about having a called meeting to discuss funding the local match of the Mega-Site grant.

Mr. Mike Carter informed the Board on the following items:

(a) The wind from the storm on Monday, October 25, 2010, caused a tree limb to fall at the jail on a police vehicle, breaking the windshield and damaging the hood, and damage to a seized vehicle. He also informed that he would be meeting with John Clark, Manager, Town of Marion to discuss whose property the tree is on.

(b) Verizon is having a meeting to establish better cell service in this area.

(c) A conference call at 8:45 a.m. tomorrow, Wednesday, October 27, 2010, on the \$5,000,000 Note Purchase.

CONTINUED

At 8:58 p.m. Chairman Clark continued meeting until Thursday, October 28, 2010 at 7:00 p.m.

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, October 28, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr., Chairman
Wade H. Blevins, Jr.
Roscoe D. Call

Regina H. Davidson
M. Todd Dishner
Darlene R. Neitch

MEMBERS PRESENT:

Brenda J. Waddell

PLANNING DISTRICT MEMBERS PRESENT:

Karl Kalber, Chairman
Dennis Blevins
Graham Davidson
Pokey Harris

Norman Sparks
Amy Tuell
Wayne Venable

STAFF PRESENT:

Michael L. Carter, County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Clegg Williams, Zoning Administrator
Becca Kirk, Administrative Assistant
Scott Simpson, Engineer
Sally Morgan, Community & Economic Development

CALL TO ORDER

At 7:02 p.m. Chairman Clark and Chairman Kalber called the public hearing to order. Mr. Mike Carter, County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on October 16, and October 23, 2010. Mr. Carter also read the rules of procedures for public hearings:

**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 28, 2010, 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 Ralph and Sharon Butler for a Special Use Permit to establish a Campground as defined by the Smyth County Zoning Ordinance 10-12. The property is located 3002 Pleasant Valley Road in Sugar Grove. It is identified as Tax Map No. 68A-1-5 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.

Approximately 10 citizens were present.

Ralph and Sharon Butler — Application for Special Use Permit: At approximately 7:04 p.m. Mr. Williams explained the Special Use Permit application for a Campground received from Ralph and Sharon Butler. The Butlers are negotiating to purchase 3002 Pleasant Valley Road and the surrounding 14.3 acres. On this property they propose approximately 22 primitive campsites, a bunkhouse, bathhouse, convenience store, pavilion, horse stable and a parking area. The property is identified as a 68A-1-5 and is zoned Agricultural/Rural. Mr. Williams pointed out the pertinent sections of the ordinance for the application. He stated the applicants paid the required fee and he advertised notice of this public hearing in the Smyth County News on October 16 and 23. Additionally, he sent notice of the hearing by first class mail to each of the adjoining property owners and an affidavit to that effect is on file.

Mr. and Mrs. Butler were present and explained their intentions were to purchase the property as their primary residence and develop a Campground over the next several years. They explained that they had no plans to clear cut the property for the campground. Instead, they stated their goal was to incorporate the campground into the existing landscape. With the campground, they indicated an access point to National Forest would be developed and opened to the public. They recognized the property was accessed by a private right-of-way and vowed they were willing to participate in a road maintenance program. Mr. Butler addressed a few questions by the panel including handicap accessibility, campground rules, and a no alcohol policy.

At approximately 7:19 p.m. several neighbors, including Gary Parks, Cecil Thomas, Allen Trivett, Doug Crigger, Lisa Richardson, Joseph Butler and Freda Butler spoke in opposition of the *Campground* with the primary concerns of the current road maintenance issues, loss of privacy, noise, smoke from campsites, the potential of wild animals being attracted, and unruly horses/campers. It was determined the right-of-way through the development is forty (40') feet of which approximately one-third is improved surface. Beth Merz, Mt. Rogers Area Ranger, was present and posed a number of questions. The number of horses being contemplated, the seasons of use, presence of onsite management, the proposed utilities, and the type of camping facilities were all areas of interest.

No one else spoke on the application.

Chairman Clark and Chairman Kalber closed the joint public hearing at 7:44 p.m.

At 7:50 p.m. the Board of Supervisors reconvened their meeting to the 4th floor in the Social Service Board room.

Consider Proposed Water/Sewer Rates

With the Water and Sewer Committee recommendation, the Board approved the following water and sewer rates:

Water Rates – Residential

Current Rates		Proposed Rates – 7% increase	
0 – 1,000 gallons	\$16.05 minimum bill	0 – 1,000 gallons	\$17.17 minimum bill
1,001 – 6,000 gallons	\$6.96 per 1,000 gallons	1,001 – 6,000 gallons	\$7.45 per 1,000 gallons
6,001 and over	\$8.56 per 1,000 gallons	6,001 and over	\$9.16 per 1,000 gallons

Water Rates – Commercial

Current Rates		Proposed Rates – 7% increase	
0 – 4,000 gallons	\$37.45 minimum bill	0 – 4,000 gallons	\$40.07 minimum bill
Each additional 1,000 gallons	\$8.56 per 1,000 gallons	Each additional 1,000 gallons	\$9.16 per 1,000 gallons

Water Rates –Industrial

Current Rates		Proposed Rates – 7% increase	
0 – 25,000 gallons	\$173.88 minimum bill	0 – 25,000 gallons	\$186.05 minimum bill
Each additional 1,000 gallons	\$8.56 per 1,000 gallons	Each additional 1,000 gallons	\$9.16 per 1,000 gallons

Sewer Rates – Residential

Current Rates		Proposed Rates – 10% increase	
0 – 1,000 gallons	\$16.05 minimum bill	0 – 1,000 gallons	\$17.66 minimum bill
1,001 – 6,000 gallons	\$6.96 per 1,000 gallons	1,001 – 6,000 gallons	\$7.66 per 1,000 gallons
6,001 and over	\$8.56 per 1,000 gallons	6,001 and over	\$9.42 per 1,000 gallons
Residential Flat Rate	\$29.96 per month	Residential Flat Rate	\$32.98 per month

Sewer Rates – Commercial

Current Rates		Proposed Rates – 10% increase	
0 – 4,000 gallons	\$37.45 minimum bill	0 – 4,000 gallons	\$41.20 minimum bill
Each additional 1,000 gallons	\$8.56 per 1,000 gallons	Each additional 1,000 gallons	\$9.42 per 1,000 gallons

Sewer Rates -Industrial

Current Rates		Proposed Rates – 10% increase	
0 – 3,000 gallons	\$53.50 minimum bill	0 – 3,000 gallons	\$58.85 minimum bill
Each additional 1,000 gallons	\$8.56 per 1,000 gallons	Each additional 1,000 gallons	\$9.42 per 1,000 gallons

Sewer Rates –Industrial Enterprise Zone

Current Rates		Proposed Rates – 10% increase	
0 – 3,000 gallons	\$53.50 minimum bill	0 – 3,000 gallons	\$58.85 minimum bill
Each additional 1,000 gallons	\$8.56 per 1,000 gallons	Each additional 1,000 gallons	\$9.42 per 1,000 gallons

The vote is as follows:

AYES: 5 Call, Dishner, Clark, Neitch, Davidson
NAYS: 1 Blevins
ABSENT: Waddell

OLD BUSINESS

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

At the July 9, 2009 meeting, Mr. Carter stated he has an updated delinquent tax list. Supervisor Perry motioned to continue this issue. Supervisor Neitch seconded the motion and it duly passed:

AYES: 6
NAYS: 1 C.C. "Charlie" Clark, Jr.

At the October 13, 2009 meeting, Supervisor Neitch inquired about the collection of taxes. It was advised to request a report from the Treasurer. The report should show 60 days after the publication of the delinquent tax list, between current year and last year, and see if there is any difference.

At the December 17, 2009 meeting, Mr. Carter presented the Board with a report prepared by the Treasurer's Office on delinquent tax collections, which was requested at the October 13, 2009 Board meeting. The report compares collections from June 30, 2008 to September 30, 2008 and June 30, 2009 to September 30, 2009, with more taxes being collected in 2008. The delinquent tax list was not published in 2008.

At the February 9, 2010 meeting, Supervisors Davidson and Call inquired about the collection of delinquent taxes. Mr. Tate explained the process. Supervisor Davidson asked if there could be a payment plan to help get the taxes paid. Mr. Tate stated the Treasurer handles the payments. Chairman Clark requested Mr. Carter to contact Mr. Tom Burkett, Treasurer and invite him to the March Board meeting to discuss this issue.

At the July 13, 2010 meeting; Supervisor Call questioned why this was still on the Old Business list. He stated we need to work on a system to get these delinquent taxes paid. Supervisor Davidson agreed. She stated she knew that the Board had this explained to them before, but something needs to be done to get these taxes paid. Mr. Tate advised to speak to the Judge. Chairman Clark set a Delinquent Tax Committee and placed Supervisor Dishner, Supervisor Call, and Supervisor Davidson on the committee to discuss what to do to move forward.

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee **6-13-06**).
3. Radio System Project (**6-26-08**).

At the February 9, 2010 meeting; Mr. Shannon Williams stated due to bad weather the contractor has requested a 78 day extension to complete contract. Mr. Williams recommends, after an internal staff discussion, a 72 day extension. Supervisor Blevins motioned to approve a 72 day extension on contract. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

At the April 13, 2010 meeting; Mr. Shannon Williams stated MorCom International was requesting a 45 day extension to complete contract. MorCom stated the sites were inaccessible from March 1st until March 24th, with this, staff is suggesting a 24 day extension. This would have the contract completion for May 7th. Mr. Williams stated if contract is not complete by May 7th, on May 8th a \$500 per day liquidation damage penalty would start being charged. Mr. Tate advised Mr. Williams if not completed by May 7th to send MorCom a letter stating the penalty being charged.

At the June 8, 2010 meeting; Mr. Tate inquired about the two invoices approved for payment. He noted the above minutes at the April 13, 2010 meeting, concerning the May 8th date to start a \$500 per day liquidation damage penalty. Mr. Scott Simpson informed Mr. Tate the invoices were milestone payments 5 and 6 and the work completed was before the May 7th deadline. Mr. Simpson informed the Board that Morcom was to start the coverage testing next week.

At the October 12, 2010 meeting; Mr. Shannon Williams updated the Board on the progress of the Radio System. He also informed the Board that the project is near completion.

4. Referred to the Water and Sewer Counsel, proceed with legal documents to provide uncollectable names and accounts from the Water and Sewer Department to other water providers in the county **(2-10-09)**.
5. Nuisance complaint against a property owned by Joseph F. Ellis, Jr. - The Board voted to leave the matter on the Old Business agenda until the conclusion of a civil case is resolved. *(Civil case filed March 6, 2009)* At that time, the nuisance issue will be revisited. Mr. Patton Graham (Mr. Ellis' Attorney) will update the Board on the civil case as it progresses **(4-14-09)**.

At the November 12, 2009 meeting, Mr. Clegg Williams informed the Board no trial had been set.

At the January 12, 2010 meeting; Mr. Clegg Williams informed the Board, Mr. Patton Graham stated there is a settlement negotiating in progress.

At the May 11, 2010 meeting; Mr. Clegg Williams informed the Board, he did not have any new information on this issue.

At the October 12, 2010 meeting; Mr. Clegg Williams informed the Board that a court date of November 9, 2010, was set.

6. Financial Discussion **(2-9-10)**
7. Animal Control Wavier **(9-14-10)**

At the October 12, 2010 meeting; Mr. Tate stated he had not completed the waiver.

8. Mileage for meetings **(9-14-10)**
9. ABC/Franchise fees **(7-13-10)**

At the August 10, 2010 meeting; Mr. Tate informed the Board that he wrote letter concerning the ABC profits. Mrs. Debbie Schwartz, Chief Deputy Treasurer, informed Mr. Tate that all franchise fees are sent to Richmond then reimbursed to localities.

10. Comprehensive Stormwater Detention Agreement. **(10-26-10)**

At the October 28, 2010 meeting; the Board discussed being exempt the same as VDOT in the agreement. After discussion, Supervisor Blevins motioned to revise the agreement to state that the County would not be responsible for maintenance to the roads or settlement ponds. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Waddell

CLOSED SESSION

At 8:30 p.m. a motion was made by Supervisor Neitch to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.3** Land; discussion or consideration of the acquisition of real property for a public purpose, **A.5** Business/ Industrial Prospects; discussion concerning a business or industry considering expansion with no previous announcement being made, and **A.7** Legal counsel consultation and staff briefings; discussion on potential litigations. This was seconded by Supervisor Davidson and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Waddell

Upon returning to open meeting, a motion was made by Supervisor Blevins to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION CERTIFICATION OF CLOSED SESSION

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Neitch and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Waddell

ADJOURN MEETING

At 8:50 p.m. Chairman Clark adjourned the meeting.

The Smyth County Board of Supervisors held its regular November meeting at 12:00 noon, **Wednesday, November 10, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
Wade H. Blevins, Jr.
Regina H. Davison

M. Todd Dishner
Darlene R. Neitch (left at 3:37 p.m.)

MEMBERS ABSENT:

Roscoe D. Call

Brenda J. Waddell

STAFF PRESENT:

Michael Carter, County Administrator (left at 3:48 p.m.)
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Scott Simpson, County Engineer
Charlie Atkins, CFO
Sally Morgan, Economic Development
Becca Kirk, Zoning Administrator Assistant
Manuel Street, GIS
Jan Blevins, Deputy

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

With a quorum present, the meeting was called to order at 12:00 noon. Rev. Donnie Bailey gave the invocation and Mr. Charlie Atkins led the pledge of allegiance.

ADOPTION OF AGENDA

Supervisor Blevins motioned to adopt the agenda, and additional agenda to form. Supervisor Neitch seconded the motion, vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

MINUTES OF PREVIOUS MEETINGS

The Board was presented with the minutes from the following meetings:

Tuesday, October 12, 2010

Tuesday, October 26, 2010

Thursday, October 28, 2010

Supervisor Blevins motioned to approve the minutes for the October meetings, with noted changes by Mr. John Tate. Supervisor Davidson seconded the motion, and the vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Mr. Charlie Atkins reported that the County had a bank balance of \$6.3 million. Mr. Atkins stated there were sufficient funds for the requested appropriation. Mr. Atkins informed the Board that the Bond issuance for the Courthouse was closed and the County received an interest rate of 2.666%.

PAYMENT OF COUNTY INVOICES

Supervisor Blevins motioned to approve \$5,968,956.32 for appropriations. The following is an explanation of the appropriations approved:

General County	\$1,660,000.00
Animal Control Fund 3	\$ 169.50
Hall Addition #2 Sewer Project	\$ 173,884.35
Pioneer/Fox Valley Water Project	\$ 84,902.47
Social Services (November 10 - 30, 2010)	\$ 290,000.00
(December 1 – 14, 2010)	\$ 60,000.00
Schools - Operating Fund	\$3,700,000.00

Supervisor Neitch seconded the motion, and motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Supervisor Dishner motioned to approve the accounts payable listing in the amount of \$1,017,501.41, which includes \$130,246.55 to Mosley Architects for courthouse renovations and \$84,972.00 to Morcom International for Radio System. Supervisor Davidson seconded the motion and the vote is as follows:

AYES: 4 Dishner, Davidson, Clark, Neitch
NAYS: 1 Blevins
ABSENT: Call, Waddell

CITIZEN'S TIME

There were an estimated fifteen (15) citizens present, the following spoke:

Earl McClure – requested that the Board rescind their motion made at the October 26, 2010 meeting concerning Beasley Lane.

Mrs. Wanda Scott – explained that she was at the meeting once again to try and get her matter of damages to her property, from the repairs on a water line in front of her home on June 21, 2010, resolved. Mr. Mike Carter informed her he had not heard anything from Mr. Campbell. Supervisor Davidson requested that Mr. Campbell be available and have this matter resolved by the November 18, 2010 Water and Sewer Committee meeting.

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

NEW BUSINESS

Mr. Mike Carter, County Administrator, introduced Mrs. Norma Teaters, Comprehension Services Assistant. Mrs. Teaters explained her duties with at-risk families, juveniles, and foster care.

Mr. John Tate discussed a 2008 and 2009 Personal Property Tax refund request from the Commissioner of Revenue for Reline America Inc. Mr. Tate advised to approve refunding only the 2009 taxes. After discussion, Supervisor Davidson motioned to approve only the 2009 personal property tax refund request, by the Commissioner of Revenue, in the amount of \$704.25 to Reline America Inc. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Dr. Ron Proffitt, President, Virginia Highlands Community College presented the Board with the College's annual report.

OLD BUSINESS

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

At the July 9, 2009 meeting, Mr. Carter stated he has an updated delinquent tax list. Supervisor Perry motioned to continue this issue. Supervisor Neitch seconded the motion and it duly passed:

AYES: 6
NAYS: 1 C.C. "Charlie" Clark, Jr.

At the October 13, 2009 meeting, Supervisor Neitch inquired about the collection of taxes. It was advised to request a report from the Treasurer. The report should show 60 days after the publication of the delinquent tax list, between current year and last year, and see if there is any difference.

At the December 17, 2009 meeting, Mr. Carter presented the Board with a report prepared by the Treasurer's Office on delinquent tax collections, which was requested at the October 13, 2009 Board meeting. The report compares collections from June 30, 2008 to September 30, 2008 and June 30, 2009 to September 30, 2009, with more taxes being collected in 2008. The delinquent tax list was not published in 2008.

At the February 9, 2010 meeting, Supervisors Davidson and Call inquired about the collection of delinquent taxes. Mr. Tate explained the process. Supervisor Davidson asked if there could be a payment plan to help get the taxes paid. Mr. Tate stated the Treasurer handles the payments. Chairman Clark requested Mr. Carter to contact Mr. Tom Burkett, Treasurer and invite him to the March Board meeting to discuss this issue.

At the July 13, 2010 meeting: Supervisor Call questioned why this was still on the Old Business list. He stated we need to work on a system to get these delinquent taxes paid. Supervisor Davidson agreed. She stated she knew that the Board had this explained to them before, but something needs to be done to get these taxes paid. Mr. Tate advised to speak to the Judge. Chairman Clark set a Delinquent Tax Committee and placed Supervisor Dishner, Supervisor Call, and Supervisor Davidson on the committee to discuss what to do to move forward.

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee **6-13-06**).
3. Appointments: Board of Zoning Appeals (**12-17-09**)
One Alternate – VACANT
4. Radio System Project (**6-26-08**).

At the February 9, 2010 meeting: Mr. Shannon Williams stated due to bad weather the contractor has requested a 78 day extension to complete contract. Mr. Williams recommends, after an internal staff discussion, a 72 day extension. Supervisor Blevins motioned to approve a 72 day extension on contract. Supervisor Call seconded the motion, and the motion passed with the following vote:

**AYES: 7
NAYS: 0**

At the April 13, 2010 meeting: Mr. Shannon Williams stated MorCom International was requesting a 45 day extension to complete contract. MorCom stated the sites were inaccessible from March 1st until March 24th, with this, staff is suggesting a 24 day extension. This would have the contract completion for May 7th. Mr. Williams stated if contract is not complete by May 7th, on May 8th a \$500 per day liquidation damage penalty would start being charged. Mr. Tate advised Mr. Williams if not completed by May 7th to send MorCom a letter stating the penalty being charged.

At the June 8, 2010 meeting: Mr. Tate inquired about the two invoices approved for payment. He noted the above minutes at the April 13, 2010 meeting, concerning the May 8th date to start a \$500 per day liquidation damage penalty. Mr. Scott Simpson informed Mr. Tate the invoices were milestone payments 5 and 6 and the work completed was before the May 7th deadline. Mr. Simpson informed the Board that Morcom was to start the coverage testing next week.

At the October 12, 2010 meeting: Mr. Shannon Williams updated the Board on the progress of the Radio System. He also informed the Board that the project is near completion.

6. Referred to the Water and Sewer Counsel, proceed with legal documents to provide uncollectable names and accounts from the Water and Sewer Department to other water providers in the county (**2-10-09**).
7. Nuisance complaint against a property owned by Joseph F. Ellis, Jr. - The Board voted to leave the matter on the Old Business agenda until the conclusion of a civil case is resolved. (Civil case filed March 6, 2009) At that time, the nuisance issue will be revisited. Mr. Patton Graham (Mr. Ellis' Attorney) will update the Board on the civil case as it progresses (**4-14-09**).

At the November 12, 2009 meeting, Mr. Clegg Williams informed the Board no trial had been set.

At the January 12, 2010 meeting; Mr. Clegg Williams informed the Board, Mr. Patton Graham stated there is a settlement negotiating in progress.

At the May 11, 2010 meeting; Mr. Clegg Williams informed the Board, he did not have any new information on this issue.

At the October 12, 2010 meeting; Mr. Clegg Williams informed the Board that a court date of November 9, 2010, was set.

At the November 10, 2010 meeting; Mr. Tate informed the Board that the November 9, 2010 court date was continued with no new date set.

8. Financial Discussion (2-9-10)

9. Animal Control waiver (9-14-10)

At the October 12, 2010 meeting; Mr. Tate stated he had not completed the waiver.

At the November 10, 2010 meeting; Mr. Tate explained he designed the waiver for the volunteer to have own health care coverage. After reviewing the waiver, Supervisor Davidson motioned to approve. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

**AYES: 5
NAYS: 0
ABSENT: Call, Waddell**

Supervisor Blevins motioned to remove this item from the Old Business list. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

**AYES: 5
NAYS: 0
ABSENT: Call, Waddell**

10. Mileage for meetings (9-14-10)

At the November 10, 2010 meeting; Mr. Tate informed the Board that they had not adjusted their salaries in 20 years. Mr. Tate explained he sent a letter to the Attorney General's office to obtain their opinion, and the Attorney General's Office stated that if a Board member does not want to take a salary, then they may turn in their expenses. Mr. Tate stated that a Board member can not take both salary and mileage. After a discussion on if the only business on an agenda is to adopt minutes and citizen's time the meeting will be continued until the next scheduled meeting, the Board agreed to send this back to the Budget Committee for more discussion.

11. ABC/Franchise fees (7-13-10)

At the August 10, 2010 meeting; Mr. Tate informed the Board that he wrote letter concerning the ABC profits. Mrs. Debbie Schwartz, Chief Deputy Treasurer, informed Mr. Tate that all franchise fees are sent to Richmond then reimbursed to localities.

Committee Recommendations:

Appointment

With the Appointment Committee recommendation, the Board reappointed Mr. John Saunders to the Board of Zoning Appeals as the Park District representative. Mr. Saunders will serve a five (5) year term which expires December 31, 2015.

With the Appointment Committee recommendation, the Board reappointed Mr. Cameron Wolfe, Jr. to the Local Board of Building Code Appeals. Mr. Wolfe will serve a four (4) year term which expires December 31, 2014.

With the Appointment Committee recommendation, the Board appointed Mr. Wilson Leonard, 525 St. James Road, Chilhowie, VA 24319, 646-3542, to the Smyth Wythe Airport Commission as the Smyth County Representative. Mr. Leonard will serve a four (4) year term which expires December 31, 2014.

The vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Budget

(a) With the Budget Committee recommendation, the Board approved the purchase of 10 Automatic External Defibrillators with a 50/50 grant from the Office of Emergency Medical Service. The local match in the amount of \$6,475 will come out of the Police Activity Fund (744-010000-5450). The vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

b) After discussion and with the Budget Committee recommendation, the Board approved the calculation of liquidated damages for Morcom International Inc. for not completing the Radio System as stated in contract. Morcom did not reach Substantial Completion of the project until 54 days after the approved 96 days extension which resulted in liquidated damages being calculated at \$500 per day for the 54 days. Also, with not achieving final completion in 30 days of claiming Substantial Completion, an additional liquidated damage penalty will be calculated for 72 days at \$250 per day. The net amount of Liquidated Damages is \$45,000. The vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

(c) & (d) were continued until later in the meeting.

(e) With the Budget Committee recommendation, Supervisor Blevins motioned to approve the following resolution for reimbursement to the School Board on the purchase of cafeteria equipment and authorize Mr. Carter to sign the resolution:

**RESOLUTION OF GOVERNING BODY OF
SMYTH COUNTY**

This governing body of the Smyth County Board of Supervisors, consisting of seven (7) members, in a duly called meeting held on the 10th day of November, 2010, at which a quorum was present RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, acting by and through the Rural Housing Service, an agency of the United States Department of Agriculture, (the Government) the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the County Administrator be authorized to execute on behalf of the County, the above-referenced agreements and to execute such other documents as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of this Board.

SMYTH COUNTY

Attest:

_____ By: _____

C E R T I F I C A T I O N

I hereby certify that the above resolution was duly adopted by the Smyth County Board of Supervisors in a duly assembled meeting on the 10th day of November, 2010.

Clerk

Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Courthouse

With the Courthouse Committee recommendation and Mr. Simpson explaining the difference in construction, the Board approved building a 2-story Parking Deck. The vote is as following:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Insurance

With the Insurance Committee recommendation, the Board approved the following Anthem premiums at a 2% decrease with the same employer/employee ratio as last year:

	<u>Total</u>	<u>Employer</u>	<u>Employee</u>
Employee	\$ 430.97	\$ 354.77	\$ 76.20
Employee – one child	\$ 646.48	\$ 532.18	\$114.30
Employee – two or more children	\$ 991.26	\$ 816.01	\$175.25
Employee and spouse	\$ 905.15	\$ 745.12	\$160.03
Family	\$1,379.17	\$1,135.33	\$243.84
Medicare Carve Out	\$ 439.58	\$ 0.00	\$439.58

Also, with the Insurance Committee recommendation, the Board approved renewing Mrs. Lisa Vencille's third and final year of her consulting contract.

The vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Personnel

With the Personnel Committee recommendation, the Board adopted the Notice Under the Americans with Disabilities Act and the Grievance Procedure, and approved posting them in the County's public buildings.

With the Personnel Committee recommendation, the Board approved incorporating into the County Policy a TTY Call-taking Procedure.

With the Personnel Committee recommendation, the Board approved Mr. Carter to internally advertise for the Assistant County Administrator position.

The vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Water/Sewer

With the Water and Sewer Committee recommendation, the Board approved the following resolution for the Hutton Branch Well dedication:

DEED OF DEDICATION

(The County of Smyth is exempt from recordation and grantor taxes pursuant to Sections 58.1-811.A.3. and 58.1-811.C.5. of the 1950 Code of Virginia, as amended.)

Prepared by:
Jeffrey L. Campbell, Esq. Campbell &
Associates, P. C.P. O. Box 1209
Saltville, VA 24370
276-496-5544

THIS DEED OF DEDICATION is made this 10th day of November, 2010 by and between the **SMYTH COUNTY BOARD OF SUPERVISORS**, Grantor, and the **COUNTY OF SMYTH, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, Grantee.

:WITNESSETH:

WHEREAS, the Grantor is the owners in fee simple of the real property located in Smyth County that is described below and hereinafter referred to as the "Property;"

WHEREAS, the Grantor offers to grant, convey and dedicate the Property to the County in fee simple for public use, namely, a water supply well system, including improvements, and

WHEREAS, the Grantee is willing to accept the Grantor's offer of dedication.

NOW, THEREFORE, in consideration of the mutual premises, the Grantor hereby grants, conveys, and dedicates for public use to the Grantee, its successors and assigns, with **GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE**, the following real property, to wit:

WELL LOT :

Beginning at an iron rod set on the southeastern corner 100.00 feet N 84 degrees 02' 31" E to an iron pin set; thence N 05 degrees 57' 29" W 105.38 feet to an iron pin set; thence S 84 degrees 02' 31" W 100.00 feet to an iron pin set; thence S 05 degrees 57' 29" E 105.38 feet to an iron pin set; to the point of beginning and containing 0.24 acres, more or less as shown on a plat entitled "Hutton Branch Well #2", being a portion of the lands of Robert S. Dix and Ann V. Dix" prepared by Lane Engineering, Inc., dated March 4, 2007, which is attached to this deed and made a part hereof.

EASEMENTS FOR CONSTRUCTION, ACCESS AND WATERLINE:

In addition to the property conveyed in fee simple described above, the Grantors do further grant unto the Grantee a 10-foot wide permanent water line and access easement, and a 20-foot wide temporary construction easement which are also shown on the attached map or plat and the centerline of which is more particularly shown on the aforesaid plat attached hereto and recorded herewith.

The property conveyed herein is that certain parcel of land acquired by the Grantor by a deed recorded in the land records of the Clerk's Office of the Circuit Court of the County of Smyth, Virginia, in Deed Book 798, Page 647.

This dedication is for the purpose of establishing the aforesaid property for water supply use only, and the Grantee agrees that only appurtenances pertinent to the well and water supply system will be constructed in said area dedicated and that the subject property will not be used for human habitation or other sources of contamination.

The full interest and control of the aforesaid area shall remain with the Grantee and this instrument is solely for the purpose of assuring the Department of Health of the Commonwealth of Virginia as to the matters hereinabove set forth so long as said parcel is used for a water supply system; and this dedication shall be null and void and of no further effect should the well on the said premises be abandoned and the use thereof for a water supply system cease.

The Grantee, acting by and through its C.C. Clark, Jr., its chairperson, duly authorized by resolution adopted by the Board of Supervisors of the County of Smyth, Virginia, accepts the conveyance of this property pursuant to Virginia Code § 15.2-1803, as evidenced by the Chairperson's signature hereto and the recordation of this Deed.

The vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Mr. Simpson informed the Board he received combined bids on the Burgess Hollow, Goodpasture Hollow, and Highway 16 water extension projects. He explained the lowest bid was in the amount of \$214,000, and currently the County has funding in the amount of \$180,000. After discussion, Supervisor Dishner motioned to continue this issue at the December 14, 2010 meeting to allow Mr. Simpson time to see about obtaining additional funding. Supervisor Netich seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

With the Water and Sewer recommendation, the Board approved the following Water and Sewer Policy changes:

- *Create a new fee for the re-establishment of water service when the service previously existed and the meter setter is still available for use. This fee is proposed at \$225. In addition to this fee, the application fee will also be required for each service (water and/or sewer).*

- *Make customers inactive after the second disconnect/reconnect fee in a row without an interim payment.*
- *For non-users who are not connected to the system, if they are made inactive, they are required to pay the re-establishment fee plus any outstanding account balance in order to re-establish service.*

The vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Mr. Simpson informed the Board he spoke with Mr. Campbell and he will be attending the Water and Sewer Committee meeting on November 18, 2010.

Subdivision Street Additions into VDOT's secondary road system:

Mr. Clegg Williams informed the Board that the Comprehensive Stormwater Detention Agreement resolution would have to be adopted before approving any streets into the secondary road system. He informed the Board that their motion at the October 28, 2010 meeting to change the language in the resolution to be exempt like VDOT from the maintenance on the settlement ponds could not occur, for the resolution was developed by the Attorney General and can not be altered. After discussion, Supervisor Blevins motioned to adopt the Comprehensive Stormwater Detention Agreement resolution. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Supervisor Davidson motioned to adopt the County's own resolution exempting them from the maintenance of the settlement ponds. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

After discussion, Supervisor Blevins motioned to adopt the following resolution for VDOT to accept streets in the Chestnutwood II Subdivision into the secondary road system:

RESOLUTION

ADDITIONS OF 0.38 LINEAR MILES OF CHESTNUTWOOD DRIVE, 0.09 LINEAR MILES OF BRYANT STREET, 0.07 LINEAR MILES OF CHRISTIN LANE, 0.14 LINEAR MILES OF BROOKE STREET AND 0.15 LINEAR MILES OF SCENIC VIEW DRIVE TO SECONDARY SYSTEM OF STATE HIGHWAYS IN CHESTNUTWOOD II SUBDIVISION

WHEREAS, THE STREET(S) DESCRIBED ON THE ATTACHED ADDITIONS FORM AM-4.3, FULLY INCORPORATED HEREIN BY REFERENCE, ARE SHOWN ON THE PLATS RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF SMYTH COUNTY, AND

WHEREAS, THE PERMITS/SUBDIVISION SPECIALIST SENIOR FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION HAS ADVISED THIS BOARD THE STREET(S) MEET THE REQUIREMENTS ESTABLISHED BY THE SUBDIVISION STREET REQUIREMENTS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS IN SMYTH COUNTY, VIRGINIA THAT THIS BOARD REQUESTS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO ADD THE STREET(S) DESCRIBED ON THE ATTACHED ADDITIONS FORM AM-4.3 TO THE SECONDARY SYSTEM OF STATE HIGHWAYS, PURSUANT TO SECTION 33.1-229, CODE OF VIRGINIA, AND THE DEPARTMENT'S SUBDIVISION STREET REQUIREMENTS, AND

BE IT FURTHER RESOLVED THAT THIS BOARD GUARANTEES THAT AS HOUSES ARE CONSTRUCTED THE DITCH LINES SHALL BE REESTABLISHED IN ACCORDANCE WITH THE APPROVED CONSTRUCTION PLANS, AND

BE IT FURTHER RESOLVED THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE PERMITS/SUBDIVISION SPECIALIST SENIOR FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION.

DONE THIS THE 10TH DAY OF NOVEMBER, 2010.

Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

At the request of Rachel Brown, VDOT, Highway Permits/Subdivision Specialist, Supervisor Neitch motioned to continue the request for High Meadows Lane in the Colefarm Estates to be accepted into the secondary road system. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

PUBLIC HEARING – Intent to Apply for Funding

At 2:02 p.m., Chairman Clark opened the public hearing. Mr. Mike Carter, County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on October 23, 2010, and October 30, 2010, and he also read the Board's Rules and Procedures for public hearing:

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 the North Fork Water Treatment Facility Project, which consists of the construction of a 500,000 gallon per day water treatment plant, and associated piping and Holston River water intake.

A public hearing on the proposed project will be held on November 10, 2010 at 2:00 p.m. or as soon thereafter. 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 explained the process in submitting an application for funding. He informed the Board on the potential North Fork Water Treatment Facility and how this would save the County from having to purchase water from two municipalities.

There were an estimated 11 citizens, and the following spoke:

Mary LeClair, Chilhowie – inquired if an impact study had been completed and requested a copy of the study. She questioned the responsibility of Tazewell County. Mr. Simpson stated the Tazewell County's responsibility will be 10%. Mrs. LeClair urged the Board to understand the economic study and don't throw money away and look at this to be sure it is a positive revenue project.

Earl McClure – inquired if the County had to acquire land for this project. Mr. Simpson informed him that the County does not need to purchase any land, the land is School Board property. Mr. McClure asked the Board to be sure they have a signed contract with Tazewell County and that Tazewell County can not revoke the contract. He questioned the debt funding of this project, and Mr. Simpson explained the process to him.

At 2:19 p.m. Chairman Clark closed the public hearing.

Chairman Clark presented a travel guide from the Tourism Center. The information on the guide is from the Tourism Center's website, through October 1, 2010, where people had requested and received information about Smyth County.

Mr. Clegg Williams, Zoning Administrator updated the Board on the Planning Commission's decision to deny the Butler's request for a Special Use Permit for a campground. Supervisor Blevins reminded the Board that the last two requests concerning a campground had been denied because the owners were not going to live there, and he questioned Mr. Williams as to the Butler's were going to live. Mr. Williams reported that the Butler's have an offer on the property contingent upon being able to have the campground. Mr. Williams stated if they are not approved for the campground, they will not purchase the property. Supervisor Davidson requested that this issue be continued until the December 14, 2010 meeting. She stated she wanted to receive information from DEQ or Inland Game and Fishery on water quality, and also additional information from the Forest Service. The Board agreed to continue this issue until the December 14, 2010 meeting.

Committee Recommendations: (continued)

Budget

(d) Mr. Carter informed the Board of his conversation with Mr. Bob Dix concerning the new terminal construction. With the recommendation of the Budget Committee to approve \$8,000 to be taken from the 2010/2011 supplemental appropriations budget line item; Supervisor Davidson motioned to continue this matter until the County receives a copy of Smyth-Wythe Joint Airport's audit. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

(c) Mr. Tate questioned as to needing a resolution from the School Board to act on the application for Qualified School Construction Bonds. Dr. Robinson explained this was only the process of applying for the Qualified School Construction Bonds not the actual bonds. With the Budget Committee recommendation, Supervisor Blevins motioned to approve Mr. Carter signing the applications. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Supervisor Dishner and Supervisor Clark stated that their spouses work for the School Board.

Appointment

Supervisor Davidson stated she would like to continue the nominations for her District until the December 14, 2010, meeting.

With the Appointment Committee recommendation, the Board reappointed Mr. Norman Sparks as the North Fork District representative and Mr. Graham Davidson Sr. as the Chilhowie representative to the Planning Commission. Mr. Sparks and Mr. Davidson will serve a four (4) year term which expires December 31, 2014.

The vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Supervisor Blevins motioned to reappoint Mrs. Brenda Waddell to serve a one (1) year term on the District III Governmental Cooperative Board. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Supervisor Blevins motioned to reappoint Mr. Roscoe Call as the Board of Supervisor appointment and to serve a four (4) year term on the Mt. Rogers Planning District Commission. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Supervisor Blevins motioned to reappoint Mr. Roscoe Call as Alternate and to serve a one (1) year term on the New River/Mount Rogers Workforce Investment Consortium Board. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Supervisor Neitch motioned to reappoint Mr. Doug Testerman to serve a three (3) year term on the Southwest Virginia Emergency Medical Services Council, Inc. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Appointments to the Smyth-Washington Regional Industrial Facilities Authority and Transportation Rural Technical Committee were continued until the December 14, 2010 meeting.

CLOSED SESSION

At 3:20 p.m. a motion was made by Supervisor Dishner to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.3** Land; discussion or consideration of the acquisition of real property for a public purpose, **A.5** Business/ Industrial Prospects; discussion concerning a business or industry considering expansion with no previous announcement being made, and **A.7** Legal counsel consultation and staff briefings; discussion on potential litigations. This was seconded by Supervisor Neitch, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Call, Waddell

Upon returning to open meeting, a motion was made by Supervisor Blevins to adopt the following resolution certifying the business conducted in closed session as follows:

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 4
NAYS: 0
ABSENT: Call, Neitch, Waddell

After discussion, Supervisor Davidson motioned to authorize Mrs. Sally Morgan and Mr. Mike Carter to prepare a letter of support for the proposal of the Southwest Virginia Clean Energy Consortium under the Southwest Virginia Higher Ed Center. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 4
NAYS: 0
ABSENT: Call, Neitch, Waddell

After discussion, Supervisor Davidson motioned to authorize Mr. Carter to negotiate the purchase of property needed by the County. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 4
NAYS: 0
ABSENT: Call, Neitch, Waddell

Adjourn

At 4:08 p.m. Supervisor Davidson motioned to adjourn the meeting. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 4
NAYS: 0
ABSENT: Call, Neitch, Waddell

The Smyth County Board of Supervisors held its regular November meeting at 12:00 noon, **Tuesday, December 14, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr.
Wade H. Blevins, Jr.
Roscoe D. Call
Regina H. Davison

M. Todd Dishner (arrived at 12:11p.m.)
Darlene R. Neitch
Brenda J. Waddell

STAFF PRESENT:

Michael Carter, County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Charlie Atkins, CFO
Sally Morgan, Economic Development (arrived at 4:19p.m.)
David Smith, Deputy

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

With a quorum present, the meeting was called to order at 12:00 noon. Mrs. Pam Testerman gave the invocation and Ms. Nancy Quillen led the pledge of allegiance.

ADOPTION OF AGENDA

Supervisor Blevins motioned to adopt the agenda while omitting one item, and the additional agenda to form while adding the Cops Technology Grant. Supervisor Neitch seconded the motion, vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

MINUTES OF PREVIOUS MEETINGS

The Board was presented with the minutes from the following meetings:

Tuesday, November 10, 2010

Supervisor Blevins motioned to approve the minutes for the November meeting, with changes by Mr. John Tate. Supervisor Call seconded the motion, and the vote is as follows:

AYES: 7
NAYS: 0

Mr. Charlie Atkins reported with the \$5 million bank balance at the end of November and with collections received of \$5,477,000; there were sufficient funds for the requested appropriations.

PAYMENT OF COUNTY INVOICES

Supervisor Call motioned to approve \$5,160,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,400,000.00
Social Services (December 15 - 31, 2010)	\$ 300,000.00
(January 1 – 11, 2011)	\$ 60,000.00
Schools - Operating Fund	\$3,400,000.00

Supervisor Disnher seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Call motioned to approve \$193,987.99 for Water and Sewer Projects and Courthouse Project appropriations. The following is an explanation of the appropriations approved:

Hall Addition #2 Sewer Project	\$ 19,393.83
Pioneer/Fox Valley Water Project	\$ 36,647.61
Courthouse Project	\$ 137,946.55

Supervisor Dishner seconded the motion, and motion passed with the following vote:

AYES: 6 Call, Dishner, Waddell, Clark, Neitch, Davidson
NAYS: 1 Blevins

Supervisor Call motioned to approve the accounts payable listing in the amount of \$698,189.90. Supervisor Dishner seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

CITIZEN'S TIME

There were an estimated seven (7) citizens present, the following spoke:

Ron Blevins – inquired about the County's financial status. Chairman Clark asked Mr. Blevins to meet and talk with Mr. Charlie Atkins.

Crystal Walk and Wanda McGlocklin – complained about receiving a water bill for \$788.00. They said they did not have a leak and that Mike Neal came and checked the water meter. The Board agreed to send this issue to the Water and Sewer Committee meeting on December 16, 2010. Ms. Walk stated that if the bill was not paid the water would be turned off on December 15th. Supervisor Davidson motioned to not cut the water off until the Water and Sewer Committee could hear this issue. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

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

NEW BUSINESS

Mr. Mike Carter, County Administrator, introduced Mr. Shannon Williams, 911 Coordinator. Mr. Williams explained his behind the scene duties including issuing 911 addresses and maintenance on road signs. He also explained the duties of dispatchers and the upcoming technology associated with the dispatch center.

Mr. Carter reported to the Board that the water cut-offs were not scheduled until next week not on the December 15th as stated by Ms. Walk.

Mr. Richard Linnen and Mrs. Anna Marie Rogers, with Brown, Edwards & Company L.L.P., presented and reviewed the June 30, 2010 County audit with the Board.

Mr. Mike Carter –

(a) Explained that the Town of Marion presented the County with a copy of a Resolution expressing disapproval of WJHL 11 and Comcast Cable for removing the coverage of the Commonwealth of Virginia Sports and News events from the cable television package. Supervisor Davidson and Supervisor Blevins mentioned they had had complaints on this issue. After discussion, Supervisor Blevins motioned to approve the following resolution:

Resolution Expressing Disapproval to WJHL 11 and Comcast Cable on Coverage of the Commonwealth of Virginia Sports and News Events on Cable Television Package

Whereas, the Counties of Smyth and Washington along with the Towns of Marion , Chilhowie, Saltville, Abingdon, Glad Spring, Damascus, and the City of Bristol are served and franchised by Comcast Cable of Johnson City, Tennessee, and;

Whereas, WDBJ Channel 7 of Roanoke, Virginia was shown in all or part of the Comcast system before the merger of the cable system in October in the above mentioned areas and is the only Virginia CBS affiliate on the cable menu, and;

Whereas, WSLs Channel 10 of Roanoke, Virginia was shown in all or part of the Comcast System before the merger of the cable system in October in the above mentioned areas, and

Whereas, WDBJ Channel 7 and WSLS Channel 10 concentrate on important Virginia events like Virginia news, the recent Boucher – Griffiths Congressional debate, Virginia election news, Virginia General Assembly news, the ACC Basketball Tournament, Virginia Tech, and Virginia Sports that are found nowhere else on the cable menu, and;

Whereas, the aforementioned Virginia News is a central element to our citizens in the above mentioned localities, and;

Whereas, WDBJ Channel 7 has been virtually or totally preempted by WJHL 11 after being shown for a two week period in early October and that channel is blank now, and;

Whereas, WSLS Channel 10 has been entirely removed by Comcast Cable, and;

Whereas, the General Manager of WJHL 11 has stated to the Marion Town Manager that he will not object and will not preempt any WDBJ 7 programs being aired on Channel 7 if they are different from what are on his station, and;

Whereas, WJHL 11 is not required by Federal Communication Commission regulations to preempt WDBJ Channel 7 but is doing so on its own accord, and;

Whereas, Comcast Cable has a switching system, if working correctly, that would allow more extensive viewing of WDBJ Channel 7, and;

Whereas, Comcast Cable is obligated by franchise and expected by the localities to provide fundamental services for its customers and is negligent by not providing more Virginia viewing opportunities;

Now, Therefore, Let it Be Resolved that the Smyth County Board of Supervisors, on behalf of the citizens, insist that Comcast Cable and/or WJHL 11 cease and desist from preempting WDBJ Channel 7 and WSLS Channel 10 during non-duplicate programming (i.e. local news, Virginia sporting events), and;

Let It Be Further Resolved that Comcast Cable install the proper switching equipment, or repair the same, that would provide more Virginia programming.

Resolved this 14th day of December, 2010.

Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Committee Recommendations:

Water and Sewer

(d) Mr. Carter updated the Board on Ms. Scott's water damage claim. Supervisor Dishner and Chairman Clark apologized to Ms. Wanda Scott for the delay on resolving her damage claim issue. With the Water and Sewer Committee recommendation, the Board approved and appropriated \$2,000 for the settlement with Ms. Wanda Scott and Mr. Brian Scott on their water damage claim.

The vote is as follows:

AYES: 7
NAYS: 0

Mr. Carter requested that the check be written and delivered as soon as possible.

Later in the day, Mr. Jeff Campbell presented the County with a Release In Full that must be signed by both Ms. Wanda Scott and Mr. Brian Scott before releasing their payment.

Mr. Carter requested that the Service Agreement between Appalachian Juvenile Commission and Smyth County be continued. Supervisor Dishner motioned to continue. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. John Neel, President, Gay & Neel Inc. was present to explain the concept of a non-traditional decentralized sewer. Gay & Neel Inc. was awarded the RFP to prepare a sewer study on a potential sewer project in Groseclose near Exit 54. Mr. Neel gave a brief introduction of himself and the company. Mr. Neel discussed the pros and cons as well as the cost of a decentralized and a centralized (conventional) sewer.

Committee Recommendations: (continued)

Water and Sewer

(a) With Water and Sewer Committee recommendation, the Board approved the Exit 54 Sewer Engineering Report Agreement with Gay and Neel Inc. The vote is as follows:

AYES: 7
NAYS: 0

(b) With the Water and Sewer Committee recommendation, the Board approved the McCready, Watson Gap, North Holston, and Pleasant Heights Sewer Engineering Report Agreement with Lane Group. The vote is as follows:

AYES: 7
NAYS: 0

(c) With the Water and Sewer Committee recommendation, the Board approved the Rich Valley, Pleasant Heights, and Midway Water Engineering Report Agreement with Anderson & Associates Inc. The vote is as follows:

AYES: 7
NAYS: 0

Mr. Carter explained the County will have to expense the money up front and then will be reimbursed on these agreements.

Mr. Charlie Atkins explained that when the Town of Marion purchased the Old School Building for \$250,000, and it was with the understanding that the money would be used for the Parking Deck. He reported that the \$250,000 is in the General Fund. With the County setting up an account for the Courthouse and projects associated with the Courthouse, Mr. Atkins requested that the \$250,000 be moved from General Fund into the Courthouse Project (301) Fund so the money could be tracked with the rest of the Courthouse cost. Supervisor Dishner motioned to direct the Treasurer to transfer the \$250,000 from the Town of Marion from the General Fund into the Courthouse Project Fund. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Budget

(a) After discussion and with the Budget Committee recommendation, the Board approved to appropriate an amount not to exceed \$6,000 for the County's portion to replace the AWOS System at the Smyth-Wythe Joint Airport. The vote is as follows:

AYES: 7
NAYS: 0

Mr. Shannon Williams updated the Board on the following:

(b) With the Budget Committee recommendation, the Board rescinded the motion on the calculations of Liquidated Damages toward Morcom International made at the November 10, 2010 Board meeting. The vote is as follows:

AYES: 7
NAYS: 0

(c) After discussion and with the Budget Committee recommendation, the Board approved to recommend a change order for three (3) ice shields in the amount of \$5,000. The vote is as follows:

AYES: 7
NAYS: 0

(d) After discussion, Supervisor Blevins motioned to send Morcom International final payment in the amount of \$57,140.68 which includes \$5,000 for the three (3) ice shields. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve and appropriate payment. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Williams will prepare the letter to Morcom International for Mr. Tate to review.

Mr. Carter explained that Mr. Scott Simpson received an email from Elliott Law with Mosley Architects that identifies additional geotechnical (subsurface) testing should be completed at the courthouse site. This test will provide additional information to assist the structural engineers in preparing a viable method to support the structure and assist the civil engineers to better quantify the rock removal in the construction documents. Mr. Carter informed the Board that the test will cost an estimated \$4,000 to \$6,000. Mr. Atkins reported that with the appropriations approved today, there is enough to approve this test. Mr. Carter stated that Mr. Simpson recommends having this test. Supervisor Call motioned to approve additional geotechnical testing. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES:	6	Call, Neitch, Dishner, Waddle, Clark, Davidson
NAYS:	1	Blevins

Mr. Atkins explained the Sheriff's Department was awarded a 2010 Cops Technology Grant in the amount of \$235,000, and requested that the 2010/2011 budget be amended to reflect the grant. With the Budget Committee recommendation, the Board approved a budget amendment to include the 2010 Cops Technology Grant in the amount of \$235,000. The vote is as follows:

AYES:	7
NAYS:	0

Revenue – 001-023020-0018 (\$235,000)

Expenditure – 001-021070-8888-991 \$235,000

Committee Recommendations: (continued)

Appointment

(a) Mr. Carter explained that he received a letter from Mr. David Barrett, Mt. Rogers Planning District, requiring the locality to appoint the local Administrator and Director of Emergency Services to an Advisory Committee. The Advisory Committee will attend meetings concerning the Mt. Rogers Planning District's Regional Hazard Mitigation Plan. Supervisor Blevins motioned to appoint Mr. Mike Carter, County Administrator, (121 Bagley Circle, Ste. 100, Marion, VA, 783-3298) and Mr. Charlie Harrington, Emergency Service Coordinator, (237 Miller Ave, Marion, VA, 783-3381) to the Advisory Committee for the Mt. Rogers Planning District's Regional Hazard Mitigation Plan. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

(b) With the Appointment Committee recommendation, the Board reappointed Mr. Jay Hubble to serve on the New River RC & D Council. Mr. Hubble will serve a one (1) year term that will expire on December 31, 2011. The vote is as follows:

AYES: 7
NAYS: 0

(c) With the Appointment Committee recommendation, the Board reappointed Mr. Clarence Smith to the Smyth-Washington Regional Industrial Facilities Authority. Mr. Smith will serve a four (4) year term to expire December 31, 2014. The vote is as follows:

AYES: 7
NAYS: 0

(d) With the Appointment Committee recommendation, the Board reappointed Mr. Ron Thomason to the Transportation Rural Technical Committee. Mr. Thomason will serve a two (2) year term that will expire December 31, 2012. The vote is as follows:

AYES: 6 Dishner, Blevins, Clark, Call, Davidson, Waddell
NAYS: 1 Neitch

Mrs. Pam Testerman will contact Mr. James Parlier as to his willingness to serve an additional two (2) year term as Alternate to Mr. Thomason. The Alternate position will be continued until the January 11, 2011 meeting.

(e) With the Appointment Committee recommendation, the Board appointed Mr. Kim Davidson, 3045 Whitetop Road, Chilhowie, VA 24319, as the Chilhowie District representative to the Board of Zoning Appeals. Mr. Davidson will serve a five (5) year term to expire December 31, 2015.

(f) Supervisor Waddell motioned to appoint Ms. Karen Gillespie (649 Johnston Road, Marion, VA, 781-4272) to serve as the Atkins District representative on the Area Beautification Committee. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Ms. Gillespie will serve a one (1) year term that will expire December 31, 2011.

Supervisor Neitch motioned to reappoint Ms. Phyllis Griffith to serve as the Rye Valley District representative on the Area Beautification Committee. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Ms. Griffith will serve a one (1) year term that will expire December 31, 2011.

With the Appointment Committee recommendation the Board reappointed Ms. Becky Estridge to serve as the Chilhowie District representative on the Area Beautification Committee. Ms. Estridge will serve a one (1) year term that will expire December 31, 2011.

With the Appointment Committee recommendation the Board reappointed Mr. John Morgan to serve as the North Fork District representative on the Area Beautification Committee. Mr. Morgan will serve a one (1) year term that will expire on December 31, 2011.

The following nominations were continued:

Park District
Royal Oak District
Saltville District

(g) Supervisor Davidson nominated Mr. Blake Frazier to serve as the Royal Oak District representative to the Planning Commission. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Frazier will serve a four (4) year that will expire December 31, 2014

Supervisor Call re-nominated Mr. Wayne Venable to serve as the Saltville representative to the Planning Commission. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Venable will serve a four (4) year that will expire December 31, 2014.

(h) With the Appointment Committee recommendation, the Board reappointed Mr. Danny Rose to serve as the North Fork District representative on the Smyth-Bland Regional Library Board. The vote is as follows:

AYES: 7
NAYS: 0

Mr. Rose will serve a four (4) year term that will expire December 31, 2014.

Supervisor Davidson motioned to reappoint Mr. Tim Bradley to serve as the Royal Oak District representative on the Smyth-Bland Regional Library Board. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Bradley will serve a four (4) year term that will expire December 31, 2014.

(i) Supervisor Davidson motioned to reappoint Mr. Todd Dishner as Alternate to the District Three Governmental Cooperative Board. Mr. Todd Dishner will serve a one (1) year term that will expire December 31, 2011.

AYES: 7
NAYS: 0

Supervisor Davidson inquired about the process of the joint appointment by the Town of Marion and Smyth County for the Smyth-Wythe Airport Commission. Mr. Tate advised that it should be stated in the Airport Agreement that is recorded in the Clerk's Office.

Regina Davidson –

Discussed the following items:

(a) She would like for all departments and committees to be more “Green” and try to go as paperless as possible. She suggested not binding the Board agendas, don't print the color face sheet, and to start emailing as many of the subcommittee minutes instead of placing in them Board packets. She stated this would cut down on paper consumption and might allow the Board to see the subcommittee minutes earlier than they presently get to review them. Supervisor Davidson would like to eventually have the entire Board packet emailed and have the ultimate goal to be as paperless as possible by 2012. Supervisor Blevins informed the Board that members used to receive their agendas on disks and they used computers. He stated he requested a hard copy of the agenda and eventually all the Board members received hard copies.

(b) She would like to suggest the Board have all public hearings at 5:30 p.m. to allow more citizens to participate.

(c) She would like to suggest the Board, on a trial basis and to be re-examined at the end of 2011, have every other Board meeting at 5:30 p.m., once again to allow more citizens to participate. Mr. Tate informed Supervisor Davidson that prior Boards tried this and still citizens did not attend the later meetings.

Item (a) will be continued until the continued Board meeting on Thursday, December 16, 2010, and items (b) and (c) will be continued until the January 11, 2011 meeting when the Board votes on their meeting schedule.

Mr. John Tate –

With the recommendation of Mr. John Tate, County Attorney, Supervisor Blevins motioned to approve the following tax refund requests, by the Commissioner of Revenue:

(a) Margaret Taylor (327 W. Main St., Saltville, VA) a 2010 Personal Property tax refund in the amount of **\$14.62** for a 2001 Ford listed by mistake on her 762 form.

(b) Gary & Patty Stoots (401 Blake Road, Marion, VA) a 2009 Real Estate tax refund in the amount of **\$181.93** for the incorrect square footage.

Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

With the recommendation of Mr. John Tate, County Attorney, Supervisor Blevins motioned to approve the following tax refund request, by the Clerk of Circuit Court:

(c) LBJ Coal Company Incorporated,(Kathy Meade, PO Box 1106, Honaker, VA 24260) a 2010 recordation error in the amount of **\$42.50** for a tax assessment error created by the property being in both Smyth and Washington Counties.

Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Subdivision Street Additions into VDOT's secondary road system:

With inquires from Mr. Tate about a paragraph concerning ditch lines, Mrs. Pam Testerman reported that a letter from Ms. Rachael Brown, with VDOT stated it should be noted that as houses are constructed the ditch lines shall be reestablished in accordance with the approved construction plans by the developer. After speaking with Ms. Brown, Mrs. Testerman clarified that the ditch lines needed to be noted by the developer and not in the resolution from the County. (*Note*: the following resolution is in corrected form.)

After discussion, Supervisor Blevins motioned to adopt the following resolution for VDOT to accept High Meadows Lane in Colefarm Estate into the secondary road system:

The Board of Supervisors of Smyth County, in regular meeting on the 14th day of December, 2010, adopted the following:

RESOLUTION

WHEREAS, the street(s) described on the attached forms AM 4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Smyth County; and

WHEREAS, the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements (or Secondary Street Acceptance Requirements, as applicable) of the Virginia Department of Transportation, and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on November 10, 2010 for *Comprehensive Stormwater Detention* which applies to this request for addition,

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached forms AM 4.3 to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements (or Secondary Street Acceptance Requirements, as applicable), and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

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

Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7

OLD BUSINESS

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

At the July 9, 2009 meeting, Mr. Carter stated he has an updated delinquent tax list. Supervisor Perry motioned to continue this issue. Supervisor Neitch seconded the motion and it duly passed:

AYES: 6
NAYS: 1 C.C. "Charlie" Clark, Jr.

At the October 13, 2009 meeting, Supervisor Neitch inquired about the collection of taxes. It was advised to request a report from the Treasurer. The report should show 60 days after the publication of the delinquent tax list, between current year and last year, and see if there is any difference.

At the December 17, 2009 meeting, Mr. Carter presented the Board with a report prepared by the Treasurer's Office on delinquent tax collections, which was requested at the October 13, 2009 Board meeting. The report compares collections from June 30, 2008 to September 30, 2008 and June 30, 2009 to September 30, 2009, with more taxes being collected in 2008. The delinquent tax list was not published in 2008.

At the February 9, 2010 meeting, Supervisors Davidson and Call inquired about the collection of delinquent taxes. Mr. Tate explained the process. Supervisor Davidson asked if there could be a payment plan to help get the taxes paid. Mr. Tate stated the Treasurer handles the payments. Chairman Clark requested Mr. Carter to contact Mr. Tom Burkett, Treasurer and invite him to the March Board meeting to discuss this issue.

At the July 13, 2010 meeting; Supervisor Call questioned why this was still on the Old Business list. He stated we need to work on a system to get these delinquent taxes paid. Supervisor Davidson agreed. She stated she knew that the Board had this explained to them before, but something needs to be done to get these taxes paid. Mr. Tate advised to speak to the Judge. Chairman Clark set a Delinquent Tax Committee and placed Supervisor Dishner, Supervisor Call, and Supervisor Davidson on the committee to discuss what to do to move forward.

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee 6-13-06).

3. Radio System Project (6-26-08).

At the February 9, 2010 meeting; Mr. Shannon Williams stated due to bad weather the contractor has requested a 78 day extension to complete contract. Mr. Williams recommends, after an internal staff discussion, a 72 day extension. Supervisor Blevins motioned to approve a 72 day extension on contract. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

At the April 13, 2010 meeting; Mr. Shannon Williams stated MorCom International was requesting a 45 day extension to complete contract. MorCom stated the sites were inaccessible from March 1st until March 24th, with this, staff is suggesting a 24 day extension. This would have the contract completion for May 7th. Mr. Williams stated if contract is not complete by May 7th, on May 8th a \$500 per day liquidation damage penalty would start being charged. Mr. Tate advised Mr. Williams if not

completed by May 7th to send MorCom a letter stating the penalty being charged.

(Radio System Project continued)

At the June 8, 2010 meeting; Mr. Tate inquired about the two invoices approved for payment. He noted the above minutes at the April 13, 2010 meeting, concerning the May 8th date to start a \$500 per day liquidation damage penalty. Mr. Scott Simpson informed Mr. Tate the invoices were milestone payments 5 and 6 and the work completed was before the May 7th deadline. Mr. Simpson informed the Board that Morcom was to start the coverage testing next week.

At the October 12, 2010 meeting; Mr. Shannon Williams updated the Board on the progress of the Radio System. He also informed the Board that the project is near completion.

4. Referred to the Water and Sewer Counsel, proceed with legal documents to provide uncollectable names and accounts from the Water and Sewer Department to other water providers in the county **(2-10-09)**.
5. Nuisance complaint against a property owned by Joseph F. Ellis, Jr. - The Board voted to leave the matter on the Old Business agenda until the conclusion of a civil case is resolved. *(Civil case filed March 6, 2009)* At that time, the nuisance issue will be revisited. Mr. Patton Graham (Mr. Ellis' Attorney) will update the Board on the civil case as it progresses **(4-14-09)**.

At the November 12, 2009 meeting, Mr. Clegg Williams informed the Board no trial had been set.

At the January 12, 2010 meeting; Mr. Clegg Williams informed the Board, Mr. Patton Graham stated there is a settlement negotiating in progress.

At the May 11, 2010 meeting; Mr. Clegg Williams informed the Board, he did not have any new information on this issue.

At the October 12, 2010 meeting; Mr. Clegg Williams informed the Board that a court date of November 9, 2010, was set.

At the November 10, 2010 meeting; Mr. Tate informed the Board that the November 9, 2010 court date was continued with no new date set.

At the December 14, 2010 meeting; Mr. Williams reported to the Board that a jury trial was set for December 16, 2010.

6. Financial Discussion **(2-9-10)**
7. ABC/Franchise fees **(7-13-10)**

At the August 10, 2010 meeting; Mr. Tate informed the Board that he wrote letter concerning the ABC profits. Mrs. Debbie Schwartz, Chief Deputy Treasurer, informed Mr. Tate that all franchise fees are sent to Richmond then reimbursed to localities.

8. Mileage for meetings/Agenda items **(9-14-10)**

At the November 10, 2010 meeting; Mr. Tate informed the Board that they had not adjusted their salaries in 20 years. Mr. Tate explained he sent a letter to the Attorney General's office to obtain their opinion, and the Attorney General's Office stated that if a Board member does not want to take a salary, then they may turn in their expenses. Mr. Tate stated that a Board member can not take both salary and mileage. After a discussion on if the only business on an agenda is to adopt minutes and citizen's time the meeting will be continued until the next scheduled meeting, the Board agreed to send this back to the Budget Committee for more discussion.

At the December 14, 2010 meeting; Mr. Tate explained guideline in the State Code to the Board. After discussion, this item was continued.

9. Planning Commission recommendation to deny the request for a Special Use Permit for a Campground by Ralph and Sharon Butler. **(11-10-10)**

At the December 14, 210 meeting; Mr. Clegg Williams briefly updated the Board on the Public Hearing and Planning Commission's recommendation. Supervisor Davidson stated she did speak with the Forest Service and the Board does not have the say in what goes on the trails, either the State or Federal Forest Service issues Special permits allowing this. Mr. Williams read an email from the landowner requesting consideration for an alternative option for a seasonal ten (10) site primitive campground. The land owner's email stated, under Smyth County Ordinance Section 3.2-1 they have the right to develop a weekly-monthly vacation rental lodge, country inn, bed-n-breakfast, playground and recreational trails as a "home base" for tourists visiting the area without application for Special Use Permit. After discussion, Supervisor Davidson motioned to approve Special Use Permit for a seasonal ten (10) site primitive campground. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 5 Davidson, Blevins, Call, Dishner, Clark
NAYS: 2 Neitch, Waddell

Supervisor Blevins motioned to have Old Business item #9 removed from the list. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

10. Water/Sewer Committee recommendation for lowest bid with Mr. Simpson obtaining information on additional funding for the water extension projects for Burgess Hollow, Goodpasture Hollow and Highway 16. **(11-10-10)**

11. Approve \$8,000 for Smyth-Wythe Airport's terminal upgrade. **(11-10-10)**

Mrs. Sally Morgan explained to the Board about a meeting with VDOT on Thursday, December 16, 2010, at 10:00 a.m. concerning Interstate 81. After reviewing, the Board approved the following questionnaire for the meeting:



**Questionnaire
Interstate 81 Locality Meetings
December 2010**

Thank you for agreeing to participate in the I-81 roundtable discussion planned for Thursday, December 16, 2010. Prior to the meeting, we are asking each representative to answer the following questions. Prior to the meeting, please return this questionnaire to:

**M. K. Brittle
Acting Bristol District Administrator
870 Bonham Road
Bristol, VA 24201**

1- What is the most needed improvement on Interstate 81?

Improvements need to be made to accommodate the increasing amount of traffic traveling on I-81. These improvements should be a combination of solutions that both increase the capacity (a third lane for trucks or for passing); and rail improvements that will help divert freight traffic to the railroad.

In terms of I-81 in Smyth County, there is the need to make some safety improvements; upgrade interchanges (most notably, Exit 47); and add a full Interchange west of Marion at McMullin to serve the Adwolfe area. (The County Comprehensive Plan supports the construction of a new interchange).

2- What is the biggest challenge associated with Interstate 81?

The biggest challenge associated with Interstate 81 is the vehicle load, especially the high proportion of truck traffic.

3- Given the current funding restrictions, what short-term improvement do you think would most improve I-81?

Widening projects where the traffic count, especially truck traffic, is the highest; as well as critical safety improvement projects. Also, rail infrastructure projects that help address strategic bottlenecks and increase speed and flexibility for rail freight.

- 4- What role do you think rail play in the movement of freight along the I-81 corridor?

Because the Norfolk-Southern main line parallels I-81 and because I-81 carries a significant amount of “through-traffic” traveling through Virginia, rail could play a significant role in making I-81 less congested with the diversion of freight from truck to rail transportation.

- 5- How important is the widening of Interstate 81 to economic development in your locality?

On a scale of one (1) to five (5), the improvement of the capacity of Interstate 81 to the economic development of Smyth County would rank at four (4). The Interstate provides critical accessibility needed for both business growth and tourism.

Supervisor Call presented a Letter In Support for Town of Saltville on the Salt Trail – Tin Bridge Trestle Project. Supervisor Call explained that at one point on the Salt Trail you have to actually go into the road which is causing some safety issues especially with children. Supervisor Call motioned to approve the following Letter In Support to help the Town of Saltville in applying for funding for this project:

Department of Conservation and Recreation
Division of Planning and Recreational Resources
203 Governor Street, Suite 326
Richmond, Virginia 23219-2010

RE: SALT TRAIL – TIN BRIDGE TRESTLE PROJECT

Dear Department of Conservation and Recreation:

Smyth County fully supports the application to the Department of Conservation and Recreation’s Recreational Trail Program for funding to construct a bridge on the Salt Trail. With the conclusion of the Downtown Revitalization Project, this is an opportune time for a tourism enhancement project.

The proposed project consists of the construction of a bridge that will connect the north end of the Tin Bridge Trestle to the trail. This addition will eliminate a critical gap in the Salt Trail and greatly reduce a safety hazard. The Salt Trail is an important outdoor recreational attraction for Smyth County that will also complement the historical and cultural attractions in Saltville.

Again, Smyth County fully supports the Salt Trail – Tin Bridge Trestle project in the Town of Saltville. The grant funds being requested from the Department of Conservation and Recreation are vital for the successful completion of this project and the economic future of Saltville.

Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

For informational purposes, Mrs. Morgan presented the Board with an informational packet from First Fruits. She stated that she toured the facility and that First Fruits have products in Food City and Cargo Convenient Store.

CLOSED SESSION

At 4:29 p.m. a motion was made by Supervisor Dishner to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.1** Personnel; discussion and consideration of prospective candidates for employment, **A.3** Land; discussion or consideration of the acquisition of real property for a public purpose, and **A.7** Legal counsel consultation and staff briefings; discussion on potential litigations. This was seconded by Supervisor Neitch, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to open meeting, a motion was made by Supervisor Neitch to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION CERTIFICATION OF CLOSED SESSION

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

After discussion and with Courthouse Committee recommendation, the Board approved pursuing a property option not to exceed \$2,000 with adjacent buildings being removed. The vote is as follows:

AYES: 7
NAYS: 0

CONTINUE

At 5:50 p.m. Supervisor Neitch motioned to adjourn the meeting. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, December 16, 2010**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

MEMBERS PRESENT:

C.C. "Charlie" Clark, Jr., Chairman
Roscoe D. Call
Regina H. Davidson

M. Todd Dishner
Brenda J. Waddell

MEMBERS ABSENT:

Wade H. Blevins, Jr.

Darlene R. Neitch

PLANNING DISTRICT MEMBERS PRESENT:

Karl Kalber, Chairman
Dennis Blevins

Norman Sparks
Wayne Venable

PLANNING DISTRICT MEMBERS ABSENT:

Graham Davidson
Pokey Harris

Amy Tuell

STAFF PRESENT:

Michael L. Carter, County Administrator
John H. Tate, Jr., County Attorney
Clegg Williams, Zoning Administrator
Becca Kirk, Administrative Assistant
Scott Simpson, Engineer
Charlie Atkins, CFO

CALL TO ORDER

At 7:00 p.m. Chairman Clark and Chairman Kalber called the public hearing to order. Mr. Mike Carter, County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on December 4, and December 11, 2010. Mr. Carter also read the rules of procedures for public hearings:

**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, December 16, 2010, 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 Mark and Sue Hess for a Special Use Permit to place shipping containers converted to Mini-Warehouse units on their property located behind 2520 Highway 107 in Saltville, identified as Tax Map No. 41-1-11 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.

Mark and Sue Hess — Application for Special Use Permit: At approximately 7:01 p.m. Mr. Williams explained the Special Use Permit application for Mini-Warehouse units received from Mark and Sue Hess. They propose to place approximately 17 shipping containers converted to mini-storage units on their property located on Hwy 107. The property is identified as 41-1-11 and is zoned Agricultural/Rural. Mr. Williams pointed out the pertinent sections of the ordinance for the application. He stated the applicants paid the required fee and he advertised notice of this public hearing in the Smyth County News on December 4 and 11. Additionally, he sent notice of the hearing by first class mail to each of the adjoining property owners and an affidavit to that affect is on file. He did not receive any public comments in opposition to the application.

Mrs. Hess was present to address questions from the Board and Commission. Mr. Williams explained that the units were exempt from the building code and would not have electricity and would not be allowed as living space. Mrs. Hess stated they understood the setback requirements.

With no other comments on the application, Chairman Clark and Chairman Kalber closed the joint public hearing at 7:06 p.m.

At 7:15 p.m. the Board of Supervisors reconvened their meeting.

PAYMENT OF COUNTY INVOICES

Supervisor Dishner motioned to approve \$40,779.20 for appropriations. The following is an explanation of the appropriations approved:

Animal Damage Fund	\$ 184.20
Schools - Operating Fund	\$40,595.00

Supervisor Call seconded the motion, and motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Blevins, Neitch

Local Emergency Resolution

Mr. Carter explained the local emergency the weather has created in Smyth County and informed the Board that the following resolution has to be adopted:

RESOLUTION FOR THE DECLARATION OF A LOCAL EMERGENCY

AT A SCHEDULED MEETING OF THE BOARD OF SUPERVISORS OF SMYTH COUNTY, VIRGINIA, HELD AT THE SMYTH COUNTY OFFICE BUILDING 121 BAGLEY CIRCLE ON DECEMBER 16, 2010,

RESOLUTION 2010 - 01 DECLARING A LOCAL EMERGENCY TO EXIST IN SMYTH COUNTY, VIRGINIA ON DECEMBER 16, 2010.

WHEREAS, the Board of Supervisors of Smyth County, Virginia, does hereby find as follows:

- 1. That due to the occurrence of severe winter weather, Smyth County is facing a condition of extreme peril to the lives, safety and property of the residents of Smyth County;**
- 2. That as a result of this extreme peril, the proclamation of the existence of an emergency is necessary to permit the full powers of government to deal effectively with this condition of peril.**

NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the Board of Supervisors of Smyth County, Virginia, that a local emergency now exists throughout Smyth County; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of this emergency the powers, functions, and duties of the Director of Emergency Management and the Emergency Services organization and functions of Smyth County shall be those prescribed by the laws of the Commonwealth of Virginia and the ordinances, resolutions, and approved plans of Smyth County in order to mitigate the effects of said emergency.

In order to carry out the effect of this resolution, a sum of money, not to exceed \$5,000.00, is hereby appropriated from the County's unappropriated fund balance (from the Board's Special Account fund) to cover the reasonable operational costs of emergency services pending further report to this Board and such additional appropriations as shall be deemed necessary to cover the expected scope of this emergency.

Dated: December 16, 2010

Board of Supervisors, Smyth County, VA

Supervisor Dishner motioned to adopt the resolution. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSNET: Blevins, Neitch

Mr. Shannon Williams presented the final payment letter to Morcom International and reviewed it with the Board. No action was required.

Chairman Clark informed the Board that Virginia Tech was reorganizing the Extension Offices in the area. He explained that Matthew Miller currently here at the Smyth County Office will be reassigned to the Wythe Office, and Dr. Andy Overbay will be assigned to Smyth County unofficially January 1, 2011.

With the Water and Sewer Committee recommendation, the Board denied any adjustment to Wanda McGlocklin's water and sewer bill. Ms. McGlocklin is to pay the total amount of \$788.55. The vote is as follows:

AYES: 5
ANYS: 0
ABSENT: Blevins, Neitch

With the Water and Sewer Committee recommendation, the Board accepted the following Policy Change:

- To wave the re-connect fee of \$25 if requested by customers who have been in good standing for the previous 12 months and accidentally missed a payment. (This applies to the re-connect fee of \$25 only)

The vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Blevins, Neitch

The following was continued until the full Board was present to vote on:

Regina Davidson –

1. Don't put the packets in binders anymore.
2. Do not print and insert the color face sheet
3. Start emailing as many of the subcommittee minutes instead of placing in Board packets. Not only would that cut down on paper consumption but might allow the Board to see the subcommittee minutes earlier than we presently see them.
4. Eventually emailing entire packet.
5. Ultimate goal is to be as paperless as possible by 2012.

Mr. Carter reported and explained that a proposal was received from E. Luke Greene to assess and fix the Circuit Court areas for \$3,000. Supervisor Call motioned to accept proposal for \$3,000. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Blevins, Neitch

There will be a Called Special Meeting the week of January 3, 2011 to discuss the Tobacco Commission Performance Agreement. A memo will be sent out no later than December 30, 2010 with meeting date and time.

OLD BUSINESS was not discussed.

CLOSED SESSION

At 7:40 p.m. a motion was made by Supervisor Dishner to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.3** Land; discussion or consideration of the acquisition of real property for a public purpose. This was seconded by Supervisor Call and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Blevins, Neitch

Upon returning to open meeting, a motion was made by Supervisor Dishner to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION CERTIFICATION OF CLOSED SESSION

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Waddell and the vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Blevins, Neitch

ADJOURN MEETING

At 7:45 p.m. Chairman Clark adjourned the meeting.