

The Smyth County Board of Supervisors held a called special meeting at 4:00 p.m., **Wednesday, January 5, 2011**. 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, County Administrator
Pam Testerman, Office Service Assistant
Charlie Atkins, Financial Officer
Sally Morgan, Community/Economic Development
John H. Tate, Jr., County Attorney
Jan Blevins, Deputy

CALL MEETING TO ORDER

Chair Clark called the meeting to order at 4:09 p.m.

Discuss Tobacco Commission Performance Agreement

Mrs. Sally Morgan explained the TROF (*Tobacco Region Opportunity Fund*) Performance Agreement to the Board. Mrs. Morgan reported that neighboring counties that use the agreement have grown in development. She presented and reviewed with the Board, a draft copy that she prepared, of a letter to the Tobacco Commission. For the record, Mr. John Tate stated he does not agree with the rules of the Tobacco Commission for this agreement. After discussion, Supervisor Blevins motioned to authorize Chairman Clark to sign letter to the Tobacco Commission. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

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

CLOSED SESSION

At 4:29 p.m. a motion was made by Supervisor Call 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 Dishner, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to the 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 Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

After discussion, Supervisor Call motioned to authorize Mr. Tate to start condemnation proceedings on property needed for the Parking Deck. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

ADJOURN MEETING

At 5:09 p.m., Chair Clark adjourned the meeting.

The Smyth County Board of Supervisors held its regular January meeting at 12:00 noon, **Tuesday, January 11, 2011**. 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 12:05 p.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, Financial Officer
Scott Simpson, Engineer
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, Mr. Mike Carter called the meeting to order at 12:00 noon. Mrs. Pam Testerman gave the invocation and Ms. Angie Cockerham led the pledge of allegiance.

ADOPTION OF AGENDA

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

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Carter opened the floor for nominations of Chairman for the 2011 calendar year. Supervisor Call nominated Mr. Charlie Clark as Chairman, and mentioned what a good job Mr. Clark has provided the County as Chair, and with what the County has faced and going to be facing, no need to change. Supervisor Waddell seconded the motion. No other nominations were made.

Supervisor Neitch motioned to close nominations. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

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

AYES: 7
NAYS: 0

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

Chairman Clark accepted nominations for Vice Chairman. Supervisor Waddell nominated Mr. Todd Dishner as Vice Chair, Supervisor Call seconded the nomination. No other nominations were made.

Supervisor Blevins motioned to close nominations. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

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

AYES: 7
NAYS: 0

Chair Clark accepted nominations for Clerk. Supervisor Blevins nominated Mr. Mike Carter as Clerk. Supervisor Neitch seconded the nomination. No other nominations were made.

Supervisor Dishner motioned to close nominations. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

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

AYES: 7
NAYS: 0

Chair Clark accepted nominations for Deputy Clerk. Mr. Carter stated with some changes being made, at this time, this nomination will be temporary. Supervisor Blevins nominated Mrs. Pam Testerman as Deputy Clerk. Supervisor Call seconded the nomination. No other nominations were made.

Supervisor Waddell motioned to close nominations. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Chairman Clark asked for a vote on Mrs. Testerman's nomination. The vote is as follows:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to adopt the Rules of Procedures with correction to Citizen's Time. Supervisor Call seconded the motion, and motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Carter informed the Board that in November VACo has a meeting that includes the second Tuesday and recommended setting this meeting for Wednesday, November 9, 2011. He also mentioned the additional meetings are scheduled when needed.

Supervisor Davidson motioned to set the 2011 regular monthly meetings the second Tuesday of each month and alternate the starting time as follows:

February – 4:00 p.m.
March – 12:00 noon
April – 4:00 p.m.
May – 12:00 noon
June – 4:00 p.m.
July – 12:00 noon
August – 4:00 p.m.
September – 12:00 noon
October – 4:00 p.m.
November – 12:00 p.m.
December -4:00 p.m.

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

AYES: 7
NAYS: 0

Supervisor Blevins motioned to set the November 2011 meeting on Wednesday, November 9, 2011. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Davidson motioned to set Citizen's Time at 12:15 p.m. to 12:30 p.m. for meetings starting at noon and 4:15 p.m. to 4:30 p.m. for meetings starting at 4:00 p.m., and amend the Board's rules and regulations to reflect this time. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

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

AYES: 7
NAYS: 0

MINUTES OF PREVIOUS MEETINGS

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

Tuesday, December 14, 2010

Thursday, December 16, 2010

Supervisor Davidson 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

CITIZEN'S TIME

There were an estimated five (5) citizens present, the following spoke:

Roger Hall, Chilhowie, questioned his tax assessment. Mr. Hall informed that he had seven acres all together, and "they" cut out an acre of his property, fixed it to have a house on it and taxed him as such. After discussion, Mr. Tate explained to him in the Land use program, you can place all but one acre, of six or more acres, in Land use. Mr. Tate suggested he bring a copy his 2009 and 2010 tax information to the County Administrator's Office and he would review the information.

Earl McClure, Chilhowie, requested the Board go the extra mile to follow the law this year in the considerations that come before them.

Andy Overbay, came before the Board to introduce himself as the new Extension Agent, starting January 1, 2011. He presented the Board with a schedule of programs and events coming up in the next few weeks and months.

Chairman Clark closed citizen's time at 12:36 p.m.

Mr. Charlie Atkins reported that there was a balance of \$14,450,000 in the bank per Mr. Tom Burkett's financial report. He also stated there were sufficient funds for the requested appropriations.

PAYMENT OF COUNTY INVOICES

Supervisor Call motioned to approve \$6,636,722.99 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,500,000.00
Animal Damage Fund	\$ 6,713.95
Social Services (January 12 - 31, 2011)	\$ 350,000.00
(February 1 - 8, 2011)	\$ 60,000.00
Schools - Operating Fund	\$4,500,000.00
Debt and Capital Outlay	\$ 75,000.00
Courthouse Project	\$ 145,009.04

Supervisor Dishner seconded the motion, and the 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 \$1,006,447.26. Supervisor Dishner seconded the motion and the vote is as follows:

AYES:	7
NAYS:	0

NEW BUSINESS

Mr. Mike Carter, County Administrator, introduced Mr. Charlie Atkins and Mrs. Lisa Richardson, the Finance Department, to the Board. Mr. Atkins and Mrs. Richardson explained their duties to the Board.

Mr. Carter informed that he spoke with Mr. Bob Dix earlier in the day, and Mr. Dix stated the County should have an electronic version of Smyth-Wythe Airport's audit by the end of this week and a hard copy by the end of next week. Mr. Carter reported that the Town of Marion nominated Mr. Dix to be reappointed to the Smyth-Wythe Airport Commission. He shared that it was a 4 to 3 vote.

Supervisor Blevins motioned to appoint Mr. Billy Dungan, 671 Apple Valley Road, Marion, VA 24354, 276-646-8616, as the Smyth County and Town of Marion joint representative to the Smyth-Wythe Airport Commission. Supervisor Neitch seconded the motion, and the passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Davidson questioned which vote wins? Mr. Tate will review agreement to see what action needs to be taken.

Chairman Clark informed the Board that any information in their Board packets they did not want to keep, to leave it at their chair and Mrs. Testerman will recycle it.

Mr. Carter reported that on December 30, 2010, the County Office Building, State Hospital, Corrections, and Keystone participated in a simulated bomb threat drill. The County Office Building had never participated prior to this drill. He also stated that with this drill, the County along with School Board, Social Services, and Extension Office will develop a plan and begin to implement the plan.

Mrs. Sally Morgan, briefly introduced Mr. Keith Thompson with the Manufacturing Technology Center, located in Atkins at the Smyth Ed Center.

Keith Thompson, Manufacturing Technology Center, presented the Board with a packet consisting of information on the Center. He explained the center is a Federal program that provides training and consulting to manufacturers in seventeen counties and with five local colleges.

Mr. John Tate –

With the recommendation of Mr. John Tate, County Attorney, the following tax refund requests by the Commissioner of Revenue were approved:

(a) Supervisor Blevins motioned to approve a 2007, 2008, 2009 Real Estate tax refund for **Keith L & Mary H Kegley** (1056 Hafley Hollow Lane, Rural Retreat, VA 24368) in the amount of **\$80.40** for a cinderblock garage assessed on their property that is actually on adjoining property. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

(b) Mr. Tate stated the request for refund on the 2007 tax was not eligible. Supervisor Dishner motioned to approve 2008, 2009, 2010 Personal Property tax refund for **Katy R. Hutton** (Attn: Dorothy Wagoner, 573 Shale Bank Road, Marion, VA 24354) in the amount of **\$443.92** for a single-wide mobile home that was assessed as real estate and should have been personal property.

Committee Recommendations:

Budget

With the Budget Committee recommendation, the Board approved the final year of a 3-year HVAC maintenance agreement with Trane for the County facilities. The vote is as follows:

AYES: 7
NAYS: 0

Personnel

With the Personnel Committee recommendation and as an ADA requirement, the Board adopted the following amendment to the County Policy:

Section 2.9 – Equal Employment Opportunity

It is the policy of the Smyth County Board of Supervisors to adhere to the most recent edition of the Code of Federal Regulations, Title 29: Labor, Part 1630 – Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act.

The vote is as follows:

AYES: 7
NAYS: 0

Mr. Tate requested the Board to approve that he accept service of process on an appeal of Eric and Holly Rutherford's to the Board of Equalization. After Mr. Tate explained the process and discussion, Supervisor Call motioned to approve Mr. Tate to accept service of process on Eric and Holly Rutherford's appeal from the Board of Equalization. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Clegg Williams, Zoning Administrator; updated the Board on the Planning Commission's recommendation to approve Mark and Sue Hess's request for a special use permit to place Mini-Warehouse units on Hwy 107. Supervisor Call stated with other businesses in the area where the Hess's are proposing to place the Mini-Warehouse units, he motioned to accept the Planning Commission's recommendation to approve Mr. Mark and Sue Hess's special use permit to place Mini-Warehouse units on Hwy 107. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Committee Recommendations: (continued)

Courthouse

With the Courthouse Committee recommendation, the Board approved Anderson & Associates to provide the surveying and engineering services in the amount of \$4,400 for relocating the utilities while renovating the Courthouse. The vote is as follows:

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

With the Courthouse Committee recommendation, the Board approved Mr. Carter in consultation with Mr. Simpson to make monetary and customary decisions on smaller service agreement up to \$7,500 associated with the Courthouse Project. Along with this approval an additional line will be added to the appropriation sheet Mrs. Lisa Richardson prepares monthly to reflect the Courthouse Project for \$7,500. The vote is as follows:

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

Mr. Scott Simpson presented the Board with a spreadsheet on the Courthouse checking account showing the activity since the Courthouse Order was signed.

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.

OLD BUSINESS - Collection of delinquent taxes (continued):

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.

At the January 11, 2011 meeting; Mr. Atkins stated that Personal Property taxes were not being collected. He discussed the Treasurer's financial report showing balance of taxes not collected. Supervisor Call would like a Delinquent Tax Committee meeting set to discuss further.

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.

At the January 11, 2011 meeting; with the final payment being sent to Morcom International, Supervisor Blevins motioned to remove this item from the Old Business list. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: 1 (Supervisor Neitch was out of the room)

OLD BUSINESS (continued):

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.

At the January 11, 2011 meeting; Mr. Williams reported to the Board that the jury trial set for December 16, 2010 was continued, and a bench trial was set for January 27, 2011.

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.

OLD BUSINESS - Mileage for meetings/Agenda items (continued):

At the December 14, 2010 meeting; Mr. Tate explained guideline in the State Code to the Board. After discussion, this item was continued.

At the January 11, 2011 meeting; after discussion, Supervisor Call motioned if citizen's time and approval of minutes make up the agenda for the Board or subcommittees of the Board, the meeting will be suspended until additional items of business arise. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

9. 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)**
10. Approve \$8,000 for Smyth-Wythe Airport's terminal upgrade. **(11-10-10)**
11. Service Agreement between Appalachian Juvenile Commission and Smyth County. **(12-14-10)**
12. Appointment Committee Recommendations **(12-14-10)**
 - (a)** Recommendation to reappoint Mr. James Parlier to serve a 2-year term as Alternate on the Transportation Rural Technical Committee

At the January 11, 2011 meeting; With the Appointment Committee recommendation, the Board reappointed Mr. James Parlier, as Alternate to Mr. Ron Thomason, to the Transportation Rural Technical Committee. Mr. Parlier will serve a two (2) year term that will expire December 31, 2012. The vote is as follows:

AYES: 7
NAYS: 0

- (b)** Area Beautification Committee Judges to serve a 1-year term:

Park District Saltville District
Royal Oak District

At the January 11, 2011 meeting; Supervisor Call motioned to appoint Mrs. Carol Nutter (1970 Nuttywood Lane, Saltville, VA 24370, 276-496-5248) to serve as the Saltville District representative on the Area Beautification Committee. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mrs. Nutter will serve a one (1) year term that will expire December 31, 2011.

OLD BUSINESS - Appointment Committee Recommendation (continued):

(c) Planning Commission to serve a 4-year term:

Rye Valley District

At the January 11, 2011 meeting: Supervisor Neitch motioned to reappoint Mrs. Pokey Harris to serve as the Rye Valley District representative to the Planning Commission. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mrs. Harris will serve a four (4) year that will expire December 31, 2014.

13. Regina Davidson **(12-16-10)**

Would like to ask all the departments and committees to be more "Green" and try to go as paperless as possible.

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.

At the January 11, 2011 meeting: it was discussed if Board members would like to have information emailed to them to let Mrs. Testerman know. Supervisor Davidson motioned to have this item removed from the Old Business list. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Tate informed the Board they needed to develop a Redistricting Committee. Chairman Clark appointed Supervisor Call; as Chair, Supervisor Davidson, and Supervisor Blevins to the Redistricting Committee.

CLOSED SESSION

At 3:04 p.m. a motion was made by Supervisor Davidson 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 Blevins, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to the 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.

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

AYES: 7
NAYS: 0

ADJOURN

At 3:43 p.m. Supervisor Neitch motioned to adjourn the meeting. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

The Smyth County Board of Supervisors held its regular February meeting at 4:00 p.m., **Tuesday, February 8, 2011**. 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 (left at 5:30 p.m.)
Darlene R. Neitch
Brenda J. Waddell

STAFF PRESENT:

Michael Carter, County Administrator
Scott Simpson, Assistant County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Charlie Atkins, Financial Officer
Sally Morgan, Economic Development
Arthur Barker, Deputy

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

With a quorum present, Chairman Clark called the meeting to order at 4:00 p.m. Mrs. Pam Testerman gave the invocation and Ms. Heather Gillespie led the pledge of allegiance.

ADOPTION OF AGENDA

Supervisor Blevins motioned to adopt the agenda and the additional agenda to form. 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:

Wednesday, January 5, 2011

Tuesday, January 11, 2011

Supervisor Blevins motioned to approve the minutes for the January meetings, with noted corrections by Mr. John Tate. Supervisor Call seconded the motion, and the vote is as follows:

AYES: 7
NAYS: 0

Mr. Charlie Atkins reported that he spoke with Debbie Schwartz, Chief Deputy Treasurer and there were sufficient funds for the requested appropriations.

PAYMENT OF COUNTY INVOICES

Supervisor Blevins motioned to approve \$5,770,308.92 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,560,000.00
Animal Damage Fund	\$ 308.92
Social Services (February 9 - 28, 2011)	\$ 350,000.00
(March 1 - 8, 2011)	\$ 60,000.00
Schools - Operating Fund	\$3,500,000.00
Debt and Capital Outlay	\$ 300,000.00

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

AYES: 7
NAYS: 0

Supervisor Dishner motioned to approve the following Water/Sewer Projects and Courthouse Projects appropriations:

Pioneer/Fox Valley Water Project	\$ 5,325.12
Courthouse Project	\$74,842.30

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

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve the accounts payable listing in the amount of \$818,172.99. Supervisor Call seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

CITIZEN'S TIME

There were an estimated nine (9) citizens present, the following spoke:

Eddie Louthian informed the Board that he had been with the Saltville Rescue Squad for 20+ years and would like to establish his own non-emergency ambulance service in the Atkins/Groseclose area. He reported that he had received his certificate of organization from the Commonwealth of Virginia for Trinity Ambulance Service LLC. Mr. Louthian explained he needed a resolution of support from the Board to be able to move forward in applying for his license to operate Trinity Ambulance Service LLC. Mr. Louthian stated he would start with about 3 ambulances; 2 running and 1 for backup and 6 to 8 employees. He also informed the Board that he would assist as a backup for the rescue squads in the County. Supervisor Blevins stated not to delay someone who would like to bring a service and employment to the County. After a few questions being answered, Supervisor Blevins motioned to adopt a resolution of support. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Roger Hall updated the Board on his visit to the last meeting and informed them that he spoke with Mr. Clegg Williams, Zoning Administrator. He also informed the Board that the one acre that was assessed to build a home on, according to the zoning ordinance he can not build a home on his property. Mr. Jeff Richardson was present to help explain what the Blue Ridge Mass Appraisal Company did. He stated the company pulled one acre and indicated it should be a home site and took the other six acres and applied to land use. Mr. Richardson was unaware of how many citizens the company assessed this way and if the company knew the zoning ordinance or not. Mr. Richardson will review the land use policy and try to have this matter resolved.

Jeff Richardson reported to the Board that Honorable Joe Johnson informed him that the Machinery & Tools legislation, which would potential cost the County about \$700,000, failed to pass the House and Senate.

Earl McClure stated that the assessment company works for the Board and the Board can tell them how to work. He inquired if the Board was going to tell the citizens how much they are going to pay for the properties that the Board are having a public hearing on later in the meeting.

Chairman Clark closed citizen's time at 4:50 p.m.

NEW BUSINESS

Mrs. Sally Morgan discussed the Budget Committee recommendation to adopt the following Resolution of Support for Emory & Henry College:

Resolution

WHEREAS, Smyth County is currently faced with serious economic challenges, including an unemployment rate of over 11 percent, declining population, and a stagnant tax base; and

WHEREAS, Emory & Henry College is proposing to establish a Doctorate of Physical Therapy (DPT) program, in partnership with Mountain States Health Alliance, at the Smyth County Community Hospital property that will be vacated when the new hospital is completed; and

WHEREAS, Smyth County recognizes the tremendous positive impact that this development will have on the local economy by bringing in an influx of students and faculty that will spend money in the community; and

WHEREAS, Emory & Henry College has requested \$1,742,245 in grant funds from the Virginia Tobacco Indemnification and Community Revitalization Commission to help toward the funding of building improvements, equipment purchases, and other associated costs of implementing the DPT program; and

WHEREAS, the Board of Supervisors agreed on October 26, 2010 to request an amendment to the Smyth County Enterprise Zone to include the current hospital property, and subsequently, a letter of support dated December 20, 2010 was submitted to the college for inclusion in the grant application, and

WHEREAS, the Board understands that although this project is not a Tobacco Region Opportunity Fund (TROF) application that the grant award may be subject to a performance agreement similar in nature to those required under the TROF program.

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors wholeheartedly supports Emory and Henry College in its efforts to bring the proposed physical therapy program and any other educational opportunities to Smyth County, and

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors will execute a performance agreement, or authorize the Smyth County Industrial Development Authority to execute a performance agreement, if necessary for the project, and

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors requests that the Tobacco Commission give favorable consideration to the grant request.

Approved by the Smyth County Board of Supervisors, February 8, 2011

Dr. Chris Qualls was present to represent Emory & Henry College.

After discussion, Supervisor Blevins motioned to adopt the resolution of support for Emory & Henry College. Supervisor Call seconded the motion, and the motion passed with the following vote:

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

Mr. Charlie Harrington, Emergency Management –

(a) Explained the Nixel Program; a program for weather and news emergencies that you may receive on your cell phone or through email. The Towns of Marion and Chilhowie are currently using this program. Mr. Harrington wanted to offer the program, at no cost, to the County. With having this program included in Smyth County's Emergency Operations Plan, it helps us be in compliance with the ADA requirements. He requested having the newspaper help with notifying the citizens about the program. Supervisor Blevins motioned to approve the County participate in the Nixel Program. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES:	7
NAYS:	0

(b) Explained about an educational program, Storm Ready. This program gives citizens the opportunity to attend, at no cost, a "Storm Watch" class, taught by meteorologists from Blacksburg, and become sky watchers. An application would have to be filed to make sure requirements are met. If approved, the County would receive Storm Ready Community signs. Supervisor Blevins motioned to approve the Storm Ready program. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

(c) Requested the Board appoint Ms. Sara Harrington as Deputy Emergency Coordinator. She currently works part-time as a dispatcher and is employed by the EMS Counsel as a Field Representative. Also Mr. Harrington requested the Board to appoint Mr. Ken Heath as Public Communication Officer. These appointment requests are at no expense to the County and are to show creditability and safety for the citizens. Supervisor Davidson mentioned that these would have to go before the Appointment Committee.

Mr. Carter thanked Mr. Harrington for all that he does to his serve the citizens of Smyth County during emergencies.

Mr. Mike Carter, County Administrator, introduced the County Administrator's Office. He reported to the Board that Mr. Scott Simpson was the new Assistant County Administrator and Mrs. Lisa Richardson's new Human Resource position. Mrs. Pam Testerman and Ms. Angie Cockerham informed the Board of their duties in the office.

CLOSED SESSION

At 5:23 p.m. Supervisor Davidson motioned 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 pervious announcement being made, and **A.7** Legal counsel consultation and staff briefings; discussion on potential litigations. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to the 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.

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

AYES: 7
NAYS: 0

PUBLIC HEARING – Property Acquisition

At 5:58 p.m. Chairman Clark 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 January 29, and February 5, 2011. Mr. Carter also read the Board's rules of procedures for public hearings:

NOTICE OF PUBLIC HEARING

The Board of Supervisors of Smyth County, Virginia will conduct a **Public Hearing at the Office of the Board at 121 Bagley Circle, Suite 100, Marion, Virginia on Tuesday, February 8, 2011, at 5:30 p.m.** to consider the acquisition of two (2) parcels of land which are described hereafter.

The reason for these required acquisitions is an Order of the Circuit Court of Smyth County to renovate and expand the Smyth County Courthouse, and under this Order it is necessary for the County to provide a large number of parking spaces, and the only reasonable solution is to build a parking garage or parking deck in close proximity to the Smyth County courthouse. In fulfilling this requirement, the only feasible location is on the property described hereafter.

The County proposes to acquire land owned by two landowners. These parcels are described as follows: Parcel # 1: A tract of land, and improvements thereon, composed of two (2) lots, which is located on the south side of Strother Street, with a street address of 110 Strother Street, Marion, Virginia. This property was acquired by Mark Fenyk, et ux, and is now owned by Mark Fenyk, by virtue of a deed dated July 28, 1993 and of record in the Clerk's Office of the Circuit Court of Smyth County, Virginia in Deed Book 441, Page 296. These two lots are identified on the Tax Maps of Smyth County as Lot # 190-88-60A and 190-88-60 & 61B. Reference is made to this deed, a GIS plat, and the County Tax Maps for a description of the lots sought to be acquired.

Parcel # 2: A tract of land, and improvements thereon, composed of a large lot, which is located on the east side of Church Street, with a street address of 115 North Church Street, Marion, Virginia. This property was acquired by Mount Rogers Community Mental Health and Mental Retardation Health Services Board, and is now owned by this Board, by virtue of a deed dated June 27, 1986 and of record in the Clerk's Office of the Circuit Court of Smyth County, Virginia in Deed Book 362, Page 688. This lot is identified on the Tax Maps of Smyth County as Lot # 190-88-61C. Reference is made to this deed, a GIS plat, and the County Tax Maps for a full description of the lot sought to be acquired.

This hearing is held pursuant to § 15.2-1903 and § 15.2-1901, *et seq.*, of the Code of Virginia, as amended. The Board of Supervisors of Smyth County believes that this land is necessary for public use and the purpose of this hearing will be to consider the direction of the Board to acquire this property for public use by condemnation or other means. This property will be used for the construction of a parking deck to serve the Smyth County Courthouse and the offices of the County located therein and employees from other locations.

At this Public Hearing, which will be held on **Tuesday, February 8, 2011, at 5:30 p.m. at the office of the Board, 121 Bagley Circle, Suite 100, Marion, Virginia,** and subject to the rules of procedure of the Board of Supervisors, any citizen may appear and state his or her views on this issue and acquisition. A copy of the deeds to both of the Tracts described above and a GIS location map, are available at the office of the Board of Supervisors at 121 Bagley Circle, Suite 100, Marion, VA 24354 and may be viewed during business hours Monday through Friday 8:30 a.m. to 4:30 p.m.

There were an estimated 6 citizens present and the following spoke:

Earl McClure questioned the amount of money the County was going to pay for the properties. Mr. Tate explained the County was in negotiations and could not disclose the amounts. Mr. Tate advised him to ask about the appraisal values on the properties. Mr. McClure asked and Mr. Carter informed him that Parcel #1 Fenyk Building was appraised for \$130,000 and Parcel #2 Mount Rogers Community Mental Health and Mental Retardation Health Services Board Building was appraised for \$365,000.

Charles Wassum, inquired if the money to purchase the properties was included in the \$5 million dollars already borrowed. Mr. Carter informed him that the money was included.

Ron Blevins, inquired about the assessed value of the properties. Mr. Carter obtained this information and informed Mr. Blevins that the Mount Rogers Community Mental Health and Mental Retardation Health Services Board Building was assessed at \$179,500 and the Fenyk Building was assessed at \$72,500 for the building and \$5,000 for the land.

Chairman Clark closed the public hearing at 6:08 p.m.

Mrs. Sally Morgan –

(a) Consideration of grant agreement from the Tobacco Commission for the Mega-Site Planning Project:

Mrs. Morgan explained the grant of \$130,500 that the County was awarded for planning a Mega-Site. She informed the Board that a 10% match was required and the IDA agreed to fund the match. The grant funds will be used at this time to hire a consulting firm to help identify sites, and if a site is selected there will be additional funding opportunities. Supervisor Call mentioned that if it is available to the County, why not use it to help the County. Supervisor Call motioned to accept the grant agreement contingent upon receiving a letter from the Tobacco Commission.

(b) Update on proposed Community Development Block Grant project - Allison Gap Housing Rehabilitation Project and schedule public hearing for March 8 Board meeting:

Mrs. Morgan explained that there has been a door to door survey performed of about 28 households in the area. The grant will consist of about \$17,000 to provide repairs to qualified homes. Mr. Earl McClure inquired about requiring local contractors to perform the repairs. Mrs. Morgan stated that the Department of Housing issues the bid guidelines. Supervisor Davidson stated if possible to include local contractors are welcome to bid. Supervisor Call motioned to set a public hearing for March 8, 2011 at 3:00 p.m. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. John Tate –

With the recommendation of Mr. John Tate, County Attorney, the following tax refund requests by the Commissioner of Revenue were approved:

Supervisor Call motioned to approve a 2010 Personal Property tax refund for **Lexus Financial Services** (Attn: Karin Caro, 19001 South Western Ave., Torrance, CA 90509) in the amount of **\$333.00** for personal property tax relief that was not applied to a 2009 Lexus IS250. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Carter informed the Board that he had received the hard copy of the last four years of the audit for Smyth-Wythe Airport Commission. He also informed them that the Town of Marion unanimously appointed Mr. Billy Dungan to Smyth-Wythe Airport Commission. With the Town of Marion's appointment, Mr. Dungan will be the joint representative to the Commission.

Committee Recommendations:

Budget

(a) Mr. Carter explained that Wythe County Joint IDA will finance the funds and prepare a Moral Obligation agreement for the Counties and Towns. The payback of the funds will be over 10 years and start with the 2012 budget year. He also informed the Board that he was meeting with Wythe County Administrator on Thursday to discuss changes that Mr. Tate and he had to the agreement. With the Budget Committee recommendation, the Board approved the Moral Obligation agreement contingent upon the changes by Mr. Tate and Mr. Carter. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

(b) With the Budget Committee recommendation, the Board approved authorizing the Treasurer in consultation with the Commissioner of Revenue to issue a tax refund in an amount not to exceed \$250. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

(c) Discussed earlier in the meeting by Mrs. Sally Morgan

(d) With the Budget Committee recommendation, the Board approved and appropriated \$109,682.33 for four (4) vehicles for the Sheriff's Department and approved Mr. Carter to sign the checks when the vehicles are ready. The vote is as follows:

AYES: 6
NAYS: 0
ABSNET: Dishner

\$81,000.00 (001-021070-5408)
\$28,682.33 (744-010000-9003)

Water and Sewer

Mr. Simpson explained the following recommendations:

(a) With the Water and Sewer Committee recommendation, the Board accepted the adjusted low bid from Central Builders in the amount of \$237,775 for the construction of the Porter Valley Road Water Main Extension project, with the contractor's acceptance of a change order to eliminate 1800 ft of dead end water main line and other miscellaneous appurtenances with out reducing the number of beneficiaries. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Simpson informed the Board that \$100,000 would come from a Mt. Rogers Planning grant and the remaining \$143,000 is currently in the 2010-2011 budget.

(b) With the Water and Sewer Committee recommendation, the Board accepted the low bid from Boggs Municipal Services in the amount of \$167,999 for the construction of the final development of the Dix Well #2 contingent upon Mt. Rogers Planning transferring \$90,000 from the Burgess Hollow, Goodpasture Hollow, and Highway 16 project. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Simpson informed the Board that the Burgess Hollow, Goodpasture Hollow, and Highway 16 projects were unable to receive additional funding. He also informed the Board that Mt. Rogers Planning will be voting on the transfer at their March 3, 2011 meeting.

(c) With the Water and Sewer Committee recommendation, the Board approved a leak adjustment for Ms. Wanda McGlocklin's water bill (6215 Maxwell Lane, Atkins, VA). Mr. Simpson explained to the Board that sufficient evidence of the leak was obtained. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

(d) With the Water and Sewer Committee recommendation, the Board approved to amend the current policy to reflect a one time water leak per a revolving 12 month cycle. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

Planning Commission Recommendation

Supervisor Davidson motioned to accept the Planning Commission's recommendation to appoint Mr. Wayne Venable as the Planning Commission representative to the Mt. Rogers Planning Commission. Supervisor Blevins 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.

At the January 11, 2011 meeting; Mr. Atkins stated that Personal Property taxes were not being collected. He discussed the Treasurer's financial report showing balance of taxes not collected. Supervisor Call would like a Delinquent Tax Committee meeting set to discuss further.

At the February 8, 2011 meeting; Supervisor Roscoe updated the Board on committee meeting on February 1, 2011.

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee **6-13-06**).
3. 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)**.
4. 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)**.

OLD BUSINESS (continued)

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.

At the January 11, 2011 meeting; Mr. Williams reported to the Board that the jury trial set for December 16, 2010 was continued, and a bench trial was set for January 27, 2011.

5. Financial Discussion (2-9-10)

6. 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.

At the February 8, 2011 meeting; 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: 6
NAYS: 0
ABSENT: Dishner

7. 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.

At the December 14, 2010 meeting; Mr. Tate explained guideline in the State Code to the Board. After discussion, this item was continued.

OLD BUSINESS (continued)

At the January 11, 2011 meeting; after discussion, Supervisor Call motioned if citizen's time and approval of minutes make up the agenda for the Board or subcommittees of the Board, the meeting will be suspended until additional items of business arise. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

8. 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)**

At the February 8, 2011 meeting; Mr. Simpson explained that the bids came in well over the budgeted amount and with no additional funding, requested to allow bids to expire. He will continue to pursue funding. Supervisor Blevins motioned to remove item from Old Business list. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

9. Approve \$8,000 for Smyth-Wythe Airport's terminal upgrade. **(11-10-10)**

At the February 8, 2011 meeting; Supervisor Blevins motioned to remove this item from the Old Business list. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

10. Service Agreement between Appalachian Juvenile Commission and Smyth County. **(12-14-10)**

11. Appointment Committee Recommendations **(12-14-10)**

Area Beautification Committee Judges to serve a 1-year term:

Park District

Royal Oak District

At the February 8, 2011 meeting; Supervisor Davidson motioned to appoint Ms. Tina Henderson as the Royal Oak District representative. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Simpson informed the Board that the Courthouse Plans were sent to the Commonwealth by the time frame in the Court Order.

Chairman Clark mentioned the Evergreen Soil & Water Conservation District brunch meeting, Tuesday, March 8, 2011, 10:30 a.m. at the Sugar Grove Diner. He requested the Board members let Mrs. Testerman know if they plan to attend.

ADJOURN

At 6:59 p.m. Supervisor Blevins motioned to adjourn the meeting. Supervisor Davidson 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, February 24, 2011**. 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 (arrived 7:44 p.m.)
Darlene R. Neitch
Brenda J. Waddell

PLANNING DISTRICT MEMBERS PRESENT:

Karl Kalber, Chairman
Dennis Blevins
Graham Davidson

G. Blake Frazier
Norman Sparks
Wayne Venable

PLANNING DISTRICT MEMBERS ABSENT:

Pokey Harris

STAFF PRESENT:

Michael L. Carter, County Administrator
Scott Simpson, Assistant County Administrator
John H. Tate, Jr., County Attorney
Clegg Williams, Zoning Administrator
Becca Kirk, Administrative Assistant
Sally Morgan, Community/Economic Development
Charlie Atkins, CFO

OTHERS:

Dan Kegley, Smyth County News & Messenger

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 February 12, and February 19, 2011. 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, February 24, 2011, 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 Richard Jennings, et al, requesting an amendment to the official Zoning Map by rezoning approximately 9.81 acres located at Exit 50 on Perry Lane in Atkins from Commercial to Industrial. The Smyth County Comprehensive Plan does not identify a density range and the general usage of this property has most recently been farmland. The property is located beside 190 Perry Lane in Atkins, Virginia, and is identified as Tax Map No. 48C-6-1 and can be found in Grid Map No. 6428 of the official Zoning Map of Smyth County.

An application from Richard Jennings, et al, requesting an amendment to the official Zoning Map by rezoning approximately 112 acres located at Exit 50 on Perry Lane in Atkins 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 farmland. The property is located behind 190 Perry Lane in Atkins, Virginia, and is identified as Tax Map Nos. 48-5-1 and 48C-3-54 and can be found in Grid Map No. 6428 of the official Zoning Map of Smyth County.

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.

Others Present: Approximately 16 citizens were present including Dan Kegley with the Smyth County News & Messenger.

Richard Jennings — Application to Amend the Zoning Map: At approximately 7:08 p.m. Mr. Williams explained an application from Richard Jennings and his family to amend the zoning map for two tracts of land off Exit 50 on Perry Lane. The first tract is approximately 9.81 acres to be rezoned from Commercial to Industrial. The second tract is approximately 112 acres to be rezoned from Agricultural/Rural to Industrial. The property is identified as Tax Map Nos. 48C-6-1, 48-5-1 and 48C-3-54. Mr. Williams pointed out the pertinent sections of the ordinance for the application. He stated the applicant paid the required fee for both applications and he advertised notice of this public hearing in the Smyth County News on February 12 and 19. Additionally, he sent letters to all of the adjoining property owners for which an affidavit is on file.

Richard Jennings explained his family is in negotiations to sell the property and they see the sale as positive progress for the County. He indicated if the rezoning did not pass the negotiations would cease.

William Armstrong stated he resides at 190 Perry Lane and supported the application for rezoning. He stated individuals who purchased property and live on interchanges should not expect peace and quiet and felt this application would not impact the neighborhood anymore more than the interstate and existing industrial uses.

Earl McClure stated his opinion that the County did not have the legal right to rezone property and read Va. State Code §15.2-2200.

No one else spoke on the application.

Chairman Clark and Chairman Kalber closed the joint public hearing at 7:15 p.m.

At 7:16 p.m. the Board of Supervisors reconvened their meeting.

Committee Recommendations:

Budget

(a) Mr. Mike Carter explained that the roof at the Health Department was 30+ years old and has several patches. He informed the Board that 70% of the inside ceiling was stained from leaks. With the Budget Committee recommendation, the Board approved a \$35,000 budget amendment for repairs to the Health Department roof, as follows:

Title	Account number	Debit	Credit
Health Dept. R & M Supplies	001-043030-5407	35,000.00	
General Liability Insurance	001-011010-5308		23,000.00
Telecommunications	001-012010-5203		8,000.00
Supplemental Appropriations	001-011010-8888		4,000.00

The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

(b) With the Budget Committee recommendation, the Board approved reimbursing Wythe County \$1,517.60 out of the \$3,035.20 collected on taxes paid for airplanes housed at the Smyth-Wythe Joint Airport. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

Mr. Scott Simpson explained to the Board two capital improvements at the Sewer Treatment Plant. He reported that the County had 17.65% ownership in the plant and responsibility in improvements. Mr. Simpson explained the Ultraviolet upgrade is estimated at \$606,000 and involves an upgrade of the Ultraviolet disinfection system, biotower, and pump replacements. A portion of the County's 17.65% participation has already been met with the pre-purchase of pumps at a cost of \$68,055 and the remaining estimated \$40,000 to \$60,000 will likely be made in two lump sum payments. He also explained the Cogeneration Project upgrade is estimated at \$909,535 and involves the capture of the digester gases and their use as fuel to power a generator motor to produce electricity and pre-heat the sludge. The financing will be through a DEQ grant in the amount of \$250,000 and a 20 year low or 0% interest Loan in the amount of \$659,535. Mr. Simpson informed the Board that the County's 17.65% participation in the project is estimated at \$116,408, and depending on the timing of the project, the County will make a lump sum contribution or participate in the loan at an estimated 10-year annual payment of \$5,820. Supervisor Blevins motion to approve letter to the Town of Marion confirming the County's participation in the two Sewer Treatment Plant Capital Improvement projects. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

PUBLIC HEARING – Festival Permits and Filing Reports of Items of Personal Property for Taxation

At 7:33 p.m. Chairman Clark 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 February 12, and February 19, 2011. Supervisor Blevins motioned to forego the reading of the rules due to the same citizens present that was at the earlier public hearing and reading of the rules. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Notice of Public Hearing on Festival Permits and Filing Reports of Items of Personal Property for Taxation

The Board of Supervisors of Smyth County will hold a **Public Hearing on February 24, 2011 beginning at 7:30 pm, or soon there after. This public hearing will begin with an amendment to Festival Permits in §5-97; and, continue to amend the County Code in §23-42 for a complete revision on filing of Personal Property reports to the Commissioner of Revenue for objects of taxation.**

This hearing will be held at the meeting room of the Board of Supervisors at 121 Bagley Circle, Marion, Virginia, beginning at 7:30pm, or soon there after, on February 24, 2011 for the purpose of considering these amendments to the Smyth County Code, and as described herein, and to make revisions as described herein in the Smyth County Code.

Purpose: Amendment to Chapter 5 of the Smyth County Code, Amusements, Article III, Musical and Entertainment Festivals – To amend the nonrefundable fee to an amount of \$200.00 from the present fee of \$75.00.

Purpose: Amendment to Chapter 23, Finance and Taxation, Article III – Property Tax of the Smyth County Code, §23-42, to re-write 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 rewriting of §23-42 to permit “filing by exception” for existing vehicles and other objects of taxation of personal property and machinery and tools.

The Board of Supervisors proposes to adopt the amendments outlined herein, and to amend the Smyth County Code to accomplish the purposes of these proposed changes. A summary of each proposed revision is set out herein, and further information is available to the public. The proposed amendments which are outlined herein will be considered at this public hearing, and a full copy of each of these proposed amendments is available at the office of the Board at 121 Bagley Circle, Suite 100, Marion, Virginia during business hours on Monday through Friday.

At this Public Hearing, and subject to the Rules of Procedure of the Board of Supervisors, any citizen may appear and state his or her views on the proposed changes to the County Code.

There were an estimated six citizens present with no one speaking.

Mr. Jeff Richardson, Commissioner of Revenue explained the following revision to the County Code:

Chapter 23 Finance and Taxation; Article III. Property Tax

Section 23-42. Penalty and interest for failure to file return of tangible personal property, machinery and tools, and merchant's capital

~~(a) There shall be a penalty of \$10.00 for failure to file a return of taxable tangible personal property, machinery and tools, and merchant's capital, if such return is not filed by May 1 of each tax year; provided that such penalty shall be reduced to the amount of the tax due, if the amount of such tax due is less than \$10.00, and the penalty therefor shall be in an amount equivalent to the amount of the tax on any sum of tax of less than \$10.00.~~

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~~(a) The annual return of taxable tangible personal property and mobile homes for the County shall be filed with the Commissioner of Revenue for the County on or before the 1st day of May of each year, except as stated in Subsections (d) and (e).~~

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~~(b) The annual return of taxable merchant's capital, machinery and tools, furniture, and fixtures employed in a business or trade for the County shall be filed with the Commissioner of Revenue for the County on or before the 1st day of May of each year.~~

~~(c) A penalty for failure to file such return as required in herein is assessed at the rate of 10% of the tax assessable or due on such property or \$10, whichever shall be the greater.~~

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~~(d) Notwithstanding the provisions of §23-42 (a) Smyth County provides for an alternative method of filing personal property tax returns for motor vehicles, trailers and boats. Such motor vehicles, trailers and boats may be assessed annually based on a previous personal property tax return filed by the owner or owners of such property or failed to file and were assessed by the Commissioner of Revenue. For those whose name or address have not changed since a previous filing and whose personal property has had no change in status or situs, the assessment and taxation of property shall be based on a personal property tax return previously filed with Smyth County, which hereby adopts this alternative method of filing as permitted in 58.1-3518.1 of the Code of Virginia.~~

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~~(e) Such owner or owners of motor vehicles, trailers and boats must file a new personal property tax return whenever there is:~~

~~(1) A change in the name or address of the person or persons owning such taxable personal property;~~

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~~(2) A change in the situs of personal property;~~

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(3) Any other change affecting the assessment or levy of the personal property tax on motor vehicles, trailers or boats for which a tax return has been filed previously; or

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(4) Any change in which a person acquires one or more motor vehicles, trailers or boats and for which no personal property tax return has been filed.

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_____(f**b**) The penalty imposed by this section shall attach to the filing of the tax return at any time after May 1 in each calendar year.

_____(g**e**) The penalty imposed by this section, when assessed, shall become a part of the tax due on such return.

_____(h**d**) The penalty imposed by this section shall bear interest at the rate of ten percent from the date of assessment thereof.

_____(i**e**) A taxpayer shall not suffer a penalty or interest if the failure to file a return is not the fault of the taxpayer. The commissioner of the revenue of the county, or his duly appointed representative, shall determine whether or not the failure to file was the fault of the taxpayer. In any instance where the commissioner determines that no such fault exists, he shall report, in writing, such determination to the Board of Supervisors, outlining the reason no such penalty applies.

He requested the Board make this revision retroactive to January 1, 2011.

Chairman Clark closed the public hearing at 7:40 p.m.

Supervisor Neitch motioned to wave the Board rules and vote on the Finance section of the public hearing. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Supervisor Call motioned to adopt the following revised Chapter 23 Finance and Taxation; Article III. Property Tax, §23-42 Penalty and interest for failure to file return of tangible personal property, machinery and tools, and merchant's capital, of the Smyth County Code and make it retroactive to January 1, 2011. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Chapter 23 Finance and Taxation; Article III. Property Tax

Section 23-42. **Penalty and interest for failure to file return of tangible personal property, machinery and tools, and merchant's capital**

(a) The annual return of taxable tangible personal property and mobile homes for the County shall be filed with the Commissioner of Revenue for the County on or before the 1st day of May of each year, except as stated in Subsections (d) and (e).

(b) The annual return of taxable merchant's capital, machinery and tools, furniture and fixtures employed in a business or trade for the County shall be filed with the Commissioner of Revenue for the County on or before the 1st day of May of each year.

(c) A penalty for failure to file such return as required in herein is assessed at the rate of 10% of the tax assessable or due on such property or \$10, whichever shall be the greater.

(d) Notwithstanding the provisions of §23-42 (a) Smyth County provides for an alternative method of filing personal property tax returns for motor vehicles, trailers and boats. Such motor vehicles, trailers and boats may be assessed annually based on a previous personal property tax return filed by the owner or owners of such property or failed to file and were assessed by the Commissioner of Revenue. For those whose name or address have not changed since a previous filing and whose personal property has had no change in status or situs, the assessment and taxation of property shall be based on a personal property tax return previously filed with Smyth County, which hereby adopts this alternative method of filing as permitted in 58.1-3518.1 of the Code of Virginia.

(e) Such owner or owners of motor vehicles, trailers and boats must file a new personal property tax return whenever there is:

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(1) A change in the name or address of the person or persons owning such taxable personal property;

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(2) A change in the situs of personal property;

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(3) Any other change affecting the assessment or levy of the personal property tax on motor vehicles, trailers or boats for which a tax return has been filed previously; or

(4) Any change in which a person acquires one or more motor vehicles, trailers or boats and for which no personal property tax return has been filed.

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_____(f) The penalty imposed by this section shall attach to the filing of the tax return at any time after May 1 in each calendar year.

_____(g) The penalty imposed by this section, when assessed, shall become a part of the tax due on such return.

_____(h) The penalty imposed by this section shall bear interest at the rate of ten percent from the date of assessment thereof.

_____(i) A taxpayer shall not suffer a penalty or interest if the failure to file a return is not the fault of the taxpayer. The commissioner of the revenue of the county, or his duly appointed representative, shall determine whether or not the failure to file was the fault of the taxpayer. In any instance where the commissioner determines that no such fault exists, he shall report, in writing, such determination to the Board of Supervisors, outlining the reason no such penalty applies.

Adopted February 24, 2011, retroactive January 1, 2011

CLOSED SESSION

At 7:43 p.m. Supervisor Call motioned to invite Dr. Mike Robinson and Dr. Jeff Cassell, Smyth County School Board, to stay for Closed Session and 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, and **A.7** Legal counsel consultation and staff briefings; discussion on potential litigations. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Upon returning to the 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.

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

AYES: 7
NAYS: 0

Supervisor Call motioned to accept Mt. Rogers Community Mental Health and Mental Retardation Health Services request for \$400,000 to purchase the property at 115 North Church Street, Marion, contingent upon a clear title search and signed agreement. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 5 Call, Davidson, Dishner, Waddell, Clark
NAYS: 1 Blevins
ABSTAIN: 1 Neitch, member of the Mt. Rogers Mental Health Board

Supervisor Davidson motioned to allow Mr. Carter negotiate with Mt. Rogers Community Mental Health and Mental Retardation Health Service Board to lease the building. Supervisor Call seconded the motion, and the motion passed with the following vote:

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

Mr. Simpson explained that he had received the agreement from Thompson & Litton on the Parking Structure. Thompson & Litton fees will be \$145,493 plus not to exceed \$1,950 of reimbursable expenses. Mr. Simpson reported the funds are in the Courthouse Project funds. With the Courthouse Committee recommendation, the Board approved the execution of the agreement. The vote is as follows:

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

Mr. Tate informed the Board he was Chairman of the Senior Lawyer Society and the Society has the opportunity to give away Oak trees from the VA Department of Forestry. If anyone would like some trees to let Mrs. Testerman know by Tuesday, March 1, 2011. He will delivery the trees at the Administrator's Office on March 9th or 10th.

ADJOURN MEETING

At 8:35 p.m. Supervisor Neitch motioned to adjourn meeting. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

The Smyth County Board of Supervisors held its regular March meeting at 12 noon, **Tuesday, March 8, 2011**. 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
Darlene R. Neitch (arrived at 12:08 p.m.)
Brenda J. Waddell

STAFF PRESENT:

Michael Carter, County Administrator
Scott Simpson, Assistant County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Charlie Atkins, Financial Officer
Kenny Lewis, Deputy Sheriff

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

With a quorum present, Chairman Clark called the meeting to order at noon Mr. Andy Overbay gave the invocation and Mrs. Becca Kirk led the pledge of allegiance.

ADOPTION OF AGENDA

Supervisor Blevins motioned to adopt the agenda, with one omission, and the 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, February 8, 2011
Thursday, February 24, 2011

Supervisor Blevins motioned to approve the minutes for the February meetings, with grammatical corrections by Mr. John Tate. Supervisor Call seconded the motion, and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Neitch

Mr. Charlie Atkins reported that he spoke with Debbie Schwartz, Chief Deputy Treasurer and there were sufficient funds for the requested appropriations.

PAYMENT OF COUNTY INVOICES

Supervisor Blevins motioned to approve \$5,150,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,040,000.00
Social Services (March 9 - 31, 2011)	\$ 350,000.00
(April 1 - 12, 2011)	\$ 60,000.00
Schools - Operating Fund	\$3,500,000.00
Debt and Capital Outlay	\$ 200,000.00

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

AYES: 6
NAYS: 0
ABSENT: Neitch

Supervisor Blevins motioned to approve the following Courthouse Project appropriations:

Courthouse Project	\$44,416.80
--------------------	-------------

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

AYES: 6
NAYS: 0
ABSENT: Neitch

Supervisor Blevins motioned to approve the accounts payable listing in the amount of \$337,923.68. Supervisor Call seconded the motion and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Neitch

CITIZEN'S TIME

There were an estimated four (4) citizens present, the following spoke:

Stacy Ely, Mt State Health Alliance, presented the Board with information about Emory & Henry signing an agreement with Smyth County Community Foundation to provide \$500,000 for the Doctor of Physical Therapy Program in Marion.

Wiley Colley, Thomas Bridge Road, his neighbor has been cutting shale and has come over onto his property, and Mr. Colley would like his property fixed. The VA Department of Mines Minerals and Energy has placed a stop order on the cutting. Mr. Colley inquired if the VA Department of Mines Mineral and Energy does not require his property fixed will the County be responsible for requiring his neighbor to fix his property. Supervisor Call informed Mr. Colley if the VA Department of Mine Minerals and Energy is involved, they will require his property to be fixed.

Chairman Clark closed citizen's time at 12:44 p.m.

NEW BUSINESS

First Fruits Beverage Company

Mike Carter reported to the Board his visit to the First Fruits Beverage Company facility. He introduced Mr. Roger Catarino, President and Ms. Teresa Harless, Vice President HR & PR. Mr. Catarino informed the Board how First Fruits is a Christian-based business that gives a portion of their profits to local and global charities. He explained the packing process and informed the Board of the products they package. Mr. Catarino mentioned they do ship to local vendors. Ms. Harless invited the Board to come by and take a tour of the facility.

Porter Valley Waterline Extension Project contract

Scott Simpson discussed the Porter Valley Waterline Extension Project contract with the Board. He informed the Board of the \$100,000 grant and \$137,775 in budget to cover the contract. After discussion, Supervisor Blevins motioned to approve contract. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Representative and Alternate to the Crooked Road Board of Directors

This item was referred to the Appointment Committee. Chairman Clark suggested Mr. Ron Thomason, Tourism Director.

Committee Recommendations:

Building and Grounds

Supervisor Blevins inquired how to enforce making facilities and vehicles tobacco free. Mr. Carter explained the process will have to be done in steps, this recommendation being the first, as well as establishing an area for employees to go. Supervisor Davidson stated that industries and restaurants have policy with penalties. With the Building and Grounds Committee recommendation, the Board approved to make all County facilities and vehicles tobacco free. The vote is as follows:

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

Surplus

(a) The Board continued this issue to declare 7 acres on Chestnut Ridge Road surplus to give Mr. Tate additional time to process the revision clause on this property.

(b) The Board agreed to set a public hearing on April 12, 2011 at 6:00 p.m. for public awareness on 13 acres in the Brown Subdivision area along with the 7 acres in item (a).

(c) With the Surplus Committee recommendation, the Board approved declaring four Sheriff Department vehicles surplus. The vote is as follows:

AYES: 7
NAYS: 0

CLOSED SESSION

At 1:07 p.m. Supervisor Dishner motioned to invite Sheriff Bradley to stay for Closed Session and 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, and **A.7** Legal counsel consultation and staff briefings; discussion on potential litigations. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to the open meeting, Supervisor Dishner motioned 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 Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Planning Commission Recommendation

Mr. Clegg Williams updated the Board as to the Planning Commission's recommendation. With the Planning Commission recommendation, Supervisor Blevins motioned to accept the recommendation to approve Richard Jennings's applications to rezone approximately 9.87 acres from Commercial to Industrial and approximately 112 acres from Agricultural/Rural to Industrial. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSTAIN: 1 Waddell (Conflict of Interest)

Additional language to §9.1 of the Zoning Ordinance

Supervisor Davidson motioned to request taking before the Planning Commission additional language to insert in § 9.1 of the Zoning Ordinance: "classifications of property". Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

The resulting amendment would read; "Whenever public necessity, convenience, general welfare or good zoning practice require, and subject to the procedures and requirements set forth in Section 15.2-2285 and 15.2-2286 of the Code of Virginia, 1950, as amended, the regulations restrictions, district boundaries, and **classifications of property** established by the Ordinance may be amended, supplemented, changed or repealed by ordinance adopted by the Board of Supervisors."

Committee Recommendations:

Appointment

With the Appointment Committee recommendation, the Board appointed Ms. Sara G. Harrington as the Deputy Emergency Services Coordinator and Mr. Ken Heath as the Public Information Officer. The vote is as follows:

AYES: 7
NAYS: 0

Ordinance

With the Ordinance Committee recommendation, Supervisor Dishner motioned to set a public hearing on April 12, 2011 at 5:30 p.m. to delete Section 14-69, Organization exempt from permit fees, from the Smyth County Code and to restructure the fee schedule of building fees. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Set a Public Hearing for VDOT's Six-Year Road Plan

Mr. Carter explained that Mr. Matthew Cox with VDOT contacted him concerning Smyth County's Six-Year Road Plan. Mr. Carter informed the Board that a public hearing needed to be set to review the plan. Upon the request of Mr. Cox, Supervisor Blevins motioned to set the public hearing on April 12, 2011 at 5:00 p.m. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mount Rogers Community Mental Health Service Board

After review, Supervisor Blevins motioned to approve the Agreement of Sale and Purchase between Smyth County and the Mount Rogers Community Mental Health and Mental Retardation Service Board. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSTAIN: Neitch (member of the Mt Rogers Mental Health Board)

Resolution in Support of "Back of the Dragon"

Chairman Clark explained that Tazewell County Tourism Committee contacted the Smyth County Tourism Committee to support a motorcycle and sports car enthusiast trail located along Route 16 between Frog Level in Tazewell County and Marion in Smyth County. The trail is to be named "Back of the Dragon", due to the three mountains you see along the trail that looks like the three humps on a dragon's back. After discussion, Supervisor Blevins motioned to adopt the following Resolution in Support:

RESOLUTION IN SUPPORT OF "BACK OF THE DRAGON"

WHEREAS, outdoor recreation has been recognized as a key component of Southwest Virginia's economy; and the Back of the Dragon is one of Tazewell County's newest outdoor recreation initiatives; and

WHEREAS, located along Route 16 between Frog Level in Tazewell County and Marion, in Smyth County, Virginia, the Back of the Dragon is 32 miles of "knee-draggin'" excitement for motorcyclists and exhilarating adventure for sports car enthusiasts;

WHEREAS, a similar trail located in Deals Gap, North Carolina called the “Tail of the Dragon” which is only 11 miles has generated economic growth by creating lodging, restaurants and entrepreneurial opportunities; and

WHEREAS, the Back of the Dragon trail has potential to create entrepreneurial opportunities, create new jobs, and increase tourist visitation;

WHEREAS, in 1934, the General Assembly named portions of Route 16 as the “B.F. Buchanan” roadway and this designation shall not affect any other designations heretofore or hereafter applied to this highway or any portions thereof;

WHEREAS, Route 16 has the basic infrastructure needed for a great ride already in existence and has been unofficially dubbed as “Back of the Dragon” by many local motorcyclists because of the three “humps” of a dragon’s back (mountains) and the 15-mile per hour curves; and

WHEREAS, Route 16 has been promoted in magazines such as BMW, an international motorcycle periodical and has the potential to draw international visitors to the region; and

WHEREAS, the portion of the route to be named “Back of the Dragon” crosses jurisdictional boundaries into Smyth County and Smyth County has agreed to partner with Tazewell County to promote Back of the Dragon; and

WHEREAS, this roadway is already designated as a Virginia Byway (occurred in 2000) and is signed accordingly and has been verified with the Virginia Department of Transportation District staff and no further action is needed for the Byway designation; and

WHEREAS, Special events called Back of the Dragon Days are being planned. One of these events is being held in conjunction with Southwest Regional Recreation Authority and National Trail Days on June 4, 2011 at Historic Crab Orchard Museum to generate revenue;

WHEREAS, the Smyth County Tourism Association has been given authorization to utilize the official logo for “Back of the Dragon” which is in the process of being trademarked by a local entrepreneur; and

WHEREAS, the Smyth County Board of Supervisors (Smyth County) pledges its consideration to pay for the cost of the signage, pursuant to Virginia Code Section 33.1-12 (4); and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Smyth County, Virginia hereby officially requests the Virginia Commonwealth Transportation Board to designate Route 16 as “Back of the Dragon” along the course as mentioned to enhance growth and tourism opportunities in Southwest Virginia.

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

AYES: 7
NAYS: 0

Chairman Clark informed the Board and staff that on Monday, March 14, 2011 at 6:00 p.m. at the Chilhowie Town Hall. Mr. Todd Christianson will present the design of the Heartwood facility and discuss the plans for the facility. Chairman Clark also informed the Board and staff that in May they will be invited to tour the Heartwood facility.

PUBLIC HEARING – Property Acquisition

At 3:00 p.m. Chairman Clark 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 February 26, 2011. Mr. Carter also read the Board's rules of procedures for public hearings:

Public Hearing Notice

The Smyth County Board of Supervisors will hold a public hearing to solicit public input on the proposed Community Development Block Grant (CDBG) application to be submitted to the Virginia Department of Housing and Community Development for the proposed Allison Gap Housing Rehabilitation Project – Phase I - Lick Skillet Rd. The public hearing will be held on Tuesday, March 8, 2011 at 3:00 p.m. in the Board of Supervisors Meeting Room at the Smyth County Office Building, 121 Bagley Circle, Marion. Residents of the project area are encouraged to attend.

A draft CDBG application will be presented for comment along with information on projected beneficiaries, number of low and moderate-income residents to benefit from the project, and plans to minimize displacement. Citizens also will be given an opportunity to comment on Smyth County's past use of CDBG funds. A fact sheet on the proposed project is available at the Smyth County Administrator's office at the Smyth County Office Building, 121 Bagley Circle, Suite 100, Marion, VA. Comments or questions can be submitted in writing to the Smyth County Administrator's office at the address above or by email to ptesterman@smythcounty.org by March 7. If you plan to attend the public hearing and have any special needs requirements, please call 276-783-7000, Ext. 223.

There were an estimated 15 citizens present and the following spoke:

Brenda Fritts, spoke on behalf of her mother, Vergie Whitt, and that her mother's home needs repairs as well as a handicap ramp built. They would appreciate any help.

Dave Barrett, Mt Rogers Planning District, explained the project and guidelines. He informed the Board that \$485,000 was an estimated cost for the project. Mr. Barrett stated the Board would need to adopt a resolution for the 100% grant application for this cost. Additional, he informed the Board that it would be looked upon more favorable if they considered a local match. Mr. Barrett reported that Mrs. Sally Morgan stated there was \$15,000 in the budget from a previous project that could be used as the local match.

Lynn McKinney, Mt Rogers Planning District, informed the Board that she had talked with the citizens of the area. She thanked the Board and the citizens for their support of this project.

June Harris, wanted to make sure that someone checked the contractors repairing these homes to make sure they had paid their county taxes.

David Weaver, Lick Skillet Road, since he has bought his property the value of it gone down. He can not turn his electricity on for his roof leaking on the wires. He would appreciate any help.

Robert Stevenson, had an earlier map and thought his property was to be demolished. Mr. Barrett assured him that the map was updated and his property will be repaired.

Supervisor Call stated this would lead to other phases, which is desperately needed.

Chairman Clark closed the public hearing at 3:22 p.m.

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.

OLD BUSINESS (continued)

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.

At the January 11, 2011 meeting; Mr. Atkins stated that Personal Property taxes were not being collected. He discussed the Treasurer's financial report showing balance of taxes not collected. Supervisor Call would like a Delinquent Tax Committee meeting set to discuss further.

At the February 8, 2011 meeting; Supervisor Roscoe updated the Board on committee meeting on February 1, 2011.

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee **6-13-06**).
3. 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**).
4. 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. Clegg Williams reported to the Board that a jury trial was set for December 16, 2010.

At the January 11, 2011 meeting; Mr. Clegg Williams reported to the Board that the jury trial set for December 16, 2010 was continued, and a bench trial was set for January 27, 2011.

At the March 8, 2011 meeting; Mr. Clegg Williams informed the Board that the case has been heard and is awaiting the Judges decision.

OLD BUSINESS (continued)

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

6. 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.

At the December 14, 2010 meeting; Mr. Tate explained guideline in the State Code to the Board. After discussion, this item was continued.

At the January 11, 2011 meeting; after discussion, Supervisor Call motioned if citizen's time and approval of minutes make up the agenda for the Board or subcommittees of the Board, the meeting will be suspended until additional items of business arise. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

At the March 8, 2011 meeting; Supervisor Call motioned to approve and appropriate reimbursing Board members mileage for meetings for 2010/2011, and to discuss further during the Budget process. 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 the Old Business list. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

7. Service Agreement between Appalachian Juvenile Commission and Smyth County. (**12-14-10**)

8. Appointment Committee Recommendations (**12-14-10**)

Area Beautification Committee Judges to serve a 1-year term:

Park District

Royal Oak District

At the February 8, 2011 meeting; Supervisor Davidson motioned to appoint Ms. Tina Henderson as the Royal Oak District representative. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

Supervisor Neitch motioned to amend the festival permit fee to \$200.00 in §5-97 (7) of the Smyth County Code, and make it effective as of March 1, 2011. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

The resulting amendment would read:

- (7) *Fee.* A non-refundable fee in the amount of \$200.00 shall be paid with each application. Mail check with *complete* application to:
Smyth County – Treasurer
Smyth County Administrator's Office
121 Bagley Circle, Suite 100
Marion VA 24354

Supervisor Call motioned to approve the Courthouse Committee to move forward on an Architect for the 911 Center. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

CONTINUED

At 3:45 p.m. Supervisor Call motioned to continued meeting until Wednesday, March 30, 2011 at 4:00 p.m. Supervisor Davidson 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 4:00 p.m., **Wednesday, March 30, 2011**. 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
Scott Simpson, Assistant County Administrator
John H. Tate, Jr., County Attorney
Sally Morgan, Community/Economic Development
Charlie Atkins, CFO
Kenny Lewis, Chief Deputy

OTHERS:

Debbie Byrd
William Miller
Lindy White, Smyth County Community Hospital
John Smith, ETSU

Mrs. Sally Morgan – Resolution – Allison Gap Housing Rehabilitation project

Mrs. Morgan updated the Board as to having the two public hearings required for the Community Development Block Grant funding application for this project. Additionally, the Board is required to adopt a resolution to be sent with the application. Mrs. Morgan informed the Board there will be repairs to 13 houses and a burned out house will be demolished. She stated the total project is \$626,579 with a \$15,000 match from the County. Supervisor Blevins motioned to adopt the following resolution:

RESOLUTION

WHEREAS, the Virginia Department of Housing and Community Development is soliciting applications for the 2011 Community Development Block Grant (CDBG) program to fund local community facilities, housing, and economic development projects, and

WHEREAS, the Smyth County Board of Supervisors has determined that there is a need and a demand for housing rehabilitation in the Allison Gap area of the County based on information from a needs assessment survey, and

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

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors wishes to apply for \$611,579 in Virginia Community Development Block Grant funds for the proposed ***Allison Gap Housing Rehabilitation Project (Phase 1 – Lick Skillet Road)*** under the Housing Rehabilitation project type, and

BE IT FURTHER RESOLVED that the project is projected to benefit thirteen (13) low and moderate income (LMI) households (35 LMI persons), and these households represent 76% of the total households in the project area and 83% of the total persons in the project area, and

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors is committing \$15,000 to the project from program income funds from a previous CDBG housing rehabilitation project, and

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

Adopted by the Board of Supervisors
March 30, 2011

Michael L. Carter

County Administrator

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

AYES: 7
NAYS: 0

Citizen's Time

There were two citizens present and spoke:

Debbie Byrd, Lee Highway, she actually is located off of Lee Highway and is requesting a physical 911 address. The emergency and utility services have had a hard time finding her when she has needed their services. Mr. Carter explained to the Board that there are at least three structures on this road and that allows for a road name. Mrs. Byrd informed the Board that there used to be a road sign up (Henningwood Lane) but was knocked down by a truck and was never replaced. She also stated she never received a 911 address change. The Board will have the 911 Coordinator research his information to see about Henningwood Lane and contact Mrs. Byrd.

William Miller, Overlook Drive, explained that he had a water leak that created an increase in his water bill as well as his sewer bill. He informed the Board that he receives water service from Thomas Bridge and sewer service from Smyth County. Mr. Miller requested an adjustment to his sewer bill to reflect a minimum bill. He stated that the water never went into the sewer line and he felt he should only have to pay a minimum bill. After discussion with Mr. William Miller concerning his sewer bill, Supervisor Davidson motioned to look at the last three months prior to Mr. Miller's water leak and obtain an average bill, and this will be the amount Mr. Miller will need to pay. Supervisor Call seconded the motion, and the motion passed with the following vote:

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

Supervisor Davidson motioned to allow staff to include language in the Water and Sewer Policy to handle this type of issue. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES:	7
NAYS:	0

Billy Dungan, Joint Commission Member, update on Smyth-Wythe Airport Commission

Mr. Dungan updated the Board as to the Commission's 2011/2012 budget request and informed them of the increase. The new terminal, clearing of trees, a used hazmat truck, update hangers, and update fuel hoses are a few items that created the increase.

Mike Carter – Line-item transfers from Engineering to County Administration

Mr. Carter explained that with hiring Mr. Scott Simpson as the Assistant County Administrator, the balance he had in salary and benefits as County Engineer needs to be transferred to County Administration for the remaining of 2010/2011 fiscal year. Supervisor Blevins motioned to approve the line-item transfers of the balances in Engineering salary and benefits to the County Administrator lines for the remaining of the 2010-2011 fiscal year. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Transfers are as follows:

	Acct number	Debit	Credit
Salaries & wages Administration	001-012010-1001	\$16,345.94	
FICA Insurance Administration	001-012010-2001	1,414.38	
Retirement VRS Administration	001-012010-2002	2,021.87	
Hospital Medical Plan Admin	001-012010-2005	5,231.33	
Grp Ins Plan Administration	001-012010-2006	231.82	
Salaries & Wages Engineering	001-081022-1001		\$16,345.94
FICA Insurance Engineering	001-081022-2001		1,414.38
Retirement VRS Engineering	001-081022-2002		2,021.87
Hospital Medical Plan Engineering	001-081022-2005		5,231.33
Grp Ins Plan Engineering	001-081022-2006		231.82
		<u>\$25,245.34</u>	<u>\$25,245.34</u>

Lindy White, Smyth County Community Hospital Economic Impact Study

Mrs. Lindy White, Smyth County Community Hospital, explained to the Board that, with the construction of the new hospital, the Bureau of Business and Economic Research at ETSU prepared an Economic Impact Study of the Smyth County Community Hospital. Mrs. White introduced Mr. John Smith with ETSU. Mr. Smith gave a powerpoint presentation on the Economic Impact Study of the Hospital.

Mrs. White informed the Board that Mountain State Health Alliance has decided to incorporate a Chemo and Infusion Service within the Hospital. She invited the Board to the April 20, 2011 at noon "Topping Off" Ceremony where the last piece of steel will be hung. Mrs. White stated the construction should be finished by mid-February 2012 with the doors opening in May. She also informed the Board that VDOT is requesting the hospital develop a traffic light at the intersection of Rifton Road and Lee Highway with a cost of \$225,000. This will be an extra cost in which they may have to come before the Board and request funding. Mrs. White gave a brief update on where Emory & Henry College is with the Tobacco Commission grant and getting ready for the use of the building at the Smyth County Community Hospital campus.

CLOSED SESSION

At 4:52 p.m. Supervisor Neitch motioned 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, and **A.7** Legal counsel consultation and staff briefings; discussion on potential litigations. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to the 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.

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

AYES: 7
NAYS: 0

Supervisor Blevins motion to authorize a title search on the Mount Rogers Community Mental Health and Mental Retardation Service Board building. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Committee Recommendations:

Budget

(a) With the Budget Committee recommendation, the Board approved and appropriated \$28,274.89 (744-010000-9003) for the purchase of a vehicle for the Sheriffs Department. Also the Board approved Mr. Carter to sign the check when the vehicle is ready. The vote is as follows:

AYES: 7
NAYS: 0

(b) With the Budget Committee recommendation, the Board approved a 3-year agreement, totaling \$12,000, with Robinson, Farmer and Cox to prepare the Cost Allocation Plan. The vote is as follows:

AYES: 7
NAYS: 0

Water/Sewer

(a) With the Water/Sewer Committee recommendation, the Board approved the Engineering Agreements with Anderson and Associates for the Lucky Lane area in the amount of \$2,000, and with the Lane Group for the Kelly Hill/Mulberry Lane area in the amount of \$2,500 to update the Environmental Assessments that are needed to apply for funding for these projects.

(b) (1) With the Water/Sewer Committee recommendation, the Board approved the Change Orders for Pioneer/Fox Valley Road Water Project:

(a) Tipton Construction Co.

- Change order #4 – reconciliation of final quantities – a credit due to the County in the amount of \$90,630.00.
- Change order #5 – adjustment of contract time for Substantial Completion – an additional 153 days due to weather and additional lines installed.

(b) Anderson and Associates

- Amendment #3 – Reconciliation of Contract Administration and Inspection - \$16,221.34

The vote is as follows:

AYES: 7
NAYS: 0

(2) With the Water/Sewer Committee recommendation, the Board approved the change orders for the Hall Addition #2 Sewer Project:

- Change order #3 – Reconciliation of Final Quantities – a credit due to the County in the amount of \$2,326.45 and an Adjustment of Contract times for Substantial Completion of 219 days due to weather and rock.
- Adams-Heath Engineering, Amendment #3 for inspection - \$1,800

The vote is as follows:

AYESL 7
NAYS: 0

(c) With the Water/Sewer Committee recommendation, the Board approved submitting the application for North Fork Water Treatment Plant Development Funding. The vote is as follows:

AYES: 7
NAYS: 0

(d) With the Water/Sewer Committee recommendation, the Board approved pursuing a property option not to exceed \$2,500. The vote is as follows:

AYES: 7
NAYS: 0

Supervisor Dishner motioned to appropriate the \$2,500 for the property option. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Any Other Business:

Mr. Simpson informed the Board that he had the contract for the Hutton Branch Well and that Mr. Jeff Campbell, Attorney has approved the contact. Supervisor Blevins motioned to execute the contract. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mrs. Sally Morgan informed the Board that she and Mr. Carter met with Peter Su, Deputy Secretary of the Commonwealth for a tour of Marion Mold and Tool. She reported that she, Mr. Carter and Dr. Robinson met with Mr. Ed Rogers and Ms. Rachel Fowlks, SWVA Higher Ed Center concerning the proposal to use property in Atkins for the Clean Energy R & D Center. Mr. Rogers and Ms. Fowlks were concerned about being far away from the Higher Ed Center. Mrs. Morgan also informed the Board that she and Mr. Carter met with Kennametal, and that they have stayed steady through the economy with 130 employees.

Mr. Carter reported that through the restructuring of VDOT, some maintenance concerns may not have been completed. He asked the Board members if they had sent maintenance concerns that were not complete to let him know and he would check on them.

ADJOURN MEETING

At 5:29 p.m. Supervisor Davidson motioned to adjourn 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 its regular April meeting at 4:00 p.m., **Tuesday, April 12, 2011**. 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

MEMBERS ABSENT:

Regina H. Davidson

STAFF PRESENT:

Michael Carter, County Administrator
Scott Simpson, Assistant County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Charlie Atkins, Financial Officer
Arthur Barker, Sheriffs Department (left at 5:14 p.m.)
Allen Miller, Deputy (arrived at 5:14 p.m.)

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

With a quorum present, Chairman Clark called the meeting to order at 4:00 p.m. Mrs. Pam Testerman gave the invocation and Mr. Mike Carter led the pledge of allegiance.

ADOPTION OF AGENDA

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

AYES: 6
NAYS: 0
ABSENT: Davidson

MINUTES OF PREVIOUS MEETINGS

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

Tuesday, March 8, 2011

Wednesday, March 30, 2011

Supervisor Blevins motioned to approve the minutes for the March meetings, with noted corrections. Supervisor Call seconded the motion, and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Davidson

Mr. Charlie Atkins reported that he spoke with Debbie Schwartz, Chief Deputy Treasurer and with the bank balance of \$10,232,885.83 on the Treasurer's Report; there are sufficient funds for the requested appropriations. Additionally, Mr. Atkins mentioned there was \$3,273,197.49 of uncollected taxes, which is a \$500,000 increase from last year.

PAYMENT OF COUNTY INVOICES

Supervisor Blevins motioned to approve \$5,941,201.26 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,825,000.00
Animal Damage Fund 3	\$ 6,201.26
Social Services (April 13 - 30, 2011)	\$ 350,000.00
(May 1 - 10, 2011)	\$ 60,000.00
Schools - Operating Fund	\$3,500,000.00
Debt and Capital Outlay	\$ 200,000.00

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

AYES: 6
NAYS: 0
ABSENT: Davidson

Supervisor Blevins motioned to approve the following Courthouse Project appropriations:

Courthouse Project	\$98,379.73
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Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

Mr. Clegg Williams reported to the Board that included in the accounts payable listing is a check to D & D Construction for \$10,384.82. He explained there was an auto/junk yard complaint that eventually had to go to court, and the court authorized the County to hire a contractor to clean the property. Mr. Williams stated that \$2,000 out of the \$10,384.82 paid to D & D Construction will be reimbursed to the County from the scrap metal sent to Berry's, and the remaining will be placed as a lien on the property.

Supervisor Blevins motioned to approve the accounts payable listing in the amount of \$1,180,628.50. Supervisor Call seconded the motion and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Davidson

CITIZEN'S TIME

There were an estimated four (3) citizens present, the following spoke:

Linda Stranskey, Project Crossroads, she stated that Project Crossroads no longer receives grants to help with projects. She requested the Board consider the impact on Project Crossroads having to charge a fee on each project with the proposed building fee restructure. She explained that Mission teams work on several different sites and having to charge them a fee for each site would impact their decision to come help Project Crossroads.

Chairman Clark closed citizen's time at 4:15 p.m.

NEW BUSINESS

Mrs. Sally Morgan introduced Mr. Karl Kalber, President; Marion Mold & Tool. Mr. Kalber stated he has been in business for 54 years, and explained the operations of his business. He introduced two key employees of Marion Mold & Tool; Mr. Jamie Yarber, Computer Programmer, Mr. Yarber explained his position of programming machines and Mr. Dean Price, Quality Control, Mr. Price explained his position of examining the such parts produced by Mr. Yarber.

Mrs. Sally Morgan informed the Board that Mr. Tom Elliott was very sick and he apologized for not being able to attend the meeting.

Dr. Mike Robinson, School Superintendent, Dr. Robinson presented and reviewed with the Board the 2011/2012 School Board Budget. After a brief discussion, Supervisor Call motioned to set a public hearing on May 10, 2011 at 4:00 p.m. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

Committee Recommendations:

Budget

(b) With the Budget Committee recommendation, the Board approved the local match of \$239 for the Byrne Justice Assistance Grant, totaling \$2,388, to purchase a ballistic blanket, and to appropriate the amount not to exceed \$2,692 (21070-8888). The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Davidson

(a) After Mr. Scott Simpson reviewed procedure and with the Budget Committee recommendation, the Board approved the following Purchase Procedure and to have it placed in the Board of Supervisors Rules of Procedure Book:

SMYTH COUNTY BOARD OF SUPERVISORS

PURCHASE PROCEDURES

Whereas the Code of Virginia under section 2.2-4303 (Chapter 43 being the Virginia Public Procurement Act) allows for a public body to establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for goods and services, other than professional services.

As defined by the Code of Virginia under section 2.2-4301;

“Professional services” means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering. "Professional services" shall also include the services of an economist procured by the State Corporation Commission.

“Nonprofessional services” means any services not specifically identified as professional services in the definition of professional services.

The following purchase procedures have been established for use when acquiring nonprofessional services if the aggregate sum of all phases is not expected to exceed \$50,000. Procurements made pursuant to these procedures do not require public bid openings or newspaper advertisements or competitively negotiated procurements. The solicitation of price quotations for goods and services are based on the following guidelines:

- **PURCHASES UNDER \$ 1,000 IN VALUE** - Purchases in this group require a minimum of one (1) price quotation. The \$1,000 applies to the total of all items purchased on an invoice. Quotations must be solicited in writing or verbally. Any quotations received shall be in writing or verbal with internal documentation.
- **PURCHASES BETWEEN \$ 1,000 AND \$ 15,000 IN VALUE** - Purchases in this group require solicitation of a minimum of two (2) offerors. Quotations must be solicited in writing or verbally. Any quotations received shall be in writing or verbal with internal documentation.
- **PURCHASES BETWEEN \$15,000 AND \$30,000 IN VALUE** - Purchases in this group require solicitation of a minimum of three (3) offerors. Quotations must be solicited in writing or verbally. Any quotations received shall be in writing.
- **PURCHASES BETWEEN \$30,000 AND \$50,000 IN VALUE** – Purchases in this group require written solicitation of a minimum of four (4) offerors. Quotations must be solicited in writing. Any quotations received shall be in writing.

The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Davidson

After Mr. Simpson reviewed procedure and with the Budget Committee recommendation, the Board approved the following Procedure for Distributing Multiple Projects Among Selected Contractors During a Contract Term and have it placed in the Board of Supervisors Rules of Procedure Book:

SMYTH COUNTY BOARD OF SUPERVISORS

PROCEDURE FOR DISTRIBUTING MULTIPLE PROJECTS AMONG SELECTED CONTRACTORS DURING A CONTRACT TERM

Whereas the Code of Virginia under section 2.2-4301 (Chapter 43 being the Virginia Public Procurement Act) allows for a contract for architectural or professional engineering services relating to construction projects may be negotiated by a public body;

Competitive negotiations for such contracts may result in awards to more than one offeror provided (1) the Request for Proposal so states and (2) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term.

The Smyth County Board of Supervisors hereby establishes the following procedures for distributing projects to selected contractors:

The order of selecting a firm for a particular project shall be made using the following guidelines:

1. Knowledge of the County's overall goals in the project area
2. Past performance on similar scopes of work within Smyth County
3. Order of ranking from initial proposals
4. Current work load or agreements in effect in Smyth County
5. Current work load on projects other than in Smyth County

Fees for services will be governed by procedures established by the participating funding agencies where applicable. Otherwise, fees for services will be negotiated on a schedule agreeable to Smyth County.

The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Davidson

Animal

With the Animal Control Committee recommendation, the Board approved and appropriated the following damage claims totaling \$688 (003-91060-5802):

Nancy Lagerholm **\$ 42.00**
5 hens & 1 rooster

Lisa Shuler **\$ 25.00**
1 pigmy goat

Travis Crutchfield **\$200.00**
1 yearling ewe

Charles Hayden **\$400.00**
2 female boar goats

John Orr **\$ 21.00**
3 chickens

The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Davidson

Personal Property Tax Refund:

With the County Attorney's recommendation, Supervisor Blevins motioned to approve a personal property tax refund to **DCFS Trust** in the amount of **\$85.85**. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

The Art League request for the 38th Annual Hungry Mother Festival Signs:

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 38th Annual Hungry Mother Festival. This year's festival will be held July 15-17, 2010. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

Committee Recommendations: (continued)

Appointment

(a) With the Appointment Committee recommendation, the Board approved reappointing Ms. Kimberly Clark as the Smyth County representative on the Virginia Highlands Community College Board. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Davidson

Ms. Clark will serve a four-year term to expire June 30, 2015.

(b) With the Appointment Committee recommendation, the Board approved reappointing Mr. Ed Stringer as the Smyth County Business representative on the New River/Mount Rogers Workforce Investment Board. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Davidson

Mr. Stringer will serve a three-year term to expire June 30, 2014.

(c) With the Appointment Committee recommendation, the Board approved Mr. Ron Thomason, 581 South Meadowlark Lane, Marion, VA 24354, as the Smyth County Representation on The Crooked Road Board of Directors. The vote is as follows:

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

Mr. Thomason will serve a one-year term from April 1, 2011 through March 31, 2012.

5:00 PUBLIC HEARING – VDOT SIX-YEAR PLAN

At 5:00 p.m. Chairman Clark 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 March 26, and April 2, 2011. Mr. Carter also read the rules of procedures for public hearings:

Joint Public Hearing Notice VIRGINIA DEPARTMENT OF TRANSPORTATION - SMYTH COUNTY BOARD OF SUPERVISORS

The Virginia Department of Transportation and the Board of Supervisors of Smyth County, Virginia in accordance with Section 33.1-70.01 of the Code of Virginia, will conduct a joint public hearing in the Board of Supervisors Meeting Room of the Smyth County Administration Building, 121 Bagley Circle, Marion, Virginia 24354 on April 12, 2011 at 5:00 p.m. The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2011/12 through 2016/17 in Smyth County and on the Secondary System Construction Budget for Fiscal Year 2011/12. Copies of the proposed Plan and Budget may be reviewed at the VDOT District Office, 870 Bonham Road, Bristol, VA 24201 and in the office of the Smyth County Administrator's Office, 121 Bagley Circle, Suite 100, Marion, Virginia 24354.

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.

In compliance with the Americans with Disabilities, persons requiring special assistance to attend and participate in this hearing should contact the Virginia Department of Transportation at (276) 669-6151, Bristol, Virginia Office, or by calling the Smyth County Administrator's Office, Marion, Virginia at (276) 783-3298. Persons wishing to speak at this public hearing should contact the Smyth County Administrator's Office at (276) 783-3298 x223.

There were an estimated six citizens present and no one spoke.

Mr. Matthew Cox, Programming Director with VDOT; discussed and answered questions on the projects listed on the Six-Year Plan.

Chairman Clark closed the Public Hearing at 5:20 p.m.

DMV Stop Program

With the Delinquent Tax Committee recommendation, Supervisor Blevins motioned to request, Mr. Tom Burkett, Treasurer to implement the DMV Stop Program to assist in receiving delinquent personal property taxes. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

Paying for Assistance in Collecting Personal Property Taxes

With the Delinquent Tax Committee recommendation, Supervisor Call motioned to allow the Treasurer to pay Davidson Tire and Kell's Trading Post, for assisting in collecting the personal property taxes due December 5, 2011, only as a one-year transition period. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

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

5:30 PUBLIC HEARING – PROPOSED ORDINANCE CHANGES & RESTRUCTURE BUILDING FEE SCHEDULE

At 5:30 p.m. Chairman Clark 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 March 26, and April 2, 2011. Mr. Carter also read the rules of procedures for public hearings:

Notice of Public Hearing on Board of Building Code Appeals Revisions and to Restructure the Building Fee Schedule

The Board of Supervisors of Smyth County will hold a **Public Hearing on April 12, 2011 beginning at 5:30 pm, or soon there after. This public hearing will begin with a revision of Chapter 14 in §14-44, time frames for appeals from a decision of the Board of Building Code Appeals; permit expiration dates on building permits under §14-68 (f) of the County Code; to omit County Code §14-69, and to restructure the Building Fee Schedule.**

This hearing will be held at the meeting room of the Board of Supervisors at 121 Bagley Circle, Room 100, Marion, Virginia, beginning at 5:30pm, or soon there after, on April 12, 2011 for the purpose of considering these amendments to the Smyth County Code, and as described herein, and to make revisions as described herein in the Smyth County Code.

Purpose: Amendment to 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 Building Code Appeals from ninety (90) days to thirty (30) days, and to amend Division 4 of the same part of the Code to eliminate rounding building permit fees before the levy is computed, to limit a permit to a total of thirty-six (36) months, and to omit organizations exempt from permit fee.

Purpose: To Restructure the Building Fee Schedule:

Permit Type	Current	Proposed
Accessory Building	.16 ft ²	.16 ft ² entire structure
Amend/Alter Permit	\$40.00	\$0.00
Carnival Rides (set by state 13VAC5-31-75)		
Kiddie	\$25.00	max by state
Adult	\$35.00	max by state
Spectacular	\$55.00	max by state
Coaster	\$150.00	max by state
Certificate of Occupancy Request	\$40.00	\$50.00
Chimney	\$40.00	\$50.00
Church	\$0.00	.16 ft ² entire structure
Communication Tower	\$40.00	\$250.00
Co-Location on Tower	\$40.00	\$50.00
Equipment Bldg.	included in above	\$100.00
Demolition	\$40.00	\$50.00
Electrical	\$40.00	\$50.00
Change Service/Miscellaneous	\$40.00	see above
Elevator	\$40.00	\$50.00
Erosion & Sediment Control	25.00 + 40.00/acre	100.00 + 25.00 per week for duration of project until permanent stabilization
Re-Inspection	\$40.00	covered by above fee
E & S Plan Reviews	\$0.00	covered by above fee
Foundation	\$40.00	\$50.00
Garage/Carport	.16 ft ²	.16 ft ²
HVAC	\$40.00	\$50.00
Local Board of Building Code Appeal	\$150.00	150.00 per decision
Manufactured Homes (single wide)	65.00 + .08 ft ² basement	.16 ft ² entire structure + \$50 per trade
Manufactured Homes (double wide)	65.00 + .08 ft ² basement	.16 ft ² entire structure + \$50 per trade
Manufactured Home (triple wide)	65.00 + .08 ft ² basement	.16 ft ² entire structure + \$50 per trade
Maximum Fee	\$4,000.00	Eliminate
Minimum Fee	\$40.00	\$50.00
Miscellaneous	\$40.00	\$50.00
Modular Homes	65.00 + .08 ft ² basement	.16 ft ² entire structure + \$50 per trade
Move Building	40.00 + .08 ft ² foundation/ basement	.16 ft ² entire structure
Non-Residential New Construction	.16 ft ²	.16 ft ² entire structure + \$50 per trade
Non-Residential Addition	.16 ft ²	.16 ft ² entire structure + \$50 per trade
Non-Residential Remodel	.08 ft ²	.16 ft ² entire structure + \$50 per trade
Plumbing	\$40.00	\$50.00
Penalty for starting without a valid permit	twice permit fee rate (Section 14-68 of County Code)	historically not enforced, willing to implement with Board's approval
Reinspect	\$40.00	historically not enforced, willing to implement with Board's approval at \$50
Renewal	\$40.00	eliminate
Roof	\$40.00	\$50.00
Sign	\$40.00	\$50.00

Smyth County Board of Supervisors
Tuesday, April 12, 2011

Single Family Dwellings - New Construction	.16 ft ²	.16 ft ² entire structure + \$50 per trade
Addition	.16 ft ²	.16 ft ² entire structure + \$50 per trade
Attached Garage	.08 ft ²	.16 ft ² entire structure + \$50 per trade
Basement	.08 ft ²	.16 ft ² entire structure + \$50 per trade
Remodel	.08 ft ²	.16 ft ² entire structure + \$50 per trade
Swimming Pool	\$40.00	\$100.00
Tanks- Install	\$40.00	\$100.00
Removal	\$40.00	\$50.00
Trade Fees: Non-Residential	All trades are covered under a "blanket permit"	\$50.00
Mechanical/Fuel	\$40.00	\$50.00
Gas	\$40.00	\$50.00
Electrical	\$40.00	\$50.00
Plumbing	\$40.00	\$50.00
HVAC	\$40.00	\$50.00
Trade Fees: Residential (includes Manufactured Homes)	All trades are covered under a "blanket permit"	\$50.00
Mechanical/Fuel	\$40.00	\$50.00
Gas	\$40.00	\$50.00
Electrical	\$40.00	\$50.00
Plumbing	\$40.00	\$50.00
HVAC	\$40.00	\$50.00
Water/Sewer Line Installation	n/a	\$50.00

A summary of each proposed revision is set out herein, and further information is available to the public. A full copy of each of these proposed amendments is available at the County Administrator's Office at 121 Bagley Circle, Marion, Virginia during business hours on Monday through Friday.

At this Public Hearing, and subject to the Rules of Procedure of the Board of Supervisors, any citizen may appear and state his or her views on the proposed changes to the County Code. In compliance with the Americans with Disabilities, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Administrator's Office at (276)783-3298.

There were an estimated five citizens and the following spoke:

Earl McClure, Chilhowie, eliminating organizations from being exempt from purchasing building permits will drive volunteers from coming to help. He stated churches should not have to pay for building fees. He asked the Board to revise the Code correctly.

Ron Blevins, Seven Mile Ford, he stated he spoke to several churches and organizations. He informed the Board that the organizations stated they will have to remove Smyth County from their charitable lists. He is against churches and organizations paying for building permits.

Ron Blevins, Chilhowie, he stated the County will stop volunteers from building handicap ramps over an \$80.00 fee.

Supervisor Neitch stated she has had several calls objecting to churches having to pay building permit fees.

Mr. Clegg Williams read what building or repair needs a building permit. He stated churches and organizations have to pay for other county services. It takes a lot of time for staff to review plans, go to the sites, inspect, and prepare reports.

Chairman Clark closed the Public Hearing at 5:46 p.m.

Richard Jennings, Marion, requested the Board to initiate the process to vacate the entire plats as Plat #2 showing W. Pat Jennings Subdivision, and to vacate Lots #54-78 and the two 50 foot streets on Plat #1 showing W. Pat Jennings Subdivision. Mr. Jennings state the Jennings family will bear the expense for this process. Supervisor Call motioned to set a public hearing on April 28, 2011 at 7:30 p.m. or soon after 7:30 p.m. to consider vacating portions of plats number 1 and 3 or the Richard J. Jennings etal estate including individual lots owned by Richard J. Jennings etal; as well as the two (2) fifty feet public streets identified on plat 1 and one (1) fifty feet public street as identified on plat 3. Also, instruct the County Attorney to have the advertisement of such public hearing to the County Administrator's office by 9:00 a.m. on April 14, 2011 to insure meeting the advertising requirements of the state code with such advertising running in the April 16, 2011 and April 23, 2011 editions of the local newspaper and to have the owner of such property reimburse the County for any and all cost incurred with the process. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

Mr. Tate, County Attorney, was concerned with not having enough time, by Thursday morning, to prepare a title search on adjoining property owners. Mr. Carter inquired if Mr. Tate would not have time to prepare the title search before the public hearing date, and if he could prepare the advertisement to be placed in the paper by the paper's Thursday morning deadline. Mr. Clegg Williams read from the Code of Virginia on public hearings.

Mrs. Sally Morgan updated the Board on the Mega-Site Selection and Planning Project. She informed the Board that she would have to set up an Over-site Committee and would like to use the Economic Development Committee of the Board. The Board agreed to use the Economic Development Committee as the Over-site Committee for the Mega-Site Selection and Planning Project.

Mrs. Sally Morgan and Mr. Scott Simpson informed the Board of the following list of projects that Mount Rogers requires from localities and that Mount Rogers may assist in the funding of the projects:

Comprehensive Economic Development Strategy (CEDS) Project List - Smyth County
April 6, 2011 **UPDATED for 2011-2012**

Project Information							Project Status				
Priority	Project Name	Description	Project Cost	Funding Sources	Outcomes/Jobs Created or Saved	Time Frame	Planning	Funded	In-Progress	Completed	Notes
Smyth County											
1	Atkins Water Source	Development of a new drinking water source for the eastern end of Smyth County and construction of a new 250,000g water tank	\$750,000	VDH	Additional water capacity for the system to support growth in the eastern corridor of I-81 and Highway 11 (residential, commercial, and industrial)	2011 - 2012	X				PER and preliminary test well location is complete. Option secured. Expect drilling to begin May 2011.
2	Lucky Lane water and sewer	Public water and sewer extension in the Hungry Mother Park area	\$1,300,000	USDA RD	Installation of this sewer system is expected to improve water quality and preserve Hungry Mother lake for future tourism.	2011	X				PER completed. Design 80% complete. Working on permits and easements. Grant application in process.
3	Hutton Branch Phase II Water Project	Public water extension in the Atkins area	\$1,738,000	USDA RD	Provide quality drinking water mostly for residences, but some small business growth potential. 150 new connections projected.	2011 - 2012	X				Final design complete. Grant application in process.
4	North Fork Holston River Water Treatment Plant	Construct a water treatment plant and distribution system to serve northwestern Smyth County	\$4,300,000	USDA RD	New water source for western Smyth County, including Saltville and Tannersville (Tazewell Co.)	2011 - 2012	X				Application to RD in progress.
5	Groseclose Sewer Project	Provide wastewater collection system for Groseclose area to support commercial and industrial development	\$850,000	EPA Tob Comm Other	Increased tax base and jobs, will allow existing businesses to expand and closed businesses to reopen	2012	X				PER Complete on alternate design. Some funding secured. Additional sources needed.
6	Exit 47 Interchange Modification Project	Will provide a safe and convenient access to proposed commercial development on southside of Exit 47	\$3.5 m	USDOT Private Developer	Increased tax base and jobs, will allow much-needed new development to occur next to I-81	2012	X				Traffic Impact Analysis Report completed. Public hearing held. FHWA has approved Interchange Modification Request.

Tobacco Free County Facilities and Vehicles

Mr. Scott Simpson reported to the Board that he spoke with Mr. Tate, County Attorney, and Mr. Tate informed him that the Attorney General stated the County may have a policy for tobacco free facilities and vehicles but enforcing the policy without an ordinance would be difficult. Mr. Simpson recommended sending this issue to the Ordinance Committee. He informed the Board that Tazewell County had this policy and he that he would contact them to obtain information on what process they took.

CLOSED SESSION

At 6:43 p.m. Supervisor Call motioned 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. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

Upon returning to the open meeting, Supervisor Call motioned 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: 6
NAYS: 0
ABSENT: Davidson

With the County Attorney's recommendation, Supervisor Blevins motioned to appropriate \$5,000 due at the closing on the Fenyk property. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

With the Courthouse Committee recommendation, Supervisor Call motioned to accept Rye Valley Investment LLC. counter offer on the discussed Harwood facility in the amount of \$230,000 payable up front. In addition, the County will provide an amount not to exceed \$50,000 for the construction of a new bridge which will provide an alternate route to the site while promoting the adjoining property. This additional amount is payable upon completion of the bridge. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

Mr. Carter explained and recommended the Board set a public hearing on the Proposed Redistricting of Smyth County. Supervisor Blevins motioned to set a public hearing on April 28, 2011 at 5:00 p.m. on the Proposed Redistricting of Smyth County. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

Supervisor Blevins motioned to rescind prior motion that set a public hearing for the School Board 2011/2012 Budget on May 10, 2011 at 4:00p.m. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

Supervisor Blevins motioned to set a public hearing for the School Board 2011/2012 Budget on April 28, 2011 at 5:30 p.m. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

OLD BUSINESS – was not discussed

CONTINUED

At 7:14 p.m. Supervisor Neitch motioned to continued meeting until Thursday, April 28, 2011 at 5:00 p.m. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

The Smyth County Board of Supervisors held a continued meeting at 5:30 p.m., **Thursday, April 28, 2011**. 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
M. Todd Dishner
Roscoe D. Call

Regina H. Davidson
Darlene R. Neitch

MEMBERS ABSENT:

Wade H. Blevins, Jr.

Brenda J. Waddell

STAFF PRESENT:

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

CALL TO ORDER

At 5:30 p.m. Chairman Clark 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 April 16, 2011. 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, 2011 – June 30, 2012
On April 28, 2011 at 5:30 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, 2011. The public hearing will be held in the **Board of Supervisors meeting room, 121 Bagley Circle, Smyth County Office Building on April 28, 2011 at 5:30 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).

Smyth County School Board				
Operations Budget For the Year Ending June 30, 2012				
Revenue Summary for Operations Budget				
	2010-2011	2011-2012	Difference	
State Revenue	\$ 26,388,312	\$ 25,195,547	\$ (1,192,765)	
Local Revenue	\$ 7,506,218	\$ 7,405,577	\$ (100,641)	
Federal Revenue	\$ 6,386,411	\$ 7,376,322	\$ 989,911	
State Sales Tax	\$ 3,933,054	\$ 4,245,215	\$ 312,161	
Other Revenue	\$ 1,880,100	\$ 1,895,100	\$ 15,000	
TOTAL OPERATIONS	\$ 46,094,095	\$ 46,117,761	\$ 23,666	
Expenditure Summary for Operations Budget				
	2010-2011	2011-2012	Difference	
Instruction	\$ 33,871,221	\$ 33,907,304	\$ 36,083	
Administration	\$ 1,561,449	\$ 1,598,989	\$ 37,540	
Transportation	\$ 2,147,801	\$ 2,261,300	\$ 113,499	
Facilities	\$ 4,321,227	\$ 4,136,009	\$ (185,218)	
Food Service	\$ 2,850,285	\$ 2,859,194	\$ 8,909	
Technology	\$ 1,342,112	\$ 1,354,965	\$ 12,853	
TOTAL OPERATIONS	\$ 46,094,095	\$ 46,117,761	\$ 23,666	
Smyth County School Board				
Capital Outlay and Debt Service Budget For the Year Ending June 30, 2012				
Revenue Summary for Capital Outlay and Debt Service Budget				
	2010-2011	2011-2012	Difference	
Local Funds - Capital Outlay	\$ 185,138	\$ 614,874	\$ 429,736	
Local Funds - Debt Service	\$ 1,291,909	\$ 1,271,567	\$ (20,342)	
TOTAL CAPITAL OUTLAY	\$ 1,477,047	\$ 1,886,441	\$ 409,394	
Expenditure Summary for Capital Outlay and Debt Service Budget				
	2010-2011	2011-2012	Difference	
Capital Outlay – Facilities	\$ 185,138	\$ 614,874	\$ 429,736	
Capital Outlay - Debt Service	\$ 1,291,909	\$ 1,271,567	\$ (20,342)	
TOTAL CAPITAL OUTLAY	\$ 1,477,047	\$ 1,886,441	\$ 409,394	

There were an estimated 13 citizens present, and the following spoke:

Betty Webb, requested the Board support the proposed budget.

Dr. Mike Robinson, School Superintendent, explained to the Board the proposed Capital Outlay for the 2011/2012 budget in the amount of \$409,394.

Chairman Clark closed the public hearing at 5:39 p.m.

At 5:42 p.m. Chairman Clark continued the meeting until 7:00 p.m.

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, April 28, 2011**. 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
M. Todd Dishner
Roscoe D. Call

Regina H. Davidson
Darlene R. Neitch

MEMBERS ABSENT:

Wade H. Blevins, Jr.

Brenda J. Waddell

STAFF PRESENT:

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

COMMISSIONERS PRESENT:

Chairman Karl Kalber
Norman Sparks
Dennis Blevins

Graham Davidson
Blake Frazier
Wayne Venable

COMMISSIONERS ABSENT:

Pokey Harris

At 7:00 p.m. Mr. Clark, Chairman of the Board of Supervisors, and Mr. Kalber, Chairman of the Planning Commission, called the joint public hearing to order. Mr. Michael Carter read the following advertisement as placed in the Smyth County News and Messenger as well as the rules of procedure during 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, April 28, 2011, 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 William Randy Cook for a Special Use Permit to establish an Automotive Sales and Service business. The property is located at 1989 Tattle Branch Road in Chilhowie. It is identified as Tax Map No. 65-A-131 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.

No citizens were present.

William Randy Cook — Application for Special Use Permit: At approximately 7:06 p.m. Mr. Williams explained an application from Mr. Cook for a Special Use Permit to operate an Automotive Sales and Service business from his existing personal garage located behind his residence. The property is identified as Tax Map No. 65-A-131. Mr. Williams pointed out the pertinent sections of the ordinance for the application. He stated the applicant paid the required fee and he advertised notice of this public hearing in the Smyth County News on April 16 and 23. Additionally, he sent letters to all of the adjoining property owners for which an affidavit is on file. He stated he had not received any comments on the application.

Mr. Cook explained he currently holds a private dealership license and in order to retain his license, he must be in operation 21 hours a week. Currently, his business is located on St. Clairs Creek Road and he or his wife, a registered salesperson, have to be physically present on at the place of business. Due to their health conditions, he wishes to operate his business out of the convenience of his home. No one else spoke on the application.

Chairman Clark and Chairman Kalber closed the joint public hearing at 7:12 p.m. Chairman Kalber recessed the Planning Commission.

The Board of Supervisors took a brief break while the Planning Commission continued their meeting in the Boardroom.

The Board of Supervisors reconvened in the Boardroom at 7:24 p.m.

Declaration of Local Emergency Resolution

Mr. Mike Carter explained the County was declared a local emergency for the severe weather created by a storm on April 28, 2011. Mr. Carter updated the Board on the damage from an EF2 tornado with winds of 115 miles/hr. He informed the Board the damage was estimated at about \$3 million in the Plum Creek, Highway 107, and Carlock Creek areas of Smyth County.

Supervisor Dishner motioned to adopt the following Declaration of Local Emergency resolution:

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 APRIL 28, 2011,

RESOLUTION 2011 - 01 DECLARING A LOCAL EMERGENCY TO EXIST IN SMYTH COUNTY, VIRGINIA ON April 28, 2011.

WHEREAS, the Board of Supervisors of Smyth County, Virginia, does hereby find as follows:

- 1. That due to the occurrence of severe 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: April 28, 2011

Board of Supervisors, Smyth County, VA

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

AYES: 5
NAYS: 0
ASENT: Blevins, Waddell

Citizen's Time

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

Robin Niehoff, Lee Hwy, Rural Retreat (Smyth County), Ms. Niehoff presented the Board with information concerning the Village Restaurant building. This property had a nuisance complaint filed against it in September 2010. Mr. Shuler, property owner, filed a plan of action with Zoning Administrator to keep doors and windows secured and to have the property cleaned up by spring 2011. Ms. Niehoff explained the doors and windows have not been kept secure and children have been seen playing around the unsafe building. This property is an eyesore to the community, the Village Motel, and the Appalachian Trail visitors. Ms. Niehoff requested that the Board take action to require Mr. Shuler to clean up his property per Article 6 of the Nuisance Ordinance.

J.W. Cumbow, Lee Hwy, stated the County may have seen buildings like this out in the County, but not next to five (5) businesses, the Appalachian Trail, and a Historical site in the proximity of this. It needs to be taken care of.

Brenda Vanhover, Lee Hwy, stated that there are hikers and visitors that have to see this eyesore in the middle of the beautiful scenery. She would like something to be done to have this property cleaned.

Bindesh Petal, owner of the Village Motel, stated there is trash behind the building that has not been removed, and that there are all kinds of animals going into and out of the building. He would appreciate the property cleaned, since it sits in front of his motel.

Mr. Clegg Williams updated the Board on the Nuisance complaint and Mr. Shuler's plan of action to get his property cleaned.

Chairman Clark advised Mr. Williams to write Mr. Shuler a letter about his plan of action responsibilities.

Chairman Clark closed citizen's time at 8:17 p.m.

Business Appreciation Week 2011 Resolution

Mrs. Sally Morgan informed the Board that Business Appreciation Week will be May 2-6 2011, and that the Chamber of Commerce will be holding a luncheon on May 4. Mrs. Morgan reported that she will be sending a letter to 18 company's corporate headquarters informing them of the Business Appreciation Week and luncheon.

Supervisor Call motioned to adopt the following Business Appreciation Week 2011 resolution:

BUSINESS APPRECIATION WEEK 2011

WHEREAS, Governor Robert McDonnell has recognized May 2-6 2011 as **BUSINESS APPRECIATION WEEK** in the **COMMONWEALTH OF VIRGINIA**, and called this observance to the attention of all citizens; and,

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

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

WHEREAS, Smyth County joins the Commonwealth in recognizing the accomplishments of our businesses, including our many small businesses that contribute greatly to the economic diversity of the County; and

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

NOW, THEREFORE, We, the Board of Supervisors of Smyth County do hereby recognize May 2-6, 2011 as **BUSINESS APPRECIATION WEEK** in Smyth County and call this observance to the attention of all our citizens.

Adopted by the Smyth County Board of Supervisors, April 28, 2011

C. C. Clark, Jr., Chairperson



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

AYES: 5
NAYS: 0
ABSENT: Blevins, Waddell

CLOSED SESSION

At 8:21 p.m. Supervisor Neitch motioned 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. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Blevins, Waddell

Upon returning to the 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.

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

AYES: 5
NAYS: 0
ABSENT: Blevins, Waddell

Supervisor Call motioned to authorize Chairman Clark to sign agreement for the Fenyk Property, appropriate \$160,000, and to execute agreement by May 19, 2011. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Blevins, Waddell

Scott Simpson:

- (a) Accept bids on Drinking Water Well Drilling in Groseclose from Rorrer Well Drilling

Mr. Simpson explained the lowest bid was from Rorrer Well Drilling for \$44,142, which included \$4,500 for well abandonment. He informed the Board they should hit water at 250'. Supervisor Call motioned to accept the bid from Rorrer Well Drilling in the amount of \$44,142. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 5
AYES: 0
ABSENT: Blevins, Waddell

- (b) Consider Wiley/Wilson Agreement for 911 Architecture/Engineering services

This item was continued until the May 10, 2011 meeting.

Any Other Business:

Courthouse Committee Recommendations:

With the Courthouse Committee recommendation, the Board approved HDH Environmental to provide Hazardous Materials Consulting services for the Courthouse in the amount of \$4,500, and the Jail in the amount of \$3,000. The vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Blevins, Waddell

With the Courthouse Committee recommendation and the Architect recommendation, the Board approved ECS Mid-Atlantic to prepare soil boring and geotechnical services at the Courthouse in the amount of \$12,614. The vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Blevins, Waddell

With the Courthouse Committee recommendation, the Board approved executing the Design Development and Construction Document Plan proposed by Moseley Architects. The vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Blevins, Waddell

With the Courthouse Committee recommendation, the Board approved Moseley Architects' Communications Wiring Design to include in construction design for the Courthouse expansion in the amount of \$12,945. The vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Blevins, Waddell

With the Courthouse Committee recommendation and Mr. Simpson's explanation of each item, the Board approved twelve of the sixteen items to create potential cost reductions proposed by Mosley Architects. The twelve potential cost reduction items total \$411,300 and the four items that will remain as designed total \$30,800. The vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Blevins, Waddell

ADJOURN MEETING

At 9:13 p.m. Supervisor Neitch motioned to adjourn meeting. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Blevins, Waddell

The Smyth County Board of Supervisors held its regular May meeting at noon, **Tuesday, May 10, 2011**. 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, County Administrator
Scott Simpson, Assistant County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Charlie Atkins, Financial Officer
Sally Morgan, Community/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, Chairman Clark called the meeting to order at noon. Mrs. Sandy Elswick gave the invocation and Mr. Manuel Street led the pledge of allegiance.

Adoption of Agenda:

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

AYES: 7
NAYS: 0

Minutes of Previous Meeting:

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

Tuesday, April 12, 2011
Thursday, April 28, 2011

Supervisor Blevins motioned to approve the minutes for the April meetings, with the noted correction. Supervisor Call seconded the motion, and the vote is as follows:

AYES: 7
NAYS: 0

Financial Report:

Mr. Charlie Atkins reported that he spoke with Debbie Schwartz, Chief Deputy Treasurer and with an estimated \$11 million in the bank there are sufficient funds for the requested appropriations.

Payment of County Invoices:

Supervisor Blevins motioned to approve \$5,800,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,540,000.00
Social Services (May 11 - 31, 2011)	\$ 350,000.00
(June 1 - 14, 2011)	\$ 60,000.00
Schools - Operating Fund	\$3,700,000.00
Debt and Capital Outlay	\$ 150,000.00

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

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve the following Water/Sewer Project appropriation:

Pioneer/Fox Valley Water Project	\$25,665.27
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Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES:	7
NAYS:	0

Supervisor Blevins motioned to approve the following Courthouse Project appropriation:

Courthouse Project	\$300,550.61
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Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES:	7
NAYS:	0

Supervisor Blevins motioned to approve the accounts payable listing in the amount of \$907,112.94. Supervisor Call seconded the motion and the vote is as follows:

AYES:	7
NAYS:	0

Citizen's Time:

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

David Kiser, Country Side Drive, Marion, Mr. Kiser along with six (6) private residences living on Country Side Drive would like to have the road paved. Mr. Kiser stated the residents have research VDOT requirements and have talked with W-L Construction, which gave him a quote of \$30,000 to pave the road. Mr. Kiser reported that the residents agree to pay 2/3 if the County would provide the remaining cost. He requests the County to help where the county water and sewer vehicles also use the road to maintain a pump station located off the top of the road. Chairman Clark request Mr. Kiser to bring Mr. Mike Carter to information he has researched.

Supervisor Davidson stated she has seen the road and talked with the residents, and the road is in bad shape.

Earl McClure wanted to discuss the issues of the proposed ordinance changes that are on the agenda for consideration. Chairman Clark informed him that he had already spoken on the issues during the public hearing. Mr. McClure stated he has prepared a complaint on the County to the Department of Justice.

Chairman Clark closed citizen's time at 12:35 p.m.

Mr. Carter reminded the Board of Youth Government Day, tomorrow, May 11, 2011. He informed any Board member interested to meet in the Board room at 9:00 a.m.

NEW BUSINESS:

Introduction of Businesses in Smyth County:

Mrs. Sally Morgan introduced Mr. John Patterson, General Manager of American Wood Fiber. Mr. Patterson explained how American Wood Fiber was developed and presented samples and discussed the products the company produces.

Consider the 2011/2012 School Board Budget:

Supervisor Blevins motioned to approve the 2011/2012 School Board budget as presented. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Consider Resolution for VDOT's Six-Year Secondary Road Plan:

Supervisor Blevins motioned to adopt the following resolution:

RESOLUTION

At a regular meeting of the Board of Supervisors of the County of Smyth, Virginia held at the Smyth County Administration Building on May 10, 2011 at 12:00 p.m.

Present were:

On motion by _____, seconded by _____ and carried:

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2011/12 through 2016/17) as well as the Construction Priority List (2011/12) on April 12, 2011, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, Matthew B. Cox, Programming & Investment Mgmt. Director, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2011 through 2016/17) and the Construction Priority List (2011/12) for Smyth County, Virginia.

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Smyth County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2011/12 through 2016/17) and Construction Priority List (2011/12) are hereby approved as presented at the public hearing.

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

AYES: 7
NAYS: 0

Big Walker Century Ride

Mr. Carter explained an organization called HOPE, Help Overcome Poverty's Existence, Inc., is having a bicycle ride through Wythe, Bland, and Smyth Counties on June 18, 2011 to help with poverty. He informed the Board the organization has applied for a Land Use Permit for Special Events with VDOT. The permit requires each county's Administrator and Local Law Enforcement to sign the Special Events Approval Sheet. After discussion, Supervisor Blevins motioned to approve Helping Overcome Poverty's Existence Inc. (HOPE) riding through Smyth County during their Big Walker Century Ride on June 18, 2011. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Shannon Williams

(a) Supervisor Dishner motioned to approve the disbursements for the Four-For-Life payments as follows:

Marion Life Saving Crew	\$ 7,136.65
Chilhowie FD/EMS	\$ 7,136.65
Sugar Grove EMS	\$ 7,136.65
Saltville EMS	\$ 7,136.66

\$28,546.61

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

AYES: 7
NAYS: 0

Supervisor Call motioned to appropriate \$28,546.61 for the Four-For-Life payments. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

(b) Mr. Williams updated the Board on Ms. Debra Byrd's street name discussed at the April 12, 2011 Board meeting. Ms. Byrd stated that at one time the road was named Hemmingwood Lane. Mr. Williams stated in reviewing the 911 records there was a road named Hemmingwood Lane, but in the Emergency Responder Map Book of November 12, 1999, this road is not listed. The address for Ms. Byrd is listed as 2212 Highway 11. After discussion, Mr. Williams was advised to send Ms. Byrd a letter recommending her to post her current address at the entrance of the driveway.

Committee Recommendations:

Budget

(b) With the Budget Committee recommendation, the Board approved the purchase of radio equipment using the 2010 Cop Technology Grant valued at \$74,000 via the Virginia State Procurement System. The vote is as follows:

AYES: 7
NAYS: 0

(a) With the Budget Committee recommendation, the Board approved the transfer of \$20,000 from "Salaries & Wages" (21060-1001) to "Part-Time" (21060-1003) in the Clerk of Circuit Court 2010/2011 budget. The vote is as follows:

AYES: 7
NAYS: 0

Mr. Walter Smith

Mr. Walter Smith gave a presentation on his property in Konnarock. He stated he has not been able to move into his home in five years. He stated the Building Inspection Department is an advocate for contractors and not for citizens. He presented pictures of his home and discussed violations of the building code by the Building Inspection Department and contractor.

Hungry Mother State Park 75th Anniversary and Hungry Mother State Park Day:

Mr. Scott Bowen, Park Manager, Hungry Mother State Park, gave a powerpoint presentation on the Park. Mr. Bowen explained this year was Hungry Mother State Park's 75th Anniversary and requested the Board approve the following resolution for Hungry Mother State Park Day on June 18, 2011:

**A
RESOLUTION OF
CONGRATULATION ON THE 75TH ANNIVERSARY OF
HUNGRY MOTHER STATE PARK**

WHEREAS, Hungry Mother State Park was constructed by the Civilian Conservation Corps (CCC), on land donated by John D. and Charles Lincoln, commencing in 1933; and

WHEREAS, Virginia was the first state in the union to develop a park system of 6 state parks; and Hungry Mother State Park was chosen as the dedication site for the Virginia State Park Ceremony held on June 13 and 14, 1936, with Governor G.C. Perry presiding.

WHEREAS, Hungry Mother State Park features a 108 acre lake, fishing and boating opportunities, hiking and biking trails, picnicking, a restaurant, cabins, camping, interpretive programs, an arts and crafts festival and a venue for meeting, training and weddings. And;

WHEREAS, Hungry Mother State Park draws visitors from far and wide thus contributing to the economy and recreation opportunities for Smyth County and Towns of Chilhowie, Marion and Saltville.

NOW, THEREFORE, BE IT RESOLVED, that the Smyth County Board of Supervisors hereby congratulates Hungry Mother State Park on the occasion of its 75th Anniversary and extends best wishes for many more years to come.

BE IT FURTHER RESOLVED, that Saturday, June 18, 2011, be designed as “Hungry Mother State Park Day” in Smyth County.

Smyth County Tourism Center:

Mr. Ron Thompson, Director, Smyth County Tourism Center, updated the Board on the Tourism Center. Mr. Thompson presented a couple of brochures and merchandise at the Tourism Center. Mr. Thompson also presented an informational DVD presentation of Smyth County, and informed the Board this presentation was on the Center’s website.

Gay & Neel Inc.:

Mr. John Neel presented the Board with a Feasibility Study of Exit 54 Groseclose Sewer Project. Mr. Neel reviewed the Cost Summary with the Board. Mr. Scott Simpson informed the Board of the positivity of bringing a new engineering firm to work with the County. After discussion, Supervisor Waddell motioned to authorize Mr. Simpson to explore fund opportunities for the Exit 54 Groseclose Sewer Project. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Planning Commission Recommendation:

Mr. Clegg Williams updated the Board as to the Planning Commission recommendation to approve Randy Cook's Special Use Permit application. With the Planning Commission recommendation, the Board approved Randy Cook's application for a Special Use Permit with restriction of operation sales only and not servicing vehicles. The vote is as follows:

AYES: 7
NAYS: 0

Consider Proposed Building Ordinance Changes and Building Fee Structure:

Supervisor Neitch and Supervisor Blevins mentioned they had several calls on opposing the change to have churches and organizations pay for building permits. Supervisor Neitch motioned to approve the proposed Building Regulations Ordinance changes with the modification to leave Section 14-69 (a) of the current language (adopted Code June 14, 2005) in the Ordinance. Supervisor Blevins seconded the motion, and the motion failed with the following vote:

AYES: 3 Neitch, Blevins, Davidson
NAYS: 4 Call, Dishner, Waddell, Clark

Supervisor Call motioned to approve the proposed Building Regulations Ordinance changes. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 4 Call, Dishner, Waddell, Clark
NAYS: 3 Neitch, Blevins, Davidson

Following are the results of the approved changes:

ARTICLE II BUILDING REGULATIONS

DIVISION 3. ADMINISTRATION*

Section 14-44. Board of appeals; appeal hearings.

(c) In order to perfect an appeal, the aggrieved party shall notify the building official, in writing, within 30 days of the decision. The appellant shall pay an appeal fee of \$150.00. If the decision of the building official is overturned, the fee shall be returned to the aggrieved party. If the decision of the building official is modified by the Board of Building Code Appeals, one-half of the fee shall be forfeited to help defray the cost of the appeal.

DIVISION 4. PERMITS

Section 14-68. **Fee schedule.**

(b) A levy shall be added to the building permit fee as set by the Commonwealth.

(f) Permits more than 36 months old cannot be renewed, and the applicant shall purchase a new permit for the portion of the work that has not been completed.

Omit Section 14-69. **Organizations exempt from permit fees.**

Upon holding a public hearing and after discussion, BE IT RESOLVED, the Board of Supervisors approves the proposed Building Fee Structure. The Board set the Building Fee Structure to become effective July 1, 2011.

Adopted by the Board of Supervisors the 10th day of May, 2011.

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

Following are the results of the approved Building Fee Structure:

<u>Permit Type</u>	<u>Permit Fee</u>
Accessory Building	.16 ft ² entire structure
Amend/Alter Permit	\$0.00
Carnival Rides (set by state 13VAC5-31-75)	
Kiddie	max by state
Adult	max by state
Spectacular	max by state
Coaster	max by state
Certificate of Occupancy Request	\$50.00
Chimney	\$50.00
Church	.16 ft ² entire structure
Communication Tower	\$250.00
Co-Location on Tower	\$50.00
Equipment Bldg.	\$100.00
Demolition	\$50.00
Electrical	\$50.00
Change Service/Miscellaneous	see above
Elevator	\$50.00
Erosion & Sediment Control	100.00 + 25.00 per week for duration of project until permanent stabilization

Smyth County Board of Supervisors
Tuesday, May 10, 2011

Re-Inspection	covered by above fee
E & S Plan Reviews	covered by above fee
Foundation	\$50.00
Garage/Carport	.16 ft ²
HVAC	\$50.00
Local Board of Building Code Appeal	150.00 per decision
Manufactured Homes (single wide)	.16 ft ² entire structure + \$50 per trade
Manufactured Homes (double wide)	.16 ft ² entire structure + \$50 per trade
Manufactured Home (triple wide)	.16 ft ² entire structure + \$50 per trade
Maximum Fee	Eliminate
Minimum Fee	\$50.00
Miscellaneous	\$50.00
Modular Homes	.16 ft ² entire structure + \$50 per trade
Move Building	.16 ft ² entire structure
Non-Residential New Construction	.16 ft ² entire structure + \$50 per trade
Non-Residential Addition	.16 ft ² entire structure + \$50 per trade
Non-Residential Remodel	.16 ft ² entire structure + \$50 per trade
Plumbing	\$50.00
Penalty for starting without a valid permit	historically not enforced, willing to implement with Board's approval
Reinspect	historically not enforced, willing to implement with Board's approval at \$50
Renewal	eliminate
Roof	\$50.00
Sign	\$50.00
Single Family Dwellings - New Construction	.16 ft ² entire structure + \$50 per trade
Addition	.16 ft ² entire structure + \$50 per trade
Attached Garage	.16 ft ² entire structure + \$50 per trade
Basement	.16 ft ² entire structure + \$50 per trade
Remodel	.16 ft ² entire structure + \$50 per trade
Swimming Pool	\$100.00
Tanks- Install	\$100.00
Removal	\$50.00
Trade Fees: Non-Residential	\$50.00
Mechanical/Fuel	\$50.00
Gas	\$50.00
Electrical	\$50.00
Plumbing	\$50.00
HVAC	\$50.00
Trade Fees: Residential (includes Manufactured Homes)	\$50.00
Mechanical/Fuel	\$50.00
Gas	\$50.00
Electrical	\$50.00
Plumbing	\$50.00
HVAC	\$50.00
Water/Sewer Line Installation	\$50.00

Supervisor Blevins inquired about the nuisance complaint on Holiday Drive. Mr. Clegg Williams reminded the Board they had a public hearing and declared this property on Holiday Drive a nuisance. Mr. Williams will discuss this with the County Attorney and see where this matter stands.

Charlie Harrington, Emergency Service Coordinator

Mr. Harrington updated the Board on the Emergency Operation Plan for the County. He informed the Board there are 17 sections and 4 annexes to the Plan. Mr. Harrington requested to attend each regular Board meeting to discuss a section at a time. Chairman Clark advised Mrs. Testerman to place Mr. Harrington on the Board's upcoming agendas. Mr. Harrington advised the Board members, as a requirement of the Emergency Operation Plan, to take an online National Incident Management System class "NIMS 100 Session". This class is to certify Board members for their roles in helping with an emergency as required by the Emergency Operation Plan.

Committee Recommendations:

Emergency Operation Plan

With the Emergency Operation Plan Committee recommendation, the Board adopted the Emergency Operation Plan with the following vote:

AYES: 7
NAYS: 0

Mr. Carter requested Mr. Harrington along with Mr. Andy Overbay, Extension Agent, to give the Board an update on the tornado. Mr. Harrington updated the Board as to the tornado response and "windshield" estimate of the damage. Mr. Overbay updated the Board on the agriculture damage.

PUBLIC HEARING – Jennings Property Part 1

At 3:36 p.m. Chairman Clark called the public hearing to order. Mr. Michael Carter read the following advertisement as placed in the Smyth County News and Messenger:

NOTICE OF PUBLIC HEARING

The Board of Supervisors of Smyth County (Board), will conduct a Public Hearing on May 10, 2011 at 3:30 p.m., or as soon thereafter, pursuant to the written request of Richard J. Jennings, on behalf of his family members, who are interested persons as required under §15.2-2272 (2) of the 1950 Code of Virginia, as amended. As required by §15.2-2204, the affected landowners will be sent a written notice of this vacation by first class mail by the Zoning Administrator of Smyth County.

The purpose of this Public Hearing is to hear comments on the written and verbal request of Richard J. Jennings, on behalf of himself and his family members, to vacate three (3) streets and twenty (25) five lots on a plat styled "Plat No.1 - Plat Showing W. Pat Jennings Subdivision Located 3 Mi. East of Marion, Smyth County, Va." which was surveyed November 1963 by Joe T. Gollehon, C.S., and on another plat referenced herein. As described later, there is also a request to vacate streets on Plat No. 3 as described hereafter.

The request, made by Mr. Jennings, is to vacate areas shown on Plat No. 1, and on another plat set out herein. This request is to vacate a 50 foot street on the west end of Plat #1 named "50' Street ". This street is also shown on Plat No. 2 of the subdivision, which plat is styled, "Plat No.2 -Plat Showing W. Pat Jennings Subdivision Located 3 Mi. East of Marion, Smyth County, Va.". This second plat was surveyed November 1963 by Joe T. Gollehon, C. S. This Plat No. 2 shows the same street is adjacent to lots 79 & 107 on Plat No. 2. The street is on the east side Plat No. 2.

Another part of the request is to vacate a second street on the south side of numbered lots 28B to 53 on Plat No. 1. This street is designated on Plat No. 1 as a "50' Street", and on Plat No. 3, referenced hereafter, as Pine Street. A request is also made to vacate lots 54-78 on Plat No. 1 of the subdivision which lots are all owned by the Jennings family, and are south of this street.

There is another request by the Jennings family to vacate, on another plat of the subdivision, styled, Plat No. 3, a street and a part of another street. This plat is titled "Plat No.3 - Plat Showing W. Pat Jennings Subdivision Located 3 Mi. East of Marion, Smyth County, Va." (Atkins District)". This plat was surveyed Oct.1968 by Joe T. Gollehon, C.S. On this Plat No. 3, a 50 foot street named Angus Street, on the east side of Lots 1B and 28 A, and on the west side of Lots 1, 2, and 3, is requested to be vacated, and the part of Pine Street shown on Plat 3. Both of these streets are fifty (50) foot streets and part of the vacated area is shown on Plat No. 2.

At this public hearing, which will be held at the office of the Board, 121 Bagley Circle, Marion, Virginia, on May 10, 2011 at 3:30 PM, or as soon there after, and subject to the rules of procedure of the Board of Supervisors of Smyth County, Virginia, any person may state their views on the requests to vacate these streets and the lots described above.

A copy of each of the subdivision plats and this advertisement, are available at the office of the Board and County Administrator, and may be reviewed, or a copy secured, in their office at 121 Bagley Circle, Suite 100, Marion, Virginia, during regular business hours Monday through Friday. If there are questions, the Zoning Administrator will provide specific information about the proposals to the Board to vacate the above streets and lots.

In compliance with the Americans with Disabilities, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Administrator's Office at (276)783-3298 at least 48 hours prior to hearing.

There were an estimated seven (7) citizens present, with no one speaking.

Chairman Clark closed the public hearing at 3:41 p.m.

Supervisor Blevins motioned to waive the Board's rules and vote on this matter. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to adopt the ordinance as identified in the public hearing notice #1 listed above. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Committee Recommendations: (continued)

Ordinance

(a) With the Ordinance Committee recommendation, the Board approved to set a public hearing for the Proposed Subdivision Ordinance on June 14, 2011 at 5:00 p.m. The vote is as follows:

AYES: 7
NAYS: 0

(b) With the Ordinance Committee recommendation, the Board approved the Zoning Administrator and Building Inspection Department to pursue the right to obtain a warrant or summons for violation of Building Codes. The vote is as follows:

AYES: 7
NAYS: 0

Older Americans Month 2011

Supervisor Blevins motioned to adopt the following proclamation for May to be Older Americans Month 2011:

**Older Americans Month 2011
A Proclamation**

WHEREAS, Smyth County is a community that includes citizens aged 60 and older; and

WHEREAS, the older adults in Smyth County are the roots from which our community grows, who bestow gifts of wisdom and insight upon younger generations, and strengthen the bonds between neighbors to create a better place to live; and

WHEREAS, our society can be enhanced by older adults aging peacefully in their communities; and

WHEREAS, the older adults in Smyth County should be commended for their role in creating and bolstering the fiber of our community and nation; and

WHEREAS, our community can provide that recognition and respect by enriching the quality of life for older Americans by:

Increasing their opportunities to remain in their communities as active and engaged citizens

Providing services, technologies, and support systems that allow seniors to foster and maintain connections within the community

Emphasizing the value of elders by publically recognizing their contributions to the diversity, strength, and unity of our community

NOW THEREFORE, the Board of Supervisors, of Smyth County, Virginia does hereby proclaim May 2011 to be Older Americans Month. The Board of Supervisors urges every citizen to take time this month to honor our older adults and the professional, family members, and volunteers who care for them. Our recognition of older Americans and their involvement in our lives can help us achieve stronger and more meaningful connections with each other and enrich our community's quality of life.

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

AYES: 7
NAYS: 0

Scott Simpson – RCC Consultants

Mr. Simpson explained the County received one (1) bid for a term contract on a Communication Consultant from RCC Consultants. After discussion, Supervisor Blevins motioned to accept the bid from RCC Consultant for a Communication Consultant. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Call stated a citizen had inquired about a County Vehicle left idling for 33 minutes. He stated with the gas prices as high as they are, is it necessary for the Sheriff, Animal, or Water/Sewer Departments to leave vehicles running when the employee is out of the vehicle. Mr. Carter informed Supervisor Call this matter will be discussed with the departments.

Mr. Carter informed the Board of a letter he received from Mr. Tom Burkett, Treasurer, on him pursuing the DMV Stop Program. Supervisor Davidson requested to keep the Board updated on the progress of the DMV Stop Program.

Personal Property Refund

John Tate, County Attorney, reported to the Board he has reviewed the application and approves the refund. With John Tate's recommendation, the Board approved a personal property tax refund to Toyota Motor Credit Corp. in the amount of \$325.13. The vote is as follows:

AYES: 7
NAYS: 0

Closing of Bridge #6024 for Reconstruction by VDOT

Mr. Carter explained of the bridge closing in the Ceres area on Haven Ridge Road. Mr. Carter informed the Board of the following resolution that VDOT requires for bridge closings:

RESOLUTION FOR BRIDGE CLOSING

The Board of Supervisors of Smyth County, in regular meeting on the 10th day of May, 2011, adopted the following:

RESOLUTION

WHEREAS, the Virginia Department of Transportation has deemed it necessary to close portion of Route 622 (Haven Ridge Road) in Smyth county for the replacement of bridge structure #6024, 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 622 to traffic from 16 May 2011 until reconstruction of structure #6024 is complete.

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

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

AYES: 7
NAYS: 0

PUBLIC HEARING – Jennings Property Part 2

At 4:04 p.m. Chairman Clark called the public hearing to order. Mr. Michael Carter read the following advertisement as placed in the Smyth County News and Messenger:

NOTICE OF PUBLIC HEARING

The Board of Supervisors of Smyth County (Board), will conduct a Public Hearing on May 10, 2011 at 4:00 p.m. to consider the vacation of a plat described hereafter pursuant to the written request of Richard J. Jennings, on his behalf and on behalf of his family members, who are interested persons as required under §15.2-2272 (2) of the 1950 Code of Virginia, as amended. The land shown on this plat, except for Lot 1B, is owned by the family of Mr. Jennings. As required by § 15.2-2204, a written notice will be sent describing this proposed vacation of lots and streets to the owner of Lot 1 B, as required, by first class mail by the Zoning Administrator of Smyth County.

The purpose of this Public Hearing is to hear comments on the written and verbal request of Richard J. Jennings, on behalf of himself and his family members, to vacate all of the lots, except Lot 1B, and the streets on a plat recorded in the Clerk's Office of the Circuit Court of Smyth County, Virginia, in Plat Slide 153, Page 205. The request is to vacate all of the lots, Lots 1, 2, 3, 4, 5, and 6 on the east side of Angus Street, and Lot # 28A and Lot 4 54A on the west side of Angus Street. This request is to also vacate all of Angus Street and any of Pine Street shown on Plat No. 3.

This area proposed to be vacated is shown on a plat which was surveyed October 1968 by Joe T. Gollehon, C.S, and is styled "Plat No.3 - Plat Showing W. Pat Jennings Subdivision Located 3 Mi. East of Marion, Smyth County, Virginia (Atkins District)". This plat is recorded in the Clerk's Office in Plat Book 7, Page 205, which is now Plat Slide 153, Page 205.

At this public hearing, which will be held at the office of the Board, 121 Bagley Circle, Suite 100, Marion, Virginia, on May 10, 2011 at 4:00 PM, and subject to the rules of procedure of the Board of Supervisors of Smyth County, Virginia, any person may appear and state their views on the requests to vacate this plat, the lots, and the streets described above. During regular business hours Monday through Friday from 8:30 a.m. to 5:00 p.m., a copy of Subdivision Plat No. 3 and this advertisement are available at the office of the Board and County Administrator at 121 Bagley Circle, Suite 100, Marion, Virginia. During these time frames, the plat may be reviewed, or a copy secured by any interested citizen. If there are questions, the Zoning Administrator will provide specific information about the proposals to the Board to vacate the above lots and streets.

There were four (4) citizens present with no one speaking.

Chairman Clark closed the public hearing at 4:07 p.m.

Supervisor Blevins motioned to waive the Board's rules and vote on this matter. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to adopt the ordinance as identified in the public hearing notice #2 listed above. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

PUBLIC HEARING – Redistricting of Smyth County

At 4:39 p.m. Chairman Clark called the public hearing to order. Mr. Michael Carter read the following advertisement as placed in the Smyth County News and Messenger:

NOTICE OF PUBLIC HEARING ON PROPOSED REDISTRICTING OF SMYTH COUNTY

The Board of Supervisors of Smyth County will conduct a public hearing at the **office of the Board at 121 Bagley Circle, Marion, Virginia on May 10, 2011 at 4:30 p.m. or soon there after**, to receive public comment on the proposed redistricting of Smyth County required by law.

Prior to the public hearing, any citizen may call the office of the County Administrator or County Registrar at (276)783-3298, during normal office hours of 8:00 a.m. to 5:00 p.m. Monday through Friday for an additional explanation or further information.

In compliance with the Americans with Disabilities, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Administrator's Office at (276)783-3298 at least 48 hours prior to hearing.

There were two (2) citizens present, with no one speaking.

Chairman Clark closed the public hearing at 4:41 p.m.

Supervisor Blevins motioned to waive the Board's rules and vote on this matter. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to adopt the proposed redistricting of Smyth County. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Tate state he would provide Mrs. Sandy Elswick, Registrar, with a letter to the Department of Justice and a list of items that must go with the letter.

Mr. Tate informed the Board he closed on the Fenyk property this morning.

Clarence Smith, SWIFA Annual Report

Mr. Clarence Smith reviewed the SWIFA 2010 Annual Report with the Board. He also briefly spoke on the tornado damage at Highlands Industrial Park in Glade Spring.

Sheriff Bradley

Mr. Carter updated the Board as to the decision on the Harwood Building and decision on leaving the Sheriff Department in the Courthouse. Sheriff Bradley discussed his concerns with not being in the Harwood Building with 911. Sheriff Bradley stated with the Courthouse renovation there is no room for expansion. He also stated he was aware of the cost of placing the Department in the Harwood Building, but the County must look at the best interest for the citizens. Sheriff Bradley, along with Captain Shuler and Captain Hounshell, requested the Board consider placing the Sheriff Department with the 911 Center and the EOC in the Hardwood Building.

CLOSED SESSION

At 5:26 p.m. Supervisor Call motioned to invite Mr. Clarence Smith to stay during 2.2-3711 A.5 discussion and 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 potential litigations. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to the open meeting, Supervisor Dishner motioned 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

Supervisor Blevins motioned to approve having Wiley/Wilson include the Sheriff Department with the 911 Center in their Agreement for Architecture/Engineering Services. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve having Moseley include Administration Offices in the empty space in the Courthouse created by placing the Sheriff Department with the 911 Center. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Davidson motioned to approve advertising for full-time legal services and authorize Mr. Carter to notify Mr. John Tate and Mr. Jeff Campbell of this advertisement. 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.

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.

At the January 11, 2011 meeting; Mr. Atkins stated that Personal Property taxes were not being collected. He discussed the Treasurer's financial report showing balance of taxes not collected. Supervisor Call would like a Delinquent Tax Committee meeting set to discuss further.

At the February 8, 2011 meeting; Supervisor Roscoe updated the Board on committee meeting on February 1, 2011.

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee **6-13-06**).
3. 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)**.
4. 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)**.

OLD BUSINESS (continued)

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. Clegg Williams reported to the Board that a jury trial was set for December 16, 2010.

At the January 11, 2011 meeting; Mr. Clegg Williams reported to the Board that the jury trial set for December 16, 2010 was continued, and a bench trial was set for January 27, 2011.

At the March 8, 2011 meeting; Mr. Clegg Williams informed the Board that the case has been heard and is awaiting the Judges decision.

5. Financial Discussion (**2-9-10**)
6. Service Agreement between Appalachian Juvenile Commission and Smyth County. (**12-14-10**)
7. Appointment Committee Recommendations (**12-14-10**)

Area Beautification Committee Judges to serve a 1-year term:

Park District

Royal Oak District

At the February 8, 2011 meeting; Supervisor Davidson motioned to appoint Ms. Tina Henderson as the Royal Oak District representative. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

8. Surplus Committee Recommendations (**3-8-11**)
 - (a) Revision Clause on 7 acres on Chestnut Ridge Road
 - (b) Set a public hearing on 7 acres on Chestnut Ridge Road and 13 acres in Browns Subdivision.

OLD BUSINESS (continued)

9. Tobacco Free Smyth County Facilities and Vehicles **(4-12-11)**

At the May 10, 2011 meeting: Mr. Simpson informed the Board this matter was sent to the Ordinance Committee for discussion.

10. Consider Wiley/Wilson Agreement for 911 Architecture/Engineering Services **(4-28-11)**

At the May 10, 2011 meeting: Supervisor Blevins motioned to approve having Moseley include Administration Offices in the empty space in the Courthouse created by placing the Sheriff Department with the 911 Center. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

CONTINUED

At 6:26 p.m. Supervisor Blevins motioned to continued meeting until Thursday, May 26, 2011 at 7:00 p.m. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSNET: Dishner

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, May 26, 2011**. 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
M. Todd Dishner, Vice-Chair
Wade H. Blevins, Jr.
Roscoe D. Call

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

STAFF PRESENT:

Michael L. Carter, County Administrator
Scott Simpson, Assistant County Administrator
Pam Testerman, Office Service Assistant
Clegg Williams, Zoning Administrator
Becca Kirk, Administrative Assistant
Sally Morgan, Community/Economic Development
Charlie Atkins, Financial Officer (arrived at 7:50p.m.)

COMMISSIONERS PRESENT:

Chairman Karl Kalber
Norman Sparks
Dennis Blevins

Graham Davidson
Blake Frazier
Wayne Venable

COMMISSIONERS ABSENT:

Pokey Harris

At 7:00 p.m. Mr. Clark, Chairman of the Board of Supervisors, and Mr. Kalber, Chairman of the Planning Commission, called the joint public hearing to order. Mr. Michael Carter read the following advertisement as placed in the Smyth County News and Messenger as well as the rules of procedure during 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, May 26, 2011, at 7:00 P.M. or as soon after 7:00 P.M. as an application(s) 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 Branson Construction requesting an amendment to the official Zoning Map by rezoning approximately 0.36 acres located at 2884 Highway 107 in Saltville from Agricultural/Rural to Commercial. The Smyth County Comprehensive Plan does not identify a density range and the general usage of this property has most recently been a barber shop. The property is identified as Tax Map No. 41B-3-11F and can be found in Grid Map No. 5438 of the official Zoning Map of Smyth County.

An application from Smyth County School Board for a Special Use Permit to establish a Public School. The property is located at the end of Browns Subdivision Road in Marion. It is identified as a portion of Tax Map No. 55-A-24 and is zoned Residential.

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.

In compliance with the Americans with Disabilities, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Building and Zoning Department at (276) 783-3298 ext. 227 at least 48 hours prior to the hearing.

Branson Construction — Application for Map Amendment: At approximately 7:07 p.m. Mr. Williams explained Branson Construction has a lease-to-own contract for 2884 Hwy. 107. The property is further identified as Tax Map No. 41B-3-11F. They would like to locate several different establishments on the property. Instead of applying for a number of special use permits, they have opted to request the property be rezoned to Commercial. With their application, they submitted the required affidavit and paid the required fee. Both of tonight's public hearings were advertised in the Smyth County News & Messenger on May 14 and 21. Additionally, first class mailing was made to each of the applicant's adjoining property owners. Mr. Williams pointed out the pertinent sections of the Zoning Ordinance, the 2005 Comprehensive Plan identifying this property as Commercial/Industrial of the Future Land Use Map, and the fact it is located in Saltville's Enterprise Zone. He stated he had not received any comments on this request.

There were approximately 11 citizens were present. The following spoke:

Earl McClure spoke on the application process stating his opinion that the County does not have the authority to rezone property and if they do rezone the property, it would be considered spot zoning. No one else spoke on the application.

Smyth County School Board — Application for Special Use Permit: At approximately 7:10 p.m. Mr. Williams explained an application from Smyth County School Board for a Special Use Permit to establish a Public School at the cul-de-sac on Browns Subdivision Road in Marion. The property is identified as a portion of Tax Map No. 55-A-24. Mr. Williams again pointed out the pertinent sections of the ordinance for the application.

Superintendent Dr. Michael Robinson introduced Trevor Kimzey of Gay and Neel. Mr. Kimzey provided a presentation, including topographical details and aerial photographs. He explained they would extend the Thomas Bridge waterline to the proposed site and would connect to the County sewer when it becomes available.

There were approximately 11 citizens were present.

Earl McClure, Paul York, Ron Blevins, and Darlene Buchanan spoke in opposition to the application and voiced their concerns about the costs involved, location, purchase price, etc.

Chairman Clark and Chairman Kalber closed the joint public hearing at 7:35 p.m. Chairman Kalber recessed the Planning Commission.

The Board of Supervisors recessed while the Planning Commission continued their meeting in the Boardroom.

The Board of Supervisors reconvened in the Boardroom at 7:44 p.m.

Harwood Property

After discussion, Supervisor Blevins motioned to accept the property owners offer to donate the 6,000 square foot building next to the building the County has already purchased. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Line of Duty Act

Mr. Charlie Atkins explained the Commonwealth is requiring localities to provide coverage for Line of Duty Act starting July 2011. The Line of Duty Act is coverage for Smyth County Law Enforcement/Animal Control, Emergency Management, and Firefighters that may get injured or killed in the line of duty. Mr. Atkins informed the Board they are also required to cover the Towns, unless a Town wants to go out on there own. After discussion, Supervisor Davidson motioned to obtain a Mutual-Aid agreement with the Towns and to be able to invoice the Towns for their cost in the coverage. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

With the Budget Committee recommendation, the Board approved using VACo for coverage for the Line of Duty Act. The vote is as follows:

AYES: 7
NAYS: 0

Mr. Atkins reported there is \$34,000 in the 2011/2012 proposed budget for the Line of Duty Act coverage.

Committee Recommendations:

Budget

(a) With the Budget Committee recommendation, the Board accepted Hicok, Fern, Brown & Garcia CPAs proposal to prepare County records for the June 30, 2011 through June 30, 2013 year-end audits. The vote is as follows:

AYES: 7
NAYS: 0

(b) Mr. Charlie Atkins presented the Board with the proposed 2011/2012 County Budget. He informed the Board the budget was with no tax increase. Chairman Clark, also Chairman of the Budget Committee, also mentioned a few items concerning the budget. With the Budget Committee recommendation, the Board set a public hearing for the 2011/2012 Smyth County Budget on June 14, 2011 at 7:00 p.m. The vote is as follows:

AYES: 7
NAYS: 0

ADJOURN MEETING

At 8:13 p.m. Supervisor Blevins motioned to adjourn meeting. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

The Smyth County Board of Supervisors held its regular June meeting at 4:00 p.m., **Tuesday, June 14, 2011**. 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, County Administrator
Scott Simpson, Assistant County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Charlie Atkins, Financial Officer
Sally Morgan, Community/Economic Development
Jan Blevins, Deputy

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

Call To Order, Invocation & Pledge of Allegiance:

With a quorum present, Chairman Clark called the meeting to order at 4:00 p.m. Mrs. Pam Testerman gave the invocation and Mr. Scott Simpson led the pledge of allegiance.

Adoption of Agenda:

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

AYES: 7
NAYS: 0

Minutes of Previous Meeting:

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

Tuesday, May 10, 2011

Thursday, May 26, 2011

Supervisor Blevins motioned to approve the minutes for the May meetings, with the noted correction. Supervisor Call seconded the motion, and the vote is as follows:

AYES: 7

NAYS: 0

Financial Report:

Mr. Mike Carter reported there was an estimated \$8 million in the bank which is sufficient funds for the requested appropriations.

Payment of County Invoices:

Supervisor Blevins motioned to approve \$6,886,102.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,200,000.00
Schools - Operating Fund	\$4,894,095.00
Debt and Capital Outlay	\$ 792,007.00

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

AYES: 7

NAYS: 0

Supervisor Blevins motioned to approve \$75,171.41 for the Water/Sewer Project appropriations. The following is an explanation of the appropriations approved:

Allison Gap Sewer Project	\$20,300.12
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Hall Addition #2 Sewer Project	\$54,871.29
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Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES:	7
NAYS:	0

Supervisor Blevins motioned to approve the following Courthouse Project appropriation:

Courthouse Project	\$96,043.36
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Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES:	7
NAYS:	0

Supervisor Blevins motioned to approve the accounts payable listing in the amount of \$566,104.10. Supervisor Call seconded the motion and the vote is as follows:

AYES:	7
NAYS:	0

Citizen's Time:

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

Earl McClure, Marion, He felt the Zoning standards were not looked at in the School Special Use Permit hearing and suggested the Board reconsider voting on this later in the meeting.

David Thomas, Marion, He spoke on the condition of the Marion Senior Citizen Building. Mr. Thomas requested the Board take into consideration to help with the building, and place the \$8,000 back into the budget for Marion Downtown Revitalization.

NEW BUSINESS:

Introduction of Businesses in Smyth County:

Mrs. Sally Morgan introduced Mr. Mike Burkhard, President of Reline America in Saltville. Mr. Burkhard discussed the products that Reline America produces. He also presented a video that illustrated Reline's products being installed and in use.

Dr. Mike Robinson, School Board Superintendent, updated the Board on school projects. He informed the Board of Supervisors the School Board adopted the *Resolution Requesting the Board of Supervisor to Issue General Obligation School Bonds to Finance Capital Projects for School Purposes and Consenting to the Issuance Thereof* and requested the Board consider adopting the Resolution also. Supervisor Davidson inquired about air conditioning of the other schools. Dr. Robinson stated he would like all schools to be air conditioned, but at this time the cost is preventing that project. Dr. Robinson stated the emergency road will be gated and used for emergencies only. The road is on private property and the owners have the right to use it. Supervisor Neitch stated that she had several citizens contact her and they are not happy about the location of the new school.

Mr. David Rose, Davenport and Company, discussed a financial report on the Projected Impact of the School and Courthouse Projects. He also explained if the Board adopted the Bond Resolution, the School Board would be ready for bids by September.

PUBLIC HEARING – Proposed Subdivision Ordinance Amendment

At 5:34 p.m. Chairman Clark called the public hearing to order. Mr. Mike Carter read the following advertisement as placed in the Smyth County News and Messenger, along with the rules for public hearings:

PUBLIC HEARING NOTICE

The Smyth County Board of Supervisors will conduct a public hearing on Tuesday, June 14, 2011, at 5:00 p.m., or soon thereafter, at the Smyth County Office Building, 121 Bagley Circle, Marion, VA. The purpose of the public hearing is to amend the Subdivision Ordinance.

There are numerous changes including but not limited to the following:

- A proposal to delete the recreational development exception.
- A proposal to allow the creation of large lot developments with a minimum of 5 acres lot size and allowing private access with conditions.
- To update many sections to bring them into compliance with the current state code.
- A proposal to require State plane coordinates for any new survey within 1000 feet of a known coordinate
- Grammatical changes and reorganization of the ordinance.

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. A full copy of the proposed amendments are on file at the above address in the County Administrator's Office and may be reviewed Monday – Friday, during normal business hours.

In compliance with the Americans with Disabilities, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Administrator's Office at (276) 783-3298 at 48 hours prior to the hearing.

There were an estimated four (4) citizens present, and the following spoke:

Earl McClure – He inquired if the Board approved the ordinance from the Planning Commission, Ordinance Committee and Attorney. Chairman Clark stated this is a recommendation from the Ordinance Committee. Mr. McClure stated the Board is cut out of the loop and should send it back to the committee.

At 5:40 p.m. Chairman Clark closed the public hearing.

Planning Commission Recommendation:

(a) Mr. Clegg Williams updated the Board as to the Planning Commission recommendation to approve the proposed text amendment to Section 9-1 General, Zoning Ordinance. Chairman Clark set a public hearing for 2:30 p.m. on July 12, 2011.

(b) Mr. Clegg Williams updated the Board as to the Planning Commission recommendation to approve Branson Construction's application for a Map Amendment. With the Planning Commission recommendation, Supervisor Blevins motioned to approved Branson Construction's application for a Map Amendment to rezone 2448 Hwy 107 from Agricultural/Rural to Commercial. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

(c) Mr. Clegg Williams updated the Board as to the Planning Commission recommendation to approve the Smyth County School Board's application for a Special Use Permit. Supervisor Neitch stated she could not vote for this; so many people were against the location. With the Planning Commission recommendation, the Board approved the Smyth County School Board's application for a Special Use Permit to establish a public school at the end of Browns Subdivision Road. The vote is as follows:

AYES: 4 Dishner, Call, Clark, Blevins
NAYS: 3 Waddell, Neitch, Davidson

Dr. Mike Robinson presented Mr. Carter with the revised Bond Resolution for the Board to review.

Mr. Mike Carter informed the Board that 202 tons of debris from the April 28, 2011 storm has been received at the landfill. He stated this was at an estimated cost of \$9,800. Mr. Carter requested that a cut-off date be set for accepting storm debris. Supervisor Davidson motioned to set June 30, 2011 as the cut-off day for accepting no-charge storm debris. Also, if any debris from the storm should come in after this date it will be considered case by case. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Scott Simpson informed the Board that Solid Waste Department received the following bids for one (1) 4 cubic yard stationary compactor: Baker Waste Equipment Inc. - \$14,375.00, Mid-State Equipment Co., Inc. - \$14,832.00, and Cavalier Equipment Corp. - \$20,844.00. He explained that detailed information was requested for Baker Waste Equipment Inc.'s bid, but none was received. With having prior experience with Mid-State Equipment Co. Inc. on compactors, staff recommended accepting Mid-State Equipment Co., Inc. bid for \$14,832.00. With the Budget Committee recommendation, the Board approved accepting Mid-State Equipment Co., Inc.'s bid in the amount of \$14,832.00. This amount includes the compactor along with freight and installation. The vote is as follows:

AYES: 7
NAYS: 0

Supervisor Call motioned to appropriate \$14,832.00 (042030-3021) to Mid-State Equipment Co., Inc. and authorize Mike Carter to sign the check. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Girl Scout Gold Award Recognition:

Chairman Clark read and presented Recognition Certificates to Miss Danielle Brooke Widner and Miss Brittany Stevenson for their outstanding accomplishments to achieve the USA Gold Award and their dedication to the Girl Scouts. Supervisor Call stated he was a leader of the Explorer Post and he knows what these young ladies had to go through to get this award. Supervisor Call congratulated the ladies.

Mr. Charlie Harrington, Emergency Operations Coordinator, explained to the Board the first session of the Emergency Operation Plan - Transportation I. The Plan is in compliance with the Commonwealth of Virginia Emergency Laws. Mr. Harrington introduced Ms. Donna Greer with United Way and stated she is interested in helping when an emergency arises. He also explained the Preparedness, Response and Recovery to an emergency; Preparedness – being prepared for citizens and responders, Response – being ready to respond to an emergency, and Recovery – the long-term phase to an emergency.

Mrs. Sally Morgan

(a) She updated the Board on the Emory & Henry Physical Therapy program and explained their financial assistance request. She reported the Tobacco Commission has not released Emory & Henry's grant funding yet, and Emory & Henry would like to get started on their Physical Therapy program. Emory & Henry is also requesting financial assistance from the Town of Marion. Mrs. Morgan stated the funding of \$50,000 would come from the IDA budget. After discussion, Supervisor Blevins motioned to encourage the Industrial Development Authority to consider funding \$50,000 to assist Emory & Henry College in their request for start-up funding for the Doctor of Physical Therapy program. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

(b) Chairman Clark, being a member on the SWIFA Board, informed the Board of the retirement of Mr. Russell Owens, Chairman of SWIFA. Chairman Clark requested the Board adopt the following resolution honoring Mr. Owens:

RESOLUTION

WHEREAS, Russell Owens, Chairman of the Smyth-Washington Regional Industrial Facilities Authority (SWIFA), has announced his resignation from this position due to a planned move to Tennessee; and

WHEREAS, Mr. Owens has served on the SWIFA Board of Directors as a member from Washington County since its inception in 2000, and has provided invaluable leadership, commitment, knowledge, and a true spirit of cooperation to the creation and the operation of the authority; and

WHEREAS, Mr. Owens was also instrumental in the creation of the Smyth-Washington Regional Workforce Consortium (now the Southwest Virginia Alliance for Manufacturing) to address critical workforce development needs of industry in the two counties; and

WHEREAS, Mr. Owen's leadership, dedication, insight, and hard work will be missed by SWIFA, as well as by both Smyth and Washington Counties.

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors and the Industrial Development Authority of Smyth County recognize the tremendous accomplishments and leadership that Mr. Owens has provided over the twelve years of both counties working together, and

THEREFORE BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors and the Industrial Development Authority of Smyth County bestow honor and gratitude on Mr. Russell Owens for his public service as a member and Chairman of the Smyth-Washington Regional Industrial Facilities Authority; and extend best wishes as he and his wife move to a new home.

Adopted June 14, 2011 by the Smyth County Board of Supervisors

C. C. Clark, Jr., Chairman

Adopted June 15, 2011 by the Industrial Development Authority of Smyth County

Clarence F. Smith, Chairman

Supervisor Blevins motioned to adopt the Resolution honoring Mr. Russell Owens, SWIFA Chairman upon his retirement. 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.

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.

At the January 11, 2011 meeting; Mr. Atkins stated that Personal Property taxes were not being collected. He discussed the Treasurer's financial report showing balance of taxes not collected. Supervisor Call would like a Delinquent Tax Committee meeting set to discuss further.

At the February 8, 2011 meeting; Supervisor Roscoe updated the Board on committee meeting on February 1, 2011.

At the June 14, 2011 meeting; Mr. Carter updated the Board on where the Treasurer was at with the DMV Stop Program. Mr. John Tate discussed the process of publishing the list in the paper and request the Judge approve a fee for a title search and then the fee will be added to the tax owed. The Board agreed and authorized Mr. Carter to invite Mr. Tom Burkett, Treasurer to the July 12, 2011 meeting to discuss delinquent taxes and investments.

Old Business (continued)

2. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee **6-13-06**).
3. 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**).
4. 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. Clegg Williams reported to the Board that a jury trial was set for December 16, 2010.

At the January 11, 2011 meeting; Mr. Clegg Williams reported to the Board that the jury trial set for December 16, 2010 was continued, and a bench trial was set for January 27, 2011.

At the March 8, 2011 meeting; Mr. Clegg Williams informed the Board that the case has been heard and is awaiting the Judges decision.

5. Financial Discussion (**2-9-10**)
6. Service Agreement between Appalachian Juvenile Commission and Smyth County. (**12-14-10**)
7. Appointment Committee Recommendations (**12-14-10**)

Area Beautification Committee Judges to serve a 1-year term:

Park District

Royal Oak District

At the February 8, 2011 meeting; Supervisor Davidson motioned to appoint Ms. Tina Henderson as the Royal Oak District representative. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

Old Business (continued)

AYES: 6
NAYS: 0
ABSENT: Dishner

At the June 14, 2011 meeting: Supervisor Dishner stated he has tried to appoint someone for the Park District but has had no one accept.

8. Surplus Committee Recommendations (3-8-11)

- (a) Revision Clause on 7 acres on Chestnut Ridge Road
- (b) Set a public hearing on 7 acres on Chestnut Ridge Road and 13 acres in Browns Subdivision.

At the June 14, 2011 meeting: Mr. John Tate updated the Board as to the Natural Conservancy was to send someone to look at the 7 acres on Chestnut Ridge Road. He stated he has not heard back from the Natural Conservancy. Instead of having two separate public hearings, it was agreed upon to wait and just have one public hearing (b).

9. Tobacco Free Smyth County Facilities and Vehicles (4-12-11)

At the May 10, 2011 meeting: Mr. Simpson informed the Board this matter was sent to the Ordinance Committee for discussion.

10. Consider Wiley/Wilson Agreement for 911 Architecture/Engineering Services (4-28-11)

At the May 10, 2011 meeting: Supervisor Blevins motioned to approve having Moseley include Administration Offices in the empty space in the Courthouse created by placing the Sheriff Department with the 911 Center. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

At the June 14, 2011 meeting: Supervisor Blevins motioned to remove this item from the Old Business list. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

11. Country Side Drive (5-10-11)

At the June 14, 2011 meeting: Supervisor Davidson inquired about where the Board was with this issue. Mr. John Tate stated he was waiting on additional information from Mr. Clegg Williams on the agreement and term of bond. Mr. Tate informed the Board in 1994 Mr. Bob Dix had a bond in the amount of \$75,000 for construction of the road. In 1997 the bond was reduced to \$11,250, as to why the bond was reduced is the additional information he is waiting for. Mr. Scott Simpson stated he a letter that may have information concerning this issue, and he would get a copy to Mr. Tate and Supervisor Davidson.

Committee Recommendations:

Budget

(a) With the Budget Committee recommendation, the Board approved accepting Professional Communications' bid in the amount of \$130,750 for the purchase of radios under the 2010 Cops Technology Grant. The vote is as follows:

AYES: 7
NAYS: 0

(b) With the Budget Committee recommendation, the Board approved accepting the 2011 Term Contract with RCC Consultants for Professional Services on the 911 Center and communication system. The vote is as follows:

AYES: 7
NAYS: 0

PUBLIC HEARING – Proposed 2011/2012 Smyth County Budget

At 7:07 p.m. Chairman Clark called the public hearing to order. Mr. Mike Carter read the following advertisement as placed in the Smyth County News and Messenger, along with the rules for public hearings:

**NOTICE OF PUBLIC HEARING ON THE PROPOSED SMYTH COUNTY BUDGET FOR FISCAL
YEAR JULY 1, 2011 - JUNE 30, 2012**

This budget synopsis is prepared and published for informative and fiscal planning purposes only. The inclusion in the budget for any item does not constitute an obligation or commitment on the part of the Board of Supervisors of this county to appropriate any funds for that 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 of 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 informative and planning purposes in the Board of Supervisors meeting room, 121 Bagley Circle, Smyth County Office Building on Tuesday, June 14, 2011, at 7:00 p.m., or soon thereafter, at which time any citizen of the County shall have the right to attend and subject to 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 14, 2011.

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. to 5:00 p.m., Monday - Friday.

SMYTH COUNTY BUDGET

<u>Revenue</u>	<u>FY/2011 Budget</u>	<u>Proposed FY/2012</u>	<u>Inc./Dec.</u>
Real Property Taxes	\$9,000,000	\$9,303,800	\$303,800
Public Services	575,000	575,000	0
Personal Property	2,833,500	2,603,000	-230,500
Machinery & Tools	1,656,000	1,478,500	-177,500
Merchants Capital	186,000	187,000	1,000
Lodging Tax	18,500	32,000	13,500
Penalties & Interest	230,000	215,000	-15,000
Motor Vehicle License	15,000	265,000	250,000
Rolling Stock Tax	32,812	32,800	-12
Utility Licenses Tax	162,000	151,000	-11,000
Consumer's Utility Tax	1,193,000	1,303,000	110,000
Permits & Other Licenses	52,375	51,400	-975
Fines & Forfeitures	123,000	162,700	39,700
Interest on Investments	400,500	400,500	0
Use of Property	52,318	110,074	57,756
Court Cost	10,876	10,876	0
Charges for Commonwealth Attorney	1,800	1,900	100
Charges Correction & Detention	100	100	0
Charges Sanitation & Waste	650,000	740,000	90,000
Expenditure Refunds	595,746	453,764	-141,982
Miscellaneous/Borrowing	5,076,500	71,000	-5,005,500
Public Safety Grant Money	75,000	0	-75,000
Revenue from the Commonwealth	271,933	189,982	-81,951
PPTRA	1,804,310	1,804,310	0
Comprehensive Service Act	706,500	851,450	144,950
Commonwealth Attorney	489,863	479,993	-9,870
Sheriff	1,641,911	1,756,210	114,299
Commissioner of the Revenue	96,890	94,740	-2,150
Treasurer	102,631	98,380	-4,251
Registrar/Electoral Board	56,563	56,563	0
Clerk's office	315,687	296,858	-18,829
Local Sales Tax	1,800,000	1,850,000	50,000
Categorical Aid - Other	350,500	102,530	-247,970
Special Assessments	7,500	6,500	-1,000
Animal Licenses	11,425	11,500	75
IDA Funds	45,000	60,015	15,015
State School Funds	38,587,877	38,712,184	124,307
Board of Welfare -Social Serv	3,748,065	3,671,462	-76,603
School Textbook Revenue	231,233	615,000	383,767
On-Site Wastewater Revenue	0	39,300	39,300
911 Wireless Grants	0	26,008	26,008
DEQ-EPA-STAR Grants	0	80,000	80,000
Pioneer Greenwood Project	0	228,500	228,500
Water-Sewer Revenue	1,557,000	1,692,000	135,000
Connection Fees	17,000	17,000	0
Application Fees/service chg	4,000	26,500	22,500
Miscellaneous	5,000	1,000	-4,000
Special Projects	349,000	630,600	281,600
Special Welfare	170,010	137,515	-32,495
Comm. Attorney Drug Asset Revenue	4,000	4,000	0
Sheriff Drug Asset Revenue	4,000	4,000	0
Sheriff Dare Revenue	7,000	4,000	-3,000
Courthouse Security Revenue	76,000	125,500	49,500
Asset Forfeiture	24,500	24,500	0

Smyth County Board of Supervisors
Tuesday, June 14, 2011

Revenue from Radar Fund Fines	440,000	675,000	235,000
Revenue from Local Sources (Fund Balance)	3,622,058	3,271,883	-350,175
	<hr/>	<hr/>	<hr/>
Sub-total	79,487,483	75,793,397	-3,694,086

COURTHOUSE/PARKING DECK/911 & COMMUNICATIONS PROJECT FUND

Proceeds transferred from bond sale	0	6,919,943	6,919,943
Town of Marion - Parking Structure	0	750,000	750,000
	<hr/>	<hr/>	<hr/>
Sub-total	0	7,669,943	7,669,943

Total County Budget	<u>\$79,487,483</u>	<u>\$83,463,340</u>	<u>\$3,975,857</u>
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<u>Expenditures</u>	<u>FY/2011 Budget</u>	<u>Proposed FY/2012</u>	<u>Inc./Dec.</u>
Board of Supervisors	\$5,696,034	\$586,879	-\$5,109,155
County Administration	511,047	737,172	226,125
Commissioner of the Revenue	263,498	277,839	14,341
Assessor	30,000	0	-30,000
Treasurer	298,407	340,391	41,984
Information Systems	348,948	350,014	1,066
Registrar	175,166	188,988	13,822
Circuit Court	74,550	73,665	-885
General District Court	31,580	31,880	300
Juvenile & Domestic Courts	269,400	213,408	-55,992
Clerk of the Circuit Court	473,193	466,783	-6,410
Sheriff	2,687,587	2,892,068	204,481
Law Library	11,000	11,000	0
Commonwealth Attorney	519,075	518,075	-1,000
Victim Witness Asst. Program	55,760	55,760	0
Central Dispatch	6,500	5,500	-1,000
Smyth County Basic 911	895,205	839,133	-56,072
Volunteer Fire Department	409,000	254,000	-155,000
Ambulance & Rescue Service	218,000	174,200	-43,800
Forrestry	8,990	9,000	10
Sheriff - Jail	1,490,210	1,219,754	-270,456
Building Inspection & Zoning	381,666	386,869	5,203
Animal Control - Dog Warden	301,930	380,278	78,348
Medical Examiner - Coroner	0	500	500
Emergency Services - Civil Defense	26,215	106,215	80,000
Motor Vehicle License	2,000	0	-2,000
Refuse Collection & Disposal	1,386,737	1,397,243	10,506
Convenience Stations	352,609	356,128	3,519
Rye Valley Water Co.	87,479	87,479	0
Smyth County Tourism	35,685	35,561	-124
Courthouse Maintenance	193,620	185,718	-7,902
Health Department Bldg Main.	89,731	92,767	3,036
County Office Bldg Main.	297,831	268,963	-28,868
Local Health Department	444,023	441,023	-3,000
Mental Health	166,022	166,022	0
Welfare & Social Services	4,200	4,200	0
Other Community expenses	329,302	323,934	-5,368

Smyth County Board of Supervisors
Tuesday, June 14, 2011

Community Colleges	51,103	52,661	1,558
Capital Improvements	1,800,000	1,500,000	-300,000
Recreation	42,450	42,450	0
Library Administration	926,466	926,466	0
Planning Commission	15,173	15,173	0
Community & Economic Development	263,054	206,001	-57,053
County Engineer	137,171	41,330	-95,841
Industrial Development Authority	469,092	532,700	63,608
Soil & Water Conservation	28,250	28,250	0
Cooperative Extension Program	94,878	95,613	735
Comprehensive Service Act	987,919	987,319	-600
Animal Control	50,434	50,876	442
IDA General Expenses	1,500	45,000	43,500
County School Operations	47,571,142	48,004,202	433,060
Welfare & Social Service Cost	4,501,386	4,479,348	-22,038
School Textbook Fund Expense	196,233	600,000	403,767
Special Dispatch Funds	25,836	25,836	0
Pioneer Greenwood Project	0	228,500	228,500
Cedar/Hall Expense	0	80,000	80,000
On Site Waste Water Expense	0	39,300	39,300
Water-Sewer Department	2,341,756	2,255,913	-85,843
County Funded Projects	742,000	1,296,100	554,100
Special Welfare Funds	169,000	171,000	2,000
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
Courthouse Security	76,070	125,500	49,430
Asset Forfeiture	24,500	24,500	0
Radar Fund Expense	384,870	445,950	61,080
Sub-total	<u>79,487,483</u>	<u>75,793,397</u>	<u>-3,694,086</u>

COURTHOUSE/PARKING DECK/911 & COMMUNICATIONS PROJECT
FUND

Courthouse Project	0	2,120,000	2,120,000
Parking Structure	0	2,049,943	2,049,943
911/Sheriff Relocation	0	2,700,000	2,700,000
Radio Communications	0	800,000	800,000
Sub-total	<u>0</u>	<u>7,669,943</u>	<u>7,669,943</u>
Total County Budget	<u>\$79,487,483</u>	<u>\$ 83,463,340</u>	<u>\$3,975,857</u>

In preparation of the above budget the Smyth County Board of Supervisors proposed no changes in the current tax levies:

The Board proposes to adopt, pursuant to §58.1-3001 et seq. a real estate levy on all taxable real estate located in Smyth County, Virginia, including equalized real estate, where applicable, a unit levy of \$0.69 per \$100.00 of assessed valuation; Tax on tangible personal property and the tangible personal property of public service corporations, except rolling stock of corporations operating railroads, a unit levy of \$2.25 per \$100.00 of assessed valuation; Machinery & Tools \$1.55 per \$100.00 of assessed valuation; Tax on Category 23 items (trucks used in interstate commerce over 10,000 pounds) a unit levy of \$1.55 per \$100.00 of assessed valuation; Tax on merchants capital a unit levy of \$0.40 per \$100.00 of assessed valuation.

There were an estimated 13 citizens present, and the following spoke:

Charles Wassum, Marion – Mr. Wassum spoke on the debt service of the County. He stated the debt service should be clearly stated in the advertisement of the proposed budget.

Ken Heath, Marion – Mr. Heath explained the Marion Downtown budget and requested the County continue to fund Marion Downtown.

James McNeil, Gilda Powers, Dana Chamblin, all of Marion – requested the County continue to support Marion Downtown.

Pam Hall, Marion, Brain Injury – Ms. Hall explained the services Brain Injury offers and thanked the County for their continued support.

Bev Haddock, Marion, President, Smyth County Humane Society – Ms. Haddock explained the Humane Society is eligible to receive a matching grant from Two Mauds. She informed the Board she is requesting support from the County, as well as, the Towns to assist the Humane Society in receiving the matching grant up to \$5,000 from Two Mauds.

John Graham passed on speaking.

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

Mr. Mike Carter

(a) Informed the Board he received the agreement and deed from Mr. Tate on the Cornerstone Building/Mt Rogers Community Mental Health and Mental Retardation Services Board property. After discussion, Supervisor Call motioned to accept the agreement and deed and authorize Chairman Clark to sign the documents at closing on June 23, 2011 at 2:00 p.m. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES:	6	
NAYS:	0	
ABSTAIN:	1	Neitch (Mt Rogers Community Service Board member)

(b) Informed the Board he received a revised plat on the Harwood property to include the piece of property donated by the owner. He explained Mr. Jeff Campbell was preparing the title search and would have that finished in the next couple of days. After discussion, Supervisor Blevins motioned to approve the donation of a piece of property and the revised plat on the Harwood property, pending title search, and to appropriate an amount of \$228,000. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

CLOSED SESSION

At 7:54 p.m. Supervisor Neitch motioned 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 potential litigations. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to the open meeting, Supervisor Dishner motioned 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 Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

CONTINUED

At 8:10 p.m. Supervisor Blevins motioned to continued meeting until Thursday, June 23, 2011 at 6:00 p.m. Supervisor Waddell 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 6:00 p.m., **Thursday, June 23, 2011**. 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
M. Todd Dishner, Vice-Chair
Wade H. Blevins, Jr.

Roscoe D. Call
Regina H. Davidson
Brenda J. Waddell

MEMBERS ABSENT:

Darlene R. Neitch

STAFF PRESENT:

Michael L. Carter, County Administrator
Scott Simpson, Assistant County Administrator
Pam Testerman, Office Service Assistant
John Tate, County Attorney
Charlie Atkins, Financial Officer

At 6:00 p.m. Chairman Clark called meeting to order.

2011/2012 Proposed Budget Work Session

Mr. Charlie Atkins discussed the following amendments to the published proposed 2011/2012 budget:

Security Camera's for the Courthouse. An addition is to be made to line-item 043020-9005 in Courthouse Maintenance in the amount of \$22,581.00.

The Compensation Board has allowed an additional staff member for the Clerk of the Courts Office. In moving from the Department request's to the committee recommend's column Mr. Graham stated that his request was too much. However, after further review; Mr. Graham's final number was incorrect and the original request was correct. There are several payroll line-items affected for a total of \$23,724.00.

The ARC of Smyth County has requested \$2,500.00 to help support their summer enrichment program for students with special needs. The \$2,500.00 would be posted to line-item 056000-6008.

The Smyth County Humane Society requested \$2,000 along with \$1,000 from each town to receive a matching grant of \$5,000 from Two Mauds Inc. for the spay and neuter program. The \$2,000.00 will be posted to line-item 056000-5614. *After discussion, the Board agreed to consider the \$2,000.00 contingent upon receiving enough funding from the Towns to receive the grant.*

With several speakers appearing at the public hearing requesting \$8,000 be placed back in the budget for Marion Downtown Revitalization, the \$8,000.00 would be posted to line-item 056000-6017.

The School Board along with the County applied for and received a grant from VA Department of Mining, Minerals, and Energy in the amount of \$1,200,000.00. The School Board has budgeted the \$200,000.00 and the remaining \$1,000,000.00 will be reimbursed to the County once it has been spent. \$1,000,000.00 in revenue will be posted to 021100-0005 and \$1,000,000.00 in expense will be posted to the capital project line-item 070000-8888.

After discussion, Supervisor Dishner motioned to add the above amendments to the 2011/2012 proposed budget. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Mr. John Tate informed the Board, before organizations are sent donations; the organizations need to provide staff with proof of their 501(c) 3, per section 15.2-953 of the Code of Virginia.

CITIZEN'S TIME

At 6:22 p.m. Chairman Clark opened citizen's time. There were three citizens present with no one speaking.

At 6:23 p.m. Chairman Clark closed citizen's time.

Mr. Atkins updated the Board on the financial status of the County. Mr. Atkins reported there were sufficient funds for the requested appropriations.

Payment of County Invoices:

Supervisor Blevins motioned to approve \$4,900,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$ 100,000.00
Schools - Operating Fund	\$5,000,000.00
Unappropriate Social Services	\$ (200,000.00)

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

AYES: 6
NAYS: 0
ABSENT: Neitch

Supervisor Blevins motioned to approve the following Water/Sewer Project appropriation:

Pioneer/Fox Valley Water Project	\$76,805.20
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Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Supervisor Blevins motioned to approve the appropriation in the amount of \$92,000.00 from the IDA Fund 4 Account. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Supervisor Blevins motioned to approve the accounts payable listing in the amount of \$349,159.14. Supervisor Call seconded the motion and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Neitch

Board Members' Compensation

The Board read the Code of Virginia sections 15.2-1414.2 and 15.2-1414.3 concerning increasing the Board members' compensation. After discussion, Supervisor Call motioned to approve 15.2-1414.2 Compensation to Board members to be included in the budget amendments, contingent upon opinion of the Attorney General, with state population limit and an increase to Chairman and Vice-Chairman salaries. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

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

Consider 2011/2012 Proposed Budget with discussed amendments

Mr. Atkins informed the Board that with the amendments the proposed budget totals \$84,528,174. Supervisor Davidson thanked Mr. Atkins for answering all her questions on the budget. Supervisor Dishner and Chairman Clark thanked the staff and the Budget Committee for the work they contributed to the budget. Supervisor Call motioned to approve the 2011/2012 budget, including amendments, totaling \$84,528,174. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Additional Appropriation

Supervisor Blevins motioned to approve \$60,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

Social Services (July 1 -12, 2011)	\$60,000.00
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Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Cornerstone Building – Mt. Rogers Community Service Board

Mr. Mike Carter updated the Board on the County's ownership of the Cornerstone Building. He discussed the terms that Mt. Rogers Community Service Board requested on leasing the building. Mr. Carter explained Mt. Rogers Community Service Board requested to lease the building at \$3 per sq ft (4,000 sq ft building) per year and take care of the building and any repairs. After discussion, Supervisor Davidson motioned to approve leasing the building to Mt. Rogers Community Service Board for a 12-month period at \$3 per square foot. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Mega-Site Planning Project Engineering Services

Mr. Scott Simpson explained with Mrs. Sally Morgan and Mr. Charlie Clark representing the Economic Development Committee and Mr. Clarence Smith and Mr. Marvin Craig representing the IDA along with him; interviewed Engineering Firms for the Mega Site Planning Project. With the Economic Development Committee recommendation, the Board approved accepting Anderson & Associate's proposal for Engineering Services on the Mega Site Planning Project, and authorized an agreement negotiation.

AYES: 6
NAYS: 0
ABSENT: Neitch

Committee Recommendations:

Appointment

(a) With the Appointment Committee recommendation, the Board reappointed Mr. Marvin Craig to the Smyth County Industrial Development Authority as the Atkins District representative, and reappointed Mr. Kris Ratliff to the Smyth County Industrial Development Authority as the Park District representative.

Mr. Craig and Mr. Ratliff will serve a four year term that will expire June 30, 2015. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Neitch

(b) With the Appointment Committee recommendation, 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, 2012.

With the Appointment Committee recommendation, 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, 2012.

With the Appointment Committee recommendation, the Board appointed Mr. Roscoe Call to the Community Policy Management Team as the Board of Supervisors representative. Mr. Call will serve a one year term that will expire June 30, 2012.

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, 2012.

The vote is as follows:

AYES: 5
NAYS: 0
ABSTAIN: 1 Call
ABSENT: Neitch

(c) 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, 2012.

The vote is a follows:

AYES: 6
NAYS: 0

ABSENT: Neitch

(d) With the Appointment Committee recommendation, 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, 2012. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Neitch

(e) With the Appointment Committee recommendation, the Board appointed Dr. Mike Robinson, School Superintendent, 121 Bagley Circle, Suite 300, Marion, VA 24354, (276-783-8865), to serve as Smyth County's representative to the Crossroads Rural Entrepreneurial Institute Board of Directors. Dr. Robinson will serve a four-year term that will expire June 30, 2015. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Neitch

CLOSED SESSION

At 7:21 p.m. Supervisor Blevins motioned 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 Davidson seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Upon returning to the open meeting, Supervisor Dishner motioned 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: 6
NAYS: 0
ABSENT: Neitch

ADJOURN MEETING

At 8:02 p.m. Chairman Clark adjourned the meeting.

The Smyth County Board of Supervisors held its regular July meeting at 12:00 noon, **Tuesday, July 12, 2011**. 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 (arrived at 12:20p.m.)
Darlene R. Neitch
Brenda J. Waddell (left at 4:05 p.m.)

STAFF PRESENT:

Michael Carter, County Administrator
Scott Simpson, Assistant County Administrator
John H. Tate, Jr., County Attorney
Pam Testerman, Office Service Assistant
Charlie Atkins, Financial Officer
Sally Morgan, Community/Economic Development
Arthur Barker, Deputy

OTHERS PRESENT:

Mary Beth Jackson, Smyth County News & Messenger

Call To Order, Invocation & Pledge of Allegiance:

With a quorum present, Chairman Clark called the meeting to order at 12:00 noon. Mrs. Pam Testerman gave the invocation and Mr. Charlie Atkins led the pledge of allegiance.

Adoption of Agenda:

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

AYES: 6
NAYS: 0
ABSENT: Dishner

Minutes of Previous Meeting:

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

Tuesday, June 14, 2011

Thursday, June 23, 2011

Supervisor Neitch motioned to approve the minutes for the June meetings, with the noted corrections. Supervisor Call seconded the motion, and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

Financial Report:

Mr. Mike Carter reported there was an estimated \$4.7 million in the bank which is sufficient funds for the requested appropriations.

Payment of County Invoices:

Supervisor Call motioned to approve \$4,260,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,600,000.00
Social Services (July 13 – 31, 2011)	\$ 350,000.00
(August 1 – 9, 2011)	\$ 60,000.00
Schools - Operating Fund	\$1,400,000.00
Debt and Capital Outlay	\$ 850,000.00

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

AYES: 6
NAYS: 0
ABSENT: Dishner

Supervisor Call motioned to approve \$250,000.00 for School Textbook Fund appropriation. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENTL Dishner

Supervisor Call motioned to approve the accounts payable listing in the amount of \$845,392.75. Supervisor Waddell seconded the motion and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Dishner

NEW BUSINESS:

Mrs. Sally Morgan

(a) Introduction of Businesses in Smyth County:

Mrs. Morgan introduced Ms. Diane Warren and Mr. Mack Houck of Innovat Corporation. Ms. Warren and Mr. Houck explained Innovat Corporation is a secondary service for welding and warranty repairs for circuit boards. They presented a few repaired circuit boards.

Citizen's Time:

There were three (3) citizens present, the following spoke:

Will Leonard, Chairman, Smyth Wythe Joint Airport, He gave an update to the Board on the new terminal project. Mr. Leonard informed the Board of some land at the end of the runway that is deemed to high and the Airport is working with the landowners to get this corrected. He stated the Airport is currently working on keeping the maintenance up-to-date on the buildings that house the airplanes.

Mrs. Sally Morgan

(b) Mrs. Morgan introduced Mr. Tom Elliott with Virginia's aCorridor. Mr. Elliott updated the Board on the aCorridor assistance with business prospects and presented a powerpoint presentation.

(c) Mrs. Morgan introduced Dr. Ron Profitt, President, Highlands Community College. Dr. Profitt explained about a Planning Grant through the Tobacco Commission for a Workforce Center project. He stated the Workforce Center would serve Smyth County, Washington County and the City of Bristol. Dr. Profitt informed the Board the Workforce Center would help prospects to look at this area knowing they may have the workforce they need. He also stated that individual companies may use the center to have training for a period of time. Dr. Profitt requested a letter of support from the Board. He informed the Board he would be requesting a letter of support for the Planning Grant to Washington County and the City of Bristol this evening. Ms. Marty Holliday, Workforce Consortium Board, stated to continue long-term development we have to move our workforce up. After discussion, Supervisor Call motioned to approve the following letter of support for the Workforce Center project:

Tim Pfohl, Grants Coordinator
Tobacco Indemnification and Community Revitalization Commission
701 E. Franklin St., Suite 501
Richmond, VA 23219

Dear Mr. Pfohl:

The Smyth County Board of Supervisors recognizes that a trained, skilled workforce is a critical component of successful economic development for our region, and that previous studies and surveys have documented the lack of sufficient trained workers in our region in skilled manufacturing occupations as welding, machining, and electro-mechanical maintenance.

The Smyth County Board of Supervisors supports the concept of a workforce training facility and an application submitted by the New River/Mount Rogers Workforce Consortium Board for additional planning needed to develop the concept. We understand that Washington County would be fiscal agent for the grant, if received. Also, we understand that no local matching funds are being requested, but that matching funds for the application will be pursued through funding from the Appalachian Regional Commission.

We understand that this application would be submitted under the Education category for 2012 Funding which is the same Committee which will also review a proposal from Emory & Henry College requesting a grant for the establishment of a Doctorate of Physical Therapy program in Marion. We want to make sure that the Tobacco Commission understands that if we were asked to rank these two projects in terms of need and particularly in terms of anticipated economic outcomes that the project proposed by Emory & Henry would be our first priority.

Please let me know if you have any questions.

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

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

Mr. Tom Burkett, Smyth County Treasurer, was present to discuss the delinquent tax collection process in his office and how he handles the investments. Mr. Burkett stated he hoped to be starting on the DMV Stop Program for collecting personal property delinquent taxes by August. He discussed options to collect real estate delinquent taxes. Mr. Carter requested Mr. Burkett to provide the Board with the Attorney Firms that handle real estate delinquent tax sales. On investing, Mr. Burkett explained he has a banking service agreement with the Bank of Marion, so all monies are in one bank. He reported he has different CDs for long-term to receive higher interest, but has the flexibility, with the Bank of Marion, to withdraw money from the CDs without penalty and interest lost. Mr. Burkett also stated he felt having money in different banks would cost the County money, with the flexibility benefit the Bank of Marion allows him to have. Mrs. Debbie Schwartz, Chief Deputy Treasurer, stated having money in different banks causes problems.

Dr. Mike Robinson, School Board Superintendent, updated the Board on the General Obligation School Bonds not to exceed \$25 million to finance renovation of the Marion Primary School and the acquisition, construction and equipment for the new elementary school project. He informed the Board the School Board requested up to \$9.5 million of Qualified School Construction Bonds at 0% interest, \$12.5 million of Literary Funds at 2% interest to be available in 2015 or 2016, and requests the other Bond Anticipation Notes balance be issued as general obligation bonds as determined by the County.

Mr. David Rose, Davenport and Company, stated the Commonwealth sees the Literary Funds offering funding again in three to four years. He informed the Board by consenting to the School Board's resolution does not bind the County at this point; it is to apply for low interest funding and to set a public hearing. Mr. Rose stated the County will not adopt a resolution for financing until after the public hearing. He reported the longer the Board waits the lower on the Literary Funds list the County will be.

After discussion, Supervisor Davidson motioned to wait to approve applying for funding until after the public hearing at the August 9, 2011 Board meeting. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Davidson motioned to set a public hearing for General Obligation School Bonds on August 9, 2011 at 6:30 p.m. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

PUBLIC HEARING – Proposed Text Amendment to the Zoning Ordinance

At 3:24 p.m. Chairman Clark called the public hearing to order. Mr. Mike Carter read the following advertisement as placed in the Smyth County News and Messenger, along with the rules for public hearings:

PUBLIC HEARING NOTICE

The Smyth County Board of Supervisors will conduct a public hearing on Tuesday, July 12, 2011, at 2:30 P.M., or soon thereafter, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following proposed amendment(s) to the Zoning Ordinance of Smyth County, Virginia:

Proposed Text Amendment: ARTICLE IX, AMENDMENTS

Section 9-1 General

Whenever public necessity, convenience, general welfare or good zoning practice require, and subject to the procedures and requirements set forth in Section 15.2-2285 and 15.2-2286 of the Code of Virginia, 1950, as amended, the regulations, restrictions, ~~and~~-district boundaries, and classifications of property established by the Ordinance may be amended, supplemented, changed or repealed by ordinance adopted by the Board of Supervisors. Any ordinance to amend the provisions of this Ordinance shall be enacted consistent with state law and the requirements for adoption of ordinances.

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

In compliance with the Americans with Disabilities, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Building and Zoning Department at (276) 783-3298 at least 48 hours prior to the hearing.

There were nine (9) citizens present, and the following spoke:

Earl McClure – He stated he had suggested six words be added and two sentences be deleted from the ordinance to be more in line with the State Code. Mr. McClure informed the Board three of his suggested words were used in the proposed amendment. He also had suggested adding “for residential housing” in the text of A/R Zoned, Section 3.2.3(b). Mr. McClure requested the Board no vote on this until the text is amended and the two sentences are deleted.

At 3:31 p.m., Chairman Clark closed the public hearing.

PUBLIC HEARING – Festival Permit - Atkins Volunteer Fire Department

At 3:31 p.m. Chairman Clark called the public hearing to order. Mr. Scott Simpson read the following advertisement as placed in the Smyth County News and Messenger, along with the rules for public hearings:

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

The Smyth County Board of Supervisors will conduct a public hearing on Tuesday, July 12, 2011, at 3:00 P.M. or as soon thereafter, 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 Atkins Volunteer Fire Department has submitted a festival application for a one (1) day event to be held July 23, 2011, from 12:00 noon to 12:00 midnight. (A rain date is scheduled for July 30, 2011, from 12:00 noon to 12:00 midnight). This event will be held at the Prater Farm, located at 877 Crowe Hollow Road, Atkins, VA 24311.

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. In compliance with the Americans with Disabilities, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Administrator's Office at (276)783-3298 at least 48 hours prior to the hearing.

There were eight (8) citizens present, and the following spoke:

Bart Feigley, Crowe Hollow, Mr. Feigley informed the Board he is a neighbor to the Prater Farm and has no opposition of having the festival there.

Mark Prater, Crowe Hollow, Mr. Prater informed the Board the Fire Department will be using his farm for the festival and inquired if the Board had any questions.

At 3:39 p.m., Chairman Clark closed the public hearing.

Supervisor Neitch motioned to waive the rules and consider the permit at this time. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Waddell motioned to approve the festival permit for the Atkins Volunteer Fire Department. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

**PUBLIC HEARING – Festival Permit – Konnarock-Green Cove Laurel Valley
Community Association**

At 3:40 p.m. Chairman Clark called the public hearing to order. Mr. Scott Simpson read the following advertisement as placed in the Smyth County News and Messenger, along with the rules for public hearings:

BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS

The Smyth County Board of Supervisors will conduct a hearing on Tuesday, July 12, 2011, at 3:30 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 18, 2011. 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. In compliance with the Americans with Disabilities, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Administrator's Office at (276)783-3298 at least 48 hours prior to the hearing.

There were four (4) citizens present, and no one spoke.

At 3:42 p.m., Chairman Clark closed the public hearing.

Mr. Carter informed the Board he spoke with Mr. John O'Neal. Mr. O'Neal stated the Board was correct in having a public hearing on August 9, 2011 and waiting to vote on the School Obligation Bonds after the public hearing.

Mr. Shannon Williams

(a) Supervisor Blevins motioned to accept the 2012 Fire Program Disbursement Agreement. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

(b) Supervisor Blevins motioned to approve and appropriate the final distribution of the 2011 Department of Fire Programs checks totaling \$7,563.00. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Recommended Distribution:

Atkins Fire Department	\$1,260.50
Adwolfe Fire Department	\$1,260.50
Nebo Fire Department	\$1,260.50
Sugar Grove Fire Department	\$1,260.50
Town of Chilhowie	\$1,260.50
Town of Saltville	<u>\$1,260.50</u>
	\$7,563.00

Mr. Charlie Atkins

(a) Mr. Atkins presented and discussed the following resolution from Virginia Retirement System (VRS) concerning the Line of Duty Act:

RESOLUTION
Irrevocable Election Not to Participate in Line of Duty Act Fund

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has_ established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a nonparticipating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of _____ to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED that _____ hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further

RESOLVED that the following entities,

[List of covered entities, including volunteer entities, regional jails, etc., whatever is applicable, whether inside or outside the locality, or attach a list of entities]

to the best of the knowledge of _____, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, _____ agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of _____ on or after July 1, 2010; and it is further

RESOLVED that, as a non-participating employer, _____ agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that _____ shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

Adopted in _____, Virginia this _____ day of _____

Authorized Signature- Title

Mr. Atkins informed the Board since the County has agreed to cover the Line of Duty through VACo, VRS is requiring the Board to adopt the following resolution to opt out of having the Line of Duty through them. A concern the Board had was an different dates for adopting the resolution; on the resolution the date was July 1, 2012, but Mr. Atkins was given the date of July 31, 2011. After discussion, Supervisor Blevins motioned to adopt and authorize Mr. Carter to sign the resolution contingent upon Mr. Atkins obtaining clarification of the correct date. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Waddell

(b) Mr. Atkins discussed with the Board a change to accounting standards for financial statements. He stated the fund balances of restricted/unrestricted will become the following five (5) balances:

Non-spendable
Restricted
Committed
Assigned
Unassigned

After discussion, Supervisor Blevins motioned to adopt the following Fund Balance Policy:

Smyth County Board of Supervisors
Fund Balance Policy

- I. Purpose:
The Smyth County Board of Supervisors are dedicated to maintaining an appropriate level of fund balance sufficient to mitigate current and future financial risks and to ensure stable tax rates; and, therefore, formally establishes this policy for the County's Fund Balance. This policy also authorizes and directs the County Administrator to prepare financial reports which accurately categorize fund balance as required by GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*.
- II. Components of Fund Balance:
Fund Balance is the difference between the assets and liabilities reported in a governmental fund. The following five fund balance classifications describe the relative strength of the spending constraints placed on the purposes for which the resources can be used:
 - Non-spendable fund balance – amounts that are not in spendable form (such as inventory and prepaid) or are required to be maintained intact (corpus of a permanent fund);
 - Restricted fund balance – amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation;
 - Committed fund balance – amounts constrained to specific purposes by a government itself, using its highest level of decision making authority; to be reported as committed, amounts cannot be used for any other purpose unless the government takes the same highest level action to remove or change the constraint;

- Assigned fund balance – amounts a government intends to use for a specific purpose; intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority; for all funds except the general fund, assigned fund balance is the residual fund balance classification;
- Unassigned fund balance – amounts that are available for any purpose; positive amounts are only reported in the general fund.

III. Committed Fund Balance Policy:

The Smyth County Board of Supervisors is the County's highest level of decision making authority and the formal action that is required to be taken to establish, modify, or rescind a fund balance commitment is a resolution approved by the Board of Supervisors. The resolution must either be approved or rescinded, as applicable, prior to the last day of the fiscal year for which the commitment is made. The amount subject to the constraint may be determined in the subsequent period.

IV. Assigned Fund Balance Policy:

The Board of Supervisors has authorized the County Administrator as the official authorized to assign fund balance to a specific purpose as approved by this fund balance policy.

V. Minimum Unassigned Fund Balance Policy:

The County has no minimum fund balance requirement.

VI. Resource Flow Policy:

When fund balance resources are available for a specific purpose in more than one classification, it is the County's policy to use the most restrictive funds first in the following order: restricted, committed, assigned, and unassigned as they are needed.

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

AYES: 6
NAYS: 0
ABSENT: Waddell

Mr. Scott Simpson

(a) Mr. Simpson reported to the Board the State Board of Elections is requesting to use the central absentee voter election district for all elections not just for the November elections. He informed the Board this will require a Smyth County Code amendment and requested the Board set a public hearing for the August meeting. Supervisor Blevins motioned to set a public hearing for August 9, 2011 at 5:30 p.m. Supervisor Call seconded the motion, and the motion passed with the following

vote:

AYES: 6

NAYS: 0

ABSENT: Waddell

(b) Committee Recommendations:

Water and Sewer

(a) With the Water and Sewer Committee recommendation, the Board accepted the offer for the sewer billings from the Town of Marion, and authorized staff to notify the Town of Marion to obtain an agreement for signatures. The vote is as follows:

AYES: 6

NAYS: 0

ABSENT: Waddell

(b) With the Water and Sewer Committee recommendation, the Board approved moving forward on the Groseclose Well with the well and tank designs. The vote is as follows:

AYES: 6

NAYS: 0

ABSENT: Waddell

Mr. Simpson informed the Board he would apply for a grant to help fund the \$130,000 well and \$60,500 tank.

(c) With the Water and Sewer Committee recommendation, the Board approved the Agreement with Anderson & Associates for groundwater source study in the Ebenezer area for \$35,000 and the Midway/Rich Valley area for \$33,000. The vote is as follows:

AYES: 6

NAYS: 0

ABSENT: Waddell

(d) With the Water and Sewer Committee recommendation, the Board approved the Agreement with Adams-Heath Engineering Inc. for engineering services on a sewer extension project to serve the an area along Route 107 and to allow the connection of the leachate at the Landfill. The agreement is in the amount of \$44,000 and this amount is in the current budget. The vote is as follows:

AYES: 6

NAYS: 0

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.

At the January 11, 2011 meeting; Mr. Atkins stated that Personal Property taxes were not being collected. He discussed the Treasurer's financial report showing balance of taxes not collected. Supervisor Call would like a Delinquent Tax Committee meeting set to discuss further.

At the February 8, 2011 meeting; Supervisor Roscoe updated the Board on committee meeting on February 1, 2011.

At the June 14, 2011 meeting; Mr. Carter updated the Board on where the Treasurer was at with the DMV Stop Program. Mr. John Tate discussed the process of publishing the list in the paper and request the Judge approve a fee for a title search and then the fee will be added to the tax owed. The Board agreed and authorized Mr. Carter to invite Mr. Tom Burkett, Treasurer to the July 12, 2011 meeting to discuss delinquent taxes and investments.

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

3. 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).

OLD BUSINESS (continued)

4. 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. Clegg Williams reported to the Board that a jury trial was set for December 16, 2010.

At the January 11, 2011 meeting; Mr. Clegg Williams reported to the Board that the jury trial set for December 16, 2010 was continued, and a bench trial was set for January 27, 2011.

At the March 8, 2011 meeting; Mr. Clegg Williams informed the Board that the case has been heard and is awaiting the Judges decision.

5. Financial Discussion **(2-9-10)**
6. Service Agreement between Appalachian Juvenile Commission and Smyth County. **(12-14-10)**
7. Appointment Committee Recommendations **(12-14-10)**

Area Beautification Committee Judges to serve a 1-year term:

Park District

Royal Oak District

At the February 8, 2011 meeting; Supervisor Davidson motioned to appoint Ms. Tina Henderson as the Royal Oak District representative. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Dishner

At the June 14, 2011 meeting; Supervisor Dishner stated he has tried to appoint someone for the Park District but has had no one accept.

OLD BUSINESS (continued)

At the July 12, 2011 meeting; Supervisor Dishner motioned to appoint Ms. Sherian Medley as the Park District representative for the Area Beautification Committee. Supervisor Blevins seconded the motion and the motion passed with the following vote:

**AYES: 6
NAYS: 0
ABSENT: Waddell**

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

**AYES: 6
NAYS: 0
ABSENT: Waddell**

8. Surplus Committee Recommendations (3-8-11)

- (a) Revision Clause on 7 acres on Chestnut Ridge Road
- (b) Set a public hearing on 7 acres on Chestnut Ridge Road and 13 acres in Browns Subdivision.

At the June 14, 2011 meeting; Mr. John Tate updated the Board as to the Nature Conservancy was to send someone to look at the 7 acres on Chestnut Ridge Road. He stated he has not heard back from the Nature Conservancy. Instead of having two separate public hearings, it was agreed upon to wait and just have one public hearing (b).

9. Tobacco Free Smyth County Facilities and Vehicles (4-12-11)

At the May 10, 2011 meeting; Mr. Simpson informed the Board this matter was sent to the Ordinance Committee for discussion.

10. Country Side Drive (5-10-11)

At the June 14, 2011 meeting; Supervisor Davidson inquired about where the Board was with this issue. Mr. John Tate stated he was waiting on additional information from Mr. Clegg Williams on the agreement and term of bond. Mr. Tate informed the Board in 1994 Mr. Bob Dix had a bond in the amount of \$75,000 for construction of the road. In 1997 the bond was reduced to \$11,250, as to why the bond was reduced is the additional information he is waiting for. Mr. Scott Simpson stated he a letter that may have information concerning this issue, and he would get a copy to Mr. Tate and Supervisor Davidson.

At the July 12, 2011 meeting; Mr. Bob Dix was present and stated he thought the road met state requirements. He informed the Board he would be willing to put cash up to replace the bond if necessary. At the May 10, 2011 meeting, Dr. Kiser stated the citizens living on Country Side Drive were willing to put up 2/3 of the cost of the road. The Board agreed that this was an issue between Mr. Dix and the citizens living on the road, and Mr. Dix should have a meeting with them to get this issue resolved.

Mrs. Sally Morgan

(a) Mrs. Morgan discussed the agreement with Anderson & Associates for engineering consulting for the Mega-Site Planning project. She informed the Board the agreement was in the amount of \$50,000 and this amount is in the current IDA Budget. Mrs. Morgan reported the second round of funding through the Tobacco Commission will be available in March 2012. After discussion, Supervisor Call motioned to accept the Engineering Consulting Agreement with Anderson & Associates for the Mega-Site Planning project. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Waddell
Blevins (out of the room)

(b) Mrs. Morgan reported on the Job Fair at the Higher Ed Center. She informed the Board 17 out of 60 employers were from Smyth County and over 700 people attended. Mrs. Morgan also informed the Board she would be requesting a \$500 contribution from the IDA to assist Washington County with the \$3,000 expense of the Job Fair.

Committee Recommendations:

Budget

(a) With the Budget Committee recommendation, the Board approved applying for the Edward Byrne One Time Equipment Grant in the amount of \$32,587.50 and to appropriate a 10% local match in the amount of \$3,258.75(021070-8888-25). This motion also included Mr. Mike Carter signing the application for the grant. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Waddell

(b) With the Budget Committee recommendation, the Board approved and appropriated the awarded Homeland Security Grant in the amount of \$16,040.00 (021070-8888) to support the License Plate Reader project. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Waddell

Mt. Rogers Community Services Board Lease Agreement

Mike Carter explained Mt. Rogers Community Service Board requests the Board reconsider the lease agreement at \$2 per square foot, \$8,000 for a 12-month period, and Mt Rogers Community Service Board would prepare the maintenance and any repairs to the building. Supervisor Blevins motioned to accept Mt. Rogers Community Service Board \$2 per square foot (\$8,000) lease for a 12 month period. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES:	5	Blevins, Davidson, Call, Dishner, Clark
NAYS:	0	
ABSTAIN:	1	Neitch
ABSENT:	1	Waddell

CLOSED SESSION

At 5:01 p.m. Supervisor Call motioned 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 potential litigations. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES:	6
NAYS:	0
ABSENT:	Waddell

Upon returning to the open meeting, Supervisor Blevins motioned 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 Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Waddell

Supervisor Davidson motioned to set an additional public hearing on the redistricting of Smyth County and authorize Mr. Carter to advertise before November 2011. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Waddell

ADJOURN

At 6:11 p.m. Supervisor Blevins motioned to adjourn meeting. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Waddell

The Smyth County Board of Supervisors held a called special meeting at 5:00 p.m., **Thursday, July 28, 2011**. 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
M. Todd Dishner, Vice-Chair
Brenda J. Waddell

Regina H. Davidson
Darlene R. Neitch

MEMBERS ABSENT:

Wade H. Blevins, Jr.

Roscoe D. Call

STAFF PRESENT:

Michael L. Carter, County Administrator
Scott Simpson, Assistant County Administrator
Pam Testerman, Office Service Assistant

OTHERS:

Tom Hess, Rich Valley Fair Association representative

At 5:02 p.m. Mr. Clark, Chairman called the public hearing to order. Mr. Michael Carter read the following advertisement as placed in the Smyth County News and Messenger. Chairman Clark forwent the reading of 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 Thursday, July 28, 2011, at 5:00 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 Rich Valley Fair Association has submitted a festival application for a nine (9) day event to be held July 29, 2011 thru August 6, 2011. This event will be held at the Rich Valley Fairgrounds located at 325 Long Hollow Road, Saltville, Virginia. The applied festival hours are as follows:

Friday, July, 29 – Noon thru 11:00 p.m.

Saturday, July 30 – Noon thru 11:00 p.m.

Sunday, July 31 – 1:00 p.m. thru 9:00 p.m.

Monday thru Saturday, August 1 thru August 6 – Noon thru the event completion, except music events which will end by midnight.

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. In compliance with the Americans with Disabilities, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Administrator's Office at (276)783-3298 at least 48 hours prior to the hearing.

A copy of this application along with their maps and plans are on file in the Office of the County Administrator of Smyth County at the address given above, and may be viewed during regular business hours Monday through Friday.

There were six (6) citizens present.

Mr. Carter inquired about the hours for the ATV Rodeo ending at 11:00 p.m. Mr. Hess stated the rodeo probably would not be over by 11:00 p.m. and requested to modify the time to correspond with the August 1 – August completion time of when the event is completed. Supervisor Davidson requested to have Mr. Hess modify the time on the festival application.

Supervisor Davidson inquired why the Board was considering the Rich Valley Fair Association's application a day before the festival is to begin. Mr. Hess explained the agenda for the fair was not complete and did not receive some of the necessary information needed with the application until two weeks ago.

Mr. Carter inquired about the ditches made to keep the water away from the barns. Mr. Carter informed Mr. Hess of the waterway near where the water from the ditches could run off into. Mr. Carter stated Mr. Hess may want to contact the Department of Environmental Quality (DEQ) before the run off water gets into the waterway. Mr. Carter presented Mr. Hess with the contact information for DEQ.

Supervisor Dishner inquired if this was the 77th year of the fair why did the Association not have the application turned in on time. Mr. Hess stated he was not aware the application needed to be done every year if there was not a concert. Mr. Carter informed Mr. Hess the application still needed to be filed for the Sheriff's Department and Health Department's approval letters.

Chairman Clark closed the public hearing at 5:22 p.m.

Supervisor Dishner motioned to waive the Rules and Regulations of the Board. Supervisor Waddle seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Blevins, Call

Supervisor Dishner motioned to approve the application, with the time modification on July 29, for the Rich Valley Fair Association. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Blevins, Call

ADJOURN MEETING

At 5:24 p.m. Chairman Clark adjourned the meeting.

The Smyth County Board of Supervisors held its regular August meeting at 4:00 p.m., **Tuesday, August 9, 2011**. 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.	Darlene R. Neitch
Roscoe D. Call	Brenda J. Waddell
Regina H. Davidson	

STAFF PRESENT:

Michael Carter, County Administrator
Scott Simpson, Assistant County Administrator
John H. Tate, Jr., Attorney
Heather Pritts, County Attorney
Pam Testerman, Office Service Assistant
Charlie Atkins, Financial Officer
Sally Morgan, Community/Economic Development
David Smith, Deputy

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

Call To Order, Invocation & Pledge of Allegiance:

With a quorum present, Chairman Clark called the meeting to order at 4:00 p.m. Mrs. Pam Testerman gave the invocation and Mrs. Angi Wyatt led the pledge of allegiance.

Adoption of Agenda:

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

AYES:	7
NAYS:	0

Minutes of Previous Meeting:

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

Tuesday, July 12, 2011
Thursday, July 28, 2011

Supervisor Blevins motioned to approve the minutes for the July meetings, with the noted corrections. Supervisor Call seconded the motion, and the vote is as follows:

AYES: 7
NAYS: 0

Financial Report:

Mr. Charlie Atkins reported there was an estimated \$5.3 million in the bank which is sufficient funds for the requested appropriations.

Payment of County Invoices:

Supervisor Blevins motioned to approve \$3,385,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,200,000.00
Social Services (August 10 - 31, 2011)	\$ 325,000.00
(September 1 - 13, 2011)	\$ 60,000.00
Schools - Operating Fund	\$1,500,000.00
Debt and Capital Outlay	\$ 300,000.00

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

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve \$261,494.36 for the Courthouse Project appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve the accounts payable listing in the amount of \$623,095.61. Supervisor Call seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve and appropriate \$135,205 (001-070000-8888-53) to Johnson Control Inc. for the School Board Going Green Project. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve and appropriate \$25,000 (001-032030-5604-2) for the annual contribution payment to the Marion Life Saving Crew. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

NEW BUSINESS:

Mrs. Sally Morgan

Introduction of Businesses in Smyth County:

Mrs. Morgan introduced Mr. Paul Campbell, President, Longwall Associates. Mr. Campbell informed the Board that Longwall Associates produces underground coal equipment. Mr. Campbell presented the Board with a brochure of the equipment Longwall Associates produces.

Citizen's Time:

There were five (5) citizens present, the following spoke:

Will Leonard, Chairman, Smyth Wythe Joint Airport, He gave an update to the Board on the development of the new terminal project.

Mr. Mike Carter

(a) Introduced the new County Attorney, Mrs. Heather Pritts. Mrs. Pritts thanked the Board for this opportunity.

(b) Informed the Board the organization H.O.P.E. was applying for funding through the VA DHCD for Permanent Supportive Housing funds for the Coordinated Community Response to Homelessness. He reported the following certification is only for support of H.O.P.E. applying with no County funding:

LOCAL GOVERNMENT CERTIFICATION

I, Michael L. Carter, County Administrator, duly authorized to act on behalf of Smyth County hereby approve the pre-application to VA DHCD for Permanent Supportive Housing funds for the Coordinated Community Response to Homelessness proposed by Helping Overcome Poverty's Existence, Inc which is (are) located in Wythe County, Virginia.

Supervisor Blevins motioned to approve the certification for the organization H.O.P.E. to apply for funding through VA DHCD for Permanent Supportive Housing funds for the Coordinated Community Response to Homelessness. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Neitch motioned to approve the Konnarock-Green Cove Laurel Valley Community Association's festival permit for Sunday, September 18, 2011 between the hours of 11:00 am and 5:00 p.m. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Lavonda Brickey, Mt. Rogers Health District, presented the Board with quotes for advertising the Annual Rabies Clinics. She informed the Board to advertise twice in the Smyth County News and Messenger and Trade Times the total cost would be \$282.96. Mrs. Brickey reported the cost for the shots increased to \$10.00 for the one year and \$12.00 for the three years. Supervisor Blevins motioned to approve the advertising for the Rabies Clinics for two weeks in the Smyth County News and Messenger and Trade Times for the total cost of \$282.96. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Scott Simpson

(a) Explained the following resolution for grant funding on water projects:

**SMYTH COUNTY VDH PLANNING GRANT
RESOLUTION**

WHEREAS, Smyth County has the specific need to work to establish water service to additional County residents, and also the intention to develop additional drinking water sources;

WHEREAS, the Virginia Department of Health-Office of Drinking Water Planning Grant Funding Program fits the needs of these types of projects, and

WHEREAS, the County wishes to design a water main extension in the Hutton Branch area; and drill test wells at (2) two locations identified in the Preliminary Engineering Reports 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 projects:

Ebenezer Test Well Construction
Rich Valley Test Well Construction
Rice Road / Bales Lane water main design

in an amount not to exceed \$30,000 each.

THEREFORE, BE IT FURTHER RESOLVED that the Smyth County Administration shall immediately begin to process a funding application for these projects and be authorized to sign any and all documents to accept such funding contingent upon review and concurrence by the County Attorney.

After discussion, Supervisor Blevins motioned to adopt the VA Department of Health Planning Grant Resolution to seek funding in the amount of \$30,000 each for the water projects of the Ebenezer Test Well Construction, Rich Valley Test Well Construction, and Rice Road / Bales Lane water main design. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

(b) Explained Mt. Rogers Planning District has completed a Regional Water Supply Plan and with the process, Smyth County is required to hold a public hearing. After the public hearing is held, a Resolution is required to be adopted to approve the plan. After discussion, Supervisor Blevins motioned to set a public hearing for September 13, 2011 at 3:30 p.m. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Simpson informed the Board Mt. Rogers Planning District will publish the advertisement and the Resolution will be on the October 11, 2011 agenda of the Board.

(c) Committee Recommendations:

Courthouse

(a) With the Courthouse Committee recommendation, the Board approved HDH to design an Abatement Plan for the removal of hazardous material from the Old Jail building for \$1,000 and the Courthouse for \$1,800. The vote is as follows:

AYES: 7
NAYS: 0

(b) With the Courthouse Committee recommendation to send the consideration of Moseley Architects' redesign of the ground floor in the courthouse to the full Board, Supervisor Blevins motioned to approve the redesign of the ground floor of the courthouse in the amount of \$44,176. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

(c) With the Courthouse Committee recommendation, the Board approved pursuing the 2012 Industrial Revitalization Fund grant in the amount of \$600,000 and adopting the following Resolution to apply for the grant:

**SMYTH COUNTY, VIRGINIA
RESOLUTION OF THE BOARD OF SUPERVISORS**

WHEREAS, Smyth County has the specific need for the redevelopment of vacant and deteriorated industrial properties; and

WHEREAS, the Virginia Department of Housing and Community Development - 2012 Industrial Revitalization Fund fits the need of these types of projects,

THEREFORE, BE IT RESOLVED, that the Smyth County Board of Supervisors hereby authorizes submission of an application to the Virginia Department of Housing and Community Development - 2012 Industrial Revitalization Fund in the maximum amount of \$ 600,000 and further commits the matching funds in an amount of approximately \$ 1,800,000:

THEREFORE, BE IT FURTHER RESOLVED that the Smyth County Administration 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.

The vote is as follows:

AYES: 7
NAYS: 0

Committee Recommendations:

Budget

(a) With the Budget Committee recommendation, the Board approved to create new line-items for Reimbursable Office Supplies for the Clerk of Circuit Court's Office. The vote is as follows:

AYES: 7
NAYS: 0

Revenue – Reimbursable Office Supplies – 001-023080-0004 – (\$12,000)
Expenditure – Reimbursable Office Expense – 001-021060-5402 - \$12,000

(b) With the Budget Committee recommendation, the Board approved and appropriated \$2,000 to the Smyth County Humane Society for the Two Mauds Inc. matching grant for the spay and neutered program. The vote is as follows:

AYES: 7
NAYS: 0

(c) With the Budget Committee recommendation, the Board approved a line-item transfer of \$8,000 from Salaries – Attorney/Paralegal to new line-items created in the current budget for Attorney. The vote is as follow:

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.

OLD BUSINESS (continued)

At the January 11, 2011 meeting; Mr. Atkins stated that Personal Property taxes were not being collected. He discussed the Treasurer's financial report showing balance of taxes not collected. Supervisor Call would like a Delinquent Tax Committee meeting set to discuss further.

At the February 8, 2011 meeting; Supervisor Roscoe updated the Board on committee meeting on February 1, 2011.

At the June 14, 2011 meeting; Mr. Carter updated the Board on where the Treasurer was at with the DMV Stop Program. Mr. John Tate discussed the process of publishing the list in the paper and request the Judge approve a fee for a title search and then the fee will be added to the tax owed. The Board agreed and authorized Mr. Carter to invite Mr. Tom Burkett, Treasurer to the July 12, 2011 meeting to discuss delinquent taxes and investments.

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

At the August 9, 2011 meeting; Mr. Carter informed the Board the Ordinance Committee decided at their August 8, 2011 meeting, to allow Mrs. Heather Pritts, to review the Ordinance.

3. 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**).
4. 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. Clegg Williams reported to the Board that a jury trial was set for December 16, 2010.

At the January 11, 2011 meeting; Mr. Clegg Williams reported to the Board that the jury trial set for December 16, 2010 was continued, and a bench trial was set for January 27, 2011.

At the March 8, 2011 meeting; Mr. Clegg Williams informed the Board that the case has been heard and is awaiting the Judges decision.

OLD BUSINESS (continued)

At the August 9, 2011 meeting: Mr. Tate informed the Board of a July 7, 2011 meeting between the Judges and Attorneys, but no decision was on file.

5. Financial Discussion (2-9-10)
6. Service Agreement between Appalachian Juvenile Commission and Smyth County. (12-14-10)
7. Surplus Committee Recommendations (3-8-11)
 - (a) Revision Clause on 7 acres on Chestnut Ridge Road
 - (b) Set a public hearing on 7 acres on Chestnut Ridge Road and 13 acres in Browns Subdivision.

At the June 14, 2011 meeting; Mr. John Tate updated the Board as to the Nature Conservancy was to send someone to look at the 7 acres on Chestnut Ridge Road. He stated he has not heard back from the Nature Conservancy. Instead of having two separate public hearings, it was agreed upon to wait and just have one public hearing (b).

8. Tobacco Free Smyth County Facilities and Vehicles (4-12-11)

At the May 10, 2011 meeting; Mr. Simpson informed the Board this matter was sent to the Ordinance Committee for discussion.

At the August 9, 2011 meeting; Mr. Carter informed the Board the Ordinance Committee discussed this issue their August 8, 2011 meeting, and decided to continue the issue until the next Ordinance Committee meeting.

9. Country Side Drive (5-10-11)

At the June 14, 2011 meeting; Supervisor Davidson inquired about where the Board was with this issue. Mr. John Tate stated he was waiting on additional information from Mr. Clegg Williams on the agreement and term of bond. Mr. Tate informed the Board in 1994 Mr. Bob Dix had a bond in the amount of \$75,000 for construction of the road. In 1997 the bond was reduced to \$11,250, as to why the bond was reduced is the additional information he is waiting for. Mr. Scott Simpson stated he a letter that may have information concerning this issue, and he would get a copy to Mr. Tate and Supervisor Davidson.

At the July 12, 2011 meeting; Mr. Bob Dix was present and stated he thought the road met state requirements. He informed the Board he would be willing to put cash up to replace the bond if necessary. At the May 10, 2011 meeting, Dr. Kiser stated the citizens living on Country Side Drive were willing to put up 2/3 of the cost of the road. The Board agreed that this was an issue between Mr. Dix and the citizens living on the road, and Mr. Dix should have a meeting with them to get this issue resolved.

At the August 9, 2011 meeting; Supervisor Davidson informed the Board the road is in the process of being repaved and built up to VDOT Standards.

Supervisor Blevins informed the Board the Judge ruled in favor of Mr. Carter Owens in the Mr. Walter Smith case.

Supervisor Call informed the Board at the Mt. Rogers Planning District Board meeting, the County was awarded the following grants for Water and Sewer projects:

Burgess Hollow – \$40,000

Goodpasture Hollow – \$37,000

Hwy 16 – \$56,000

Hwy 107 – \$26,500

Mr. Carter reminded the Board members of the Town & Country BBQ and the VACo Annual Conference.

CLOSED SESSION

At 4:53 p.m. Supervisor Call motioned 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 potential litigations. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to the open session, Supervisor Dishner motioned 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

PUBLIC HEARING – Proposed Use of the Central Absentee Voter Election District and Redistricting of Smyth County

At 5:34 p.m. Chairman Clark called the public hearing to order. Mr. Mike Carter read the following advertisement as placed in the Smyth County News and Messenger:

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

The Smyth County Board of Supervisors will conduct a public hearing at the office of the Board at 121 Bagley Circle, Marion, Virginia on Tuesday, August 9, 2011, at 5:30 p.m., or as soon thereafter, to receive public comment on two items:

(1) An amendment to the Smyth County Code on election issues, and specifically section 17-46 (8), which designates a Central Absentee Voter Election Precinct. This Precinct is currently used only for November elections and is proposed to be used for all elections. This Central Absentee Voter Election Precinct will be located in Smyth County, Virginia, in Suite 101 of the Smyth County Office Building, at 121 Bagley Circle, Marion, Virginia 24354. Such Precinct shall be in accordance with the Code of Virginia, §24.2-712, as amended, and all other applicable statutes of the Commonwealth of Virginia, as contained in the Code of Virginia.

(2) Proposed redistricting of Smyth County.

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

In compliance with the Americans with Disabilities, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Administrator's Office at (276)783-3298 at least 48 hours prior to the hearing.

Supervisor Blevins motioned to dispense the reading of the rules. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

There were an estimated seven (7) citizens present.

With no citizens wishing to speak, at 5:36 p.m., Chairman Clark closed the public hearing.

PUBLIC HEARING – Proposed Issuance of General Obligation Bond for the School Board

The number of attendees at this public hearing exceeded the maximum occupancy amount for the Board of Supervisors meeting room, so upon proper notice and posting of the change of location, the meeting was moved to the Marion Senior High School Auditorium to accommodate the number of attendees.

Board Members Present:

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

Staff Present:

Michael Carter, County Administrator
Scott Simpson, Assistant County Administrator
John H. Tate, Jr., Attorney
Heather Pritts, County Attorney
Pam Testerman, Office Service Assistant
Charlie Atkins, Financial Officer
Sally Morgan, Community/Economic Development
David Smith, Deputy

School Board Member Present:

Dr. Mike Robinson, Superintendent
Bill Veselik
Jerry Catron

Dr. Jeff Cassell, Financial Director
Dick Ryan
Jim Coulthard

Others Present:

John O'Neill, Hunton & Williams
Roland Kooch, Davenport & Company
Dan Kegley, Smyth County News & Messenger

At 6:50 p.m. Chairman Clark called the public hearing to order.

Dr. Mike Robinson, School Superintendent, gave a powerpoint presentation summarizing the School projects; why the School Board decided to build a new school, why the School Board decided to renovate the Primary School, and how the School Board came to the decision on the area to build the new school. Dr. Robinson discussed the budget for the project and the financial outline. The presentation showed the design of the new school and the design of the renovated Primary School.

Mr. John O'Neill, Hunton & Williams, discussed the funding process.

Mr. Roland Kooch, Davenport & Company, discussed the debt service and what the County would have to do to create new revenue. He also discussed calendar deadlines for the bond issuance.

Mr. Mike Carter read the following advertisement as placed in the Smyth County News and Messenger, along with the rules for public hearings:

NOTICE OF PUBLIC HEARING

On Tuesday, the 9th day of August, 2011, the Board of Supervisors of the County of Smyth, Virginia, will hold a public hearing on the proposed issuance of general obligation bonds of Smyth County (the "Bonds"). The Bonds are to be issued in one or more series and in the estimated aggregate maximum principal amount of \$25,000,000, consisting of (i) up to \$9,500,000 to be issued as qualified school construction bonds sold to the Virginia Public School Authority, (ii) up to \$12,500,000 to be issued as bonds sold to the Virginia Literary Fund and notes issued in anticipation of such sale and (iii) up to \$3,000,000 to be issued and sold as determined by the Board of Supervisors. The purpose of the proposed bonds is to finance the renovation of Marion Primary School and the acquisition, construction and equipping of a new elementary school.

The public hearing, which may be continued or adjourned, will be held at 6:30 p.m. or as soon thereafter as the matter may be heard on August 9, 2011, in the Board of Supervisors meeting room on the first floor of the Smyth County Office Building at 121 Bagley Circle, Marion, Virginia 24354. Interested persons may appear at such time and place and present their views.

There were an estimated 150 citizens present, and the following spoke in support of the Bond Issuance:

Suzanne Jennings
Kristin Untiedt-Bannett
Holly Wyatt
Betty Webb
Bill Veselik
Louise Mays
JoAnne Groseclose
Cindy Campbell
Steve Miller
Kelly Gray

Debbie Rhodes
David Helms
Samantha White
Glen Martin
John Graham
Abby Graham
Tom Hampton
Antoinette Goodrich

The following spoke in opposition of the Bond Issuance:

Earl McClure
Charles Wassum
Steve Carter

Paul York
Ron Blevins
Josh Null

At 8:37 p.m., Chairman Clark closed the public hearing.

CONTINUED

At 8:40 p.m. Supervisor Dishner motioned to continue the meeting until August 25, 2011 at 5:30 p.m. Supervisor Davidson 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 5:30 p.m., **Thursday, August 25, 2011**. 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
M. Todd Dishner, Vice-Chair
Wade H. Blevins, Jr.

Roscoe D. Call
Regina H. Davidson (left at 7:15 p.m.)
Darlene R. Neitch

MEMBERS ABSENT:

Brenda J. Waddell

STAFF PRESENT:

Michael L. Carter, County Administrator
Scott Simpson, Assistant County Administrator
Becca Kirk, Administrative Assistant
Heather Pritts, County Attorney
Charlie Atkins, Financial Officer
Sally Morgan, Community/Economic Developer

At 5:37 p.m. Chairman Clark called meeting to order.

PUBLIC HEARING – Festival Permit – Adwolfe Volunteer Fire Department

At 5:37 p.m. Chairman Clark called the public hearing to order. Mr. Mike Carter read the following advertisement as published in the Smyth County News and Messenger:

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

The Smyth County Board of Supervisors will conduct a public hearing on Tuesday, August 25, 2011, at 5:30 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 Adwolfe Volunteer Fire Department has submitted a festival application for a three (3) day event to be held September 9, 10, and 11, 2011. 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 9 - 6:00 p.m. thru 11:00 p.m.

Saturday, September 10 - 12:00 noon thru 11:00 p.m.

Sunday, September 11 - 12:00 noon thru 11:00 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. In compliance with the Americans with Disabilities, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Administrator's Office at (276)783-3298 at least 48 hours prior to the hearing.

Supervisor Blevins motioned to forego the reading of the rules for public hearings. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Waddell

There were an estimated 15 citizens, and the following spoke:

Earl McClure, Chilhowie, Mr. McClure stated he supports the festival and Fire Department. This is a good service for the community.

At 5:41, Chairman Clark closed the public hearing.

Supervisor Neitch motioned to waive the rules and consider the application for Adwolfe Volunteer Fire Department's festival permit. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Waddell

Mr. Carter mentioned all requirement of the application were met.

Supervisor Call motioned to approve the application for Adwolfe Volunteer Fire Department's festival permit. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Waddell

CITIZEN'S TIME

At 5:45 p.m. Chairman Clark opened citizen's time. There were an estimated 15 citizens present and the following spoke:

James Tolliver, Marion, presented to the Board a letter of request to open an Ambulance Service in Smyth County. Mr. Tolliver will be the Operations Manager for Richardson Ambulance Service owned by Mark and Kelly Richardson. The service will be located on South Main Street across from J & K Transmission. Mr. Tolliver stated he has spoken with Mr. Charlie Harrington, Emergency Services Coordinator. Mr. Tolliver requested a resolution of support from the Board to operate an ambulance service within Smyth County.

Supervisor Blevins motioned to waive the rules of procedures. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Waddell

Supervisor Blevins motioned to adopt a resolution of support to allow Richardson Ambulance Service to operate within Smyth County. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Waddell

At 5:54 p.m. Chairman Clark closed citizen's time.

Mr. Mike Carter explained to the Board a House of Representative Bill 763 and Senate Bill 747 proposing to allow triple trailer trucks on the highways. Mr. Carter discussed the letter of support opposing the bills. Mrs. Heather Pritts explained various options for the county. No action taken.

Committee Recommendations:

Courthouse

With the Courthouse Committee recommendation, the Board approved Task Order #1 in the amount of \$47,000 to evaluate equipment to see if it can be moved, inventory current equipment, procure equipment, assist with the specs on new equipment needed, help with the FCC application, and develop a plan for vendors moving equipment to new location. Task Order #2 in the amount of \$31,752 for a self supporting tower; engineer design, assist with specs for the tower, and environmental studies. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Waddell

At 6:10 p.m. a joint meeting between the Smyth County Board of Supervisors and the Smyth County School Board was called to order.

Both Boards agreed upon using the Board of Supervisors rules and not allowing public comment during this joint meeting.

The Board of Supervisors members and the School Board members discussed the new school project and the renovation of the Primary school project.

At 7:15 p.m. the joint meeting was adjourned.

Supervisor Call motioned to suspend the rules and add the Groseclose Water and Sewer Recommendation to the agenda. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Davidson, Waddell

Committee Recommendations:

Water/Sewer

With the recommendation of the Water and Sewer Committee, the Board approved \$8,200 for a second draw down test prepared on the Groseclose well. The vote is as follows:

AYES: 5
NAYS: 0
ABSENT: Davidson, 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.

At the January 11, 2011 meeting; Mr. Atkins stated that Personal Property taxes were not being collected. He discussed the Treasurer's financial report showing balance of taxes not collected. Supervisor Call would like a Delinquent Tax Committee meeting set to discuss further.

At the February 8, 2011 meeting; Supervisor Roscoe updated the Board on committee meeting on February 1, 2011.

At the June 14, 2011 meeting; Mr. Carter updated the Board on where the Treasurer was at with the DMV Stop Program. Mr. John Tate discussed the process of publishing the list in the paper and request the Judge approve a fee for a title search and then the fee will be added to the tax owed. The Board agreed and authorized Mr. Carter to invite Mr. Tom Burkett, Treasurer to the July 12, 2011 meeting to discuss delinquent taxes and investments.

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

At the August 9, 2011 meeting; Mr. Carter informed the Board the Ordinance Committee decided at their August 8, 2011 meeting, to allow Mrs. Heather Pitts, to review the Ordinance.

OLD BUSINESS (continued)

3. 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)**.

At the August 25, 2011 meeting: Ms. Pritts informed the Board of her collection efforts of delinquent water and sewer accounts. She stated that these efforts have had some success.

4. 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. Clegg Williams reported to the Board that a jury trial was set for December 16, 2010.

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At the March 8, 2011 meeting: Mr. Clegg Williams informed the Board that the case has been heard and is awaiting the Judges decision.

At the August 9, 2011 meeting: Mr. Tate informed the Board of a July 7, 2011 meeting between the Judges and Attorneys, but no decision was on file.

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

At the August 25, 2011 meeting: Mr. Carter addressed the Board concerning the "Borrowing Ceiling" of the County. Mr. Carter presented the Board with a handout show the County's debt.

6. Service Agreement between Appalachian Juvenile Commission and Smyth County. **(12-14-10)**

OLD BUSINESS (continued)

7. Surplus Committee Recommendations **(3-8-11)**

(a) Revision Clause on 7 acres on Chestnut Ridge Road

(b) Set a public hearing on 7 acres on Chestnut Ridge Road and 13 acres in Browns Subdivision.

At the June 14, 2011 meeting; Mr. John Tate updated the Board as to the Nature Conservancy was to send someone to look at the 7 acres on Chestnut Ridge Road. He stated he has not heard back from the Nature Conservancy. Instead of having two separate public hearings, it was agreed upon to wait and just have one public hearing (b).

8. Tobacco Free Smyth County Facilities and Vehicles **(4-12-11)**

At the May 10, 2011 meeting; Mr. Simpson informed the Board this matter was sent to the Ordinance Committee for discussion.

At the August 9, 2011 meeting; Mr. Carter informed the Board the Ordinance Committee discussed this issue at their August 8, 2011 meeting, and decided to continue the issue until the next Ordinance Committee meeting.

9. Country Side Drive **(5-10-11)**

At the June 14, 2011 meeting; Supervisor Davidson inquired about where the Board was with this issue. Mr. John Tate stated he was waiting on additional information from Mr. Clegg Williams on the agreement and term of bond. Mr. Tate informed the Board in 1994 Mr. Bob Dix had a bond in the amount of \$75,000 for construction of the road. In 1997 the bond was reduced to \$11,250, as to why the bond was reduced is the additional information he is waiting for. Mr. Scott Simpson stated he a letter that may have information concerning this issue, and he would get a copy to Mr. Tate and Supervisor Davidson.

At the July 12, 2011 meeting; Mr. Bob Dix was present and stated he thought the road met state requirements. He informed the Board he would be willing to put cash up to replace the bond if necessary. At the May 10, 2011 meeting, Dr. Kiser stated the citizens living on Country Side Drive were willing to put up 2/3 of the cost of the road. The Board agreed that this was an issue between Mr. Dix and the citizens living on the road, and Mr. Dix should have a meeting with them to get this issue resolved.

At the August 9, 2011 meeting; Supervisor Davidson informed the Board the road is in the process of being repaved and built up to VDOT Standards.

CLOSED SESSION

At 7:28 p.m. Supervisor Dishner motioned 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. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Davidson, Waddell

Upon returning to the open meeting, Supervisor Dishner motioned 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 Call seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Davidson, Waddell

Supervisor Call motioned to allow Ms. Pritts to proceed with matters in the Courthouse Facilities case. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Davidson, Waddell

ADJOURN MEETING

At 7:48 p.m. Supervisor Call motioned to adjourn meeting. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Davidson, Waddell

The Smyth County Board of Supervisors held its regular September meeting at 12:00 noon, **Tuesday, September 13, 2011**. 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, County Administrator
Scott Simpson, Assistant County Administrator
John H. Tate, Jr., Attorney
Heather Pritts, County Attorney
Pam Testerman, Office Service Assistant
Charlie Atkins, Financial Officer
Sally Morgan, Community/Economic Development
Deb Montgomery, Deputy (left at 1:05 p.m.)
Jan Blevins, Deputy (arrived at 2:00 p.m.)

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger
Mike Robinson, School Superintendent
Jeff Cassell, School Financial Director
Roland Kooch, Davenport & Company

Call To Order, Invocation & Pledge of Allegiance:

With a quorum present, Chairman Clark called the meeting to order at 12:00 noon; Mr. Andy Parkey gave the invocation and Mr. Shannon Williams led the pledge of allegiance.

Adoption of Agenda:

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

AYES: 7
NAYS: 0

Minutes of Previous Meeting:

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

Tuesday, August 9, 2011
Thursday, August 25, 2011

Supervisor Blevins motioned to approve the minutes for the August meetings, with the noted corrections. Supervisor Call seconded the motion, and the vote is as follows:

AYES: 7
NAYS: 0

Financial Report:

Mr. Charlie Atkins reported there was an estimated \$6.4 million in the bank which is sufficient funds for the requested appropriations.

Payment of County Invoices:

Supervisor Blevins motioned to approve \$5,985,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,800,000.00
Social Services (September 14 - 30, 2011)	\$ 225,000.00
(October 1 - 11, 2011)	\$ 60,000.00
Schools - Operating Fund	\$3,900,000.00

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

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve \$1,253.39 for the Animal Damage Fund appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve \$550.00 for the IDA – Fund 4 appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve \$150,000.00 for the School Textbook Fund appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve \$3,613.49 for the Pioneer/Fox Valley Water Project appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve \$159,013.89 for the Courthouse Project appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve the accounts payable listing in the amount of \$1,151,973.37. Supervisor Call seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

NEW BUSINESS:

Mrs. Sally Morgan

Introduction of Businesses in Smyth County:

Mrs. Morgan introduced Mr. Robb Hitch, General Manager of Woodgrain Millwork. Mr. Hitch gave a presentation on Woodgrain and presented a brochure of the products Woodgrain produces. Mr. Hitch reported Woodgrain Millwork has 20 locations and the Smyth County plant has 155 employees.

Citizen's Time:

There were an estimated thirteen (13) citizens present, the following spoke:

Peter Doty, Marion, He started to speak on the new school project and the cost. Chairman Clark informed Mr. Doty since this matter was on the agenda, the Board's Rules of Procedures stated under Section 5.3 *Citizens' Time* "Citizens' Time shall be scheduled to allow citizens to address the Board regarding any matter that is not an agenda item." Supervisor Neitch motioned to suspend the rules and allow Mr. Doty to speak on this matter. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

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

Mr. Doty proceeded to speak on the financial issue the County would be facing. He stated he reviewed the Davenport and Company report and the report is not very clear. Mr. Doty comments that the report does not conclude Smyth County can afford to repay the \$50 million new borrowings for the courthouse and school, but it does say the County will have to reallocate each year from the budget the sum of \$1,652,000. He questioned where this additional \$1,652,000 will come from yearly. This sum is outside the expected revenue from increase property taxes. He stated if this sum is to come from increased property taxes, the tax must increase by almost 12% per \$100.

Howard Burton; stated Mr. Doty covered what he was going to speak about.

Charles Wassum, Marion, He spoke on bankrupting the County with the proposed School Bonds, and the health of the students attending the new school, by being close to the interstate.

Mr. Doty and Mr. Wassum requested that the documents they read from be added to the minutes, and no official action was taken by the Board on this request.

Lindy White, Mt. State Health Alliance; requested the Revenue Bond Issuance for the Hospital be on the agenda if the Board had a continued meeting. Mrs. White made this request hoping to move the Bond Issuance quicker to benefit from the low interest rates. She informed the Board the Bond Issuance will be on the IDA's September 21, 2011 meeting agenda. Mr. Carter informed the Board currently there is no continued meeting scheduled.

Earl McClure, Chilhowie, He informed the Board he would no longer be giving a report to them. He stated he would be sending all his reports to the Governor and Department of Justice.

Mr. Mike Carter explained to the Board, the Smyth County Health Department would be providing the Employee Wellness Day Health Fair on October 21, 2011 this year. He requested the Board approve and appropriate \$1,500 to cover this benefit for the employees. Mr. Carter reported having health fairs assists with favorable insurance rates. After discussion, Supervisor Blevins motioned to approve and appropriate \$1,500 (11010-8888) for Employee Wellness Day provided by the Smyth County Health Department. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Ms. Heather Pritts explained she proposed some changes to the Board's Rules of Procedures. The Board was presented with a copy of the changes. Ms. Pritts requested these changes be sent to the Ordinance Committee for a recommendation to the Board. Supervisor Call motioned to send the Rules of Procedures to the Ordinance Committee. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Scott Simpson –

(a) discussed the Deed of Gift from Rye Valley Investments Inc. for the additional building on the Harwood site. Ms. Pritts informed the Board she reviewed and approves the deed. After discussion, Supervisor Blevins motioned to approve the Deed of Gift and authorize the Chairman and Clerk to execute. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Simpson also explained a Temporary Construction Easement with Rye Valley Investments Inc. He stated this easement would allow the County to cross Rye Valley Investments' property until the County completed the bridge access. The easement would expire once the bridge is complete. After discussion, Supervisor Blevins motioned to approve the Temporary Construction Easement with Rye Valley Investments Inc. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

(b) explained to the Board Mt. Rogers Planning District awarded the County three SWVA Water/Wastewater Construction Fund Grants. The grants are as follows:

Hwy 16 Water Extension - \$56,000
Burgess Hollow Water Extension - \$40,000
Goodpasture Hollow Water Extension - \$37,000

After discussion, Supervisor Call motioned to approve the SWVA Water/Wastewater Fund Grants and authorize Mr. Carter to sign the grant agreements. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Committee Recommendations:

Budget

(a) With the Budget Committee recommendation, the Board approved and appropriated \$12,032.00 for two containers from Baker Waste Equipment to be used at the convenience stations. The vote is as follows:

AYES: 7
NAYS: 0

(b) With the Budget Committee recommendation, the Board approved and appropriated \$2,000.00 (012090-9005) for Pritchard & Abbott Inc. to assess the Saltville Gas Storage lines. The vote is as follows:

AYES: 7
NAYS: 0

(c) Mr. Atkins explained the calculation of the PPTRA rate. With the Budget Committee recommendation, the Board approved the PPTRA rate at 64%. The vote is as follows:

AYES: 7
NAYS: 0

Water/Sewer

(a) With the Water and Sewer Committee recommendation, the Board approved to eliminate Wiley/Wilson and Engineering Concepts from the Term Agreement list for Engineering Services, and approved the Term Agreements for Adams-Heath Engineering, Anderson & Associates, Draper Aden, Gay & Neel, Lane Engineering, and Thompson & Litton. The vote is as follows:

AYES: 7
NAYS: 0

Mr. Simpson explained the reason for having six firms is each engineering firm may be stronger in one area than the other.

(b) With the Water and Sewer Committee recommendation, the Board approved the following Resolution to VDOT:

“SURETY FOR VDOT RIGHT-OF-WAY RESOLUTION”

WHEREAS, it becomes necessary from time-to-time for the County of Smyth to obtain land use permits from the Virginia Department of Transportation (hereinafter referred to as “VDOT”) to install, construct, maintain and operate certain public works and public utilities projects along, across, over, upon, and within highway systems of the Commonwealth of Virginia to which VDOT has previously obtained right-of-way; and,

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the County of Smyth by VDOT of said permits for the work aforesaid;

WHEREAS, the Board of Supervisors for the County of Smyth at its regular meeting on January 10, 1950, previously adopted a resolution requiring any contractor who contracts with the County to post surety in the form of an indemnifying bond for the amount of one thousand dollars (\$1,000.00) with VDOT for the same purposes as listed-above;

WHEREAS, since the date the Board of Supervisors last adopted such resolution, VDOT amended its requirements and now requires a locality that installs, operates, and maintains any utilities within VDOT’s right-of-ways to obtain a continuous bond, or in lieu of a continuous bond, allows for the adoption of a resolution by the governing body ensuring such required surety to VDOT.

NOW, THEREFORE, BE IT RESOLVED by the Smyth County Board of Supervisors this 13th day of September, 2011:

Section 1: That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of VDOT, Smyth County does hereby grant assurances to VDOT that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the County of Smyth and that Smyth County does hereby certify that it will or it will require its contractors to carry liability insurance for property damage that may arise from the work performed under the permit(s) and/or from the operation of the permitted activity as follows: (i) for district wide utility permits, in the amount of ten thousand dollars (\$10,000.00), (ii) or for single permits or multiples permits that do not constitute district wide permits, in an amount sufficient to restore the right-of-way in the event of damage or failure. Smyth County hereby further assures VDOT that such surety as required shall remain in full force and effect as long as the work covered under such permit(s) remains within VDOT right-of-way.

Section 2: That the County Administrator, or his/her designee, be, and hereby is authorized to execute on behalf of the County of Smyth all land use permits and related documents of VDOT.

Section 3: That this Resolution shall be continuous and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation is submitted to VDOT.

Section 4: That in accordance with the provisions of Section 24VAC30-151-700 of the Land Use Permit Regulations of VDOT, for locally administered VDOT projects, the permit fees are waived by VDOT and in lieu of a surety, Smyth County may (i) provide a letter that commits to using the surety in place or (ii) have the contractor execute a dual obligation rider that adds VDOT as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose. A copy of the original surety and letter or rider shall be attached to the land use permit to VDOT.

BE IT STILL FURTHER RESOLVED that the County Administrator, or his/her designee, be, and hereby is authorized and directed to procure insurance required by Section 1 herein.

The foregoing Resolution was adopted by the Smyth County Board of Supervisors at its regular meeting held on 13th day of September, 2011 in Smyth County, Virginia.

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.

OLD BUSINESS (continued)

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.

At the January 11, 2011 meeting; Mr. Atkins stated that Personal Property taxes were not being collected. He discussed the Treasurer's financial report showing balance of taxes not collected. Supervisor Call would like a Delinquent Tax Committee meeting set to discuss further.

At the February 8, 2011 meeting; Supervisor Roscoe updated the Board on committee meeting on February 1, 2011.

At the June 14, 2011 meeting; Mr. Carter updated the Board on where the Treasurer was at with the DMV Stop Program. Mr. John Tate discussed the process of publishing the list in the paper and request the Judge approve a fee for a title search and then the fee will be added to the tax owed. The Board agreed and authorized Mr. Carter to invite Mr. Tom Burkett, Treasurer to the July 12, 2011 meeting to discuss delinquent taxes and investments.

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

At the August 9, 2011 meeting; Mr. Carter informed the Board the Ordinance Committee decided at their August 8, 2011 meeting, to allow Mrs. Heather Pritts, to review the Ordinance.

3. 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**).

At the August 25, 2011 meeting; Ms. Pritts informed the Board of her collection efforts of delinquent water and sewer accounts. She stated that these efforts have had some success.

OLD BUSINESS (continued)

At the September 13, 2011 meeting; Mr. Simpson informed the Board, by efforts of Ms. Pritts' letter writing to collect delinquent accounts, the Water and Sewer Department has received over \$4,000. Mr. Carter thanked Ms. Pritts for her success in the Water and Sewer Department collecting on some of the delinquent accounts. Ms. Pritts added, on some of the delinquent accounts not paid in full, payment plans were set-up.

4. 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. Clegg Williams reported to the Board that a jury trial was set for December 16, 2010.

At the January 11, 2011 meeting; Mr. Clegg Williams reported to the Board that the jury trial set for December 16, 2010 was continued, and a bench trial was set for January 27, 2011.

At the March 8, 2011 meeting; Mr. Clegg Williams informed the Board that the case has been heard and is awaiting the Judges decision.

At the August 9, 2011 meeting; Mr. Tate informed the Board of a July 7, 2011 meeting between the Judges and Attorneys, but no decision was on file

At the September 13, 2011 meeting; Ms. Pritts informed the Board that she spoke with Mr. Patton Graham's office, and no new decision has been made.

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

At the August 25, 2011 meeting; Mr. Carter addressed the Board concerning the "Borrowing Ceiling" of the County. Mr. Carter presented the Board with a handout show the County's debt.

6. Service Agreement between Appalachian Juvenile Commission and Smyth County. **(12-14-10)**

OLD BUSINESS (continued)

7. Surplus Committee Recommendations (**3-8-11**)

- (a) Revision Clause on 7 acres on Chestnut Ridge Road
- (b) Set a public hearing on 7 acres on Chestnut Ridge Road and 13 acres in Browns Subdivision.

At the June 14, 2011 meeting; Mr. John Tate updated the Board as to the Nature Conservancy was to send someone to look at the 7 acres on Chestnut Ridge Road. He stated he has not heard back from the Nature Conservancy. Instead of having two separate public hearings, it was agreed upon to wait and just have one public hearing (b).

At the September 13, 2011 meeting; Mr. Tate advised the Board to allow him to write a letter state the Board has offered the Nature Conservancy the property with no response, and the County wishes to surplus the property for sale. Supervisor Davidson motioned to allow Mr. Tate to write the letter. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

At the September 13, 2011 meeting; (later in the meeting) Mr. Tate informed the Board he spoke with someone at the Nature Conservancy and told them of the Board's recommendation on writing a letter concerning the property Mr. Tate stated the Nature Conservancy informed him they did not want the property. Supervisor Davidson motioned to set a public hearing for both parcels of land for October 11, 2011 meeting at 6:00 p.m. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

8. Tobacco Free Smyth County Facilities and Vehicles (**4-12-11**)

At the May 10, 2011 meeting; Mr. Simpson informed the Board this matter was sent to the Ordinance Committee for discussion.

At the August 9, 2011 meeting; Mr. Carter informed the Board the Ordinance Committee discussed this issue their August 8, 2011 meeting, and decided to continue the issue until the next Ordinance Committee meeting.

9. Country Side Drive (**5-10-11**)

At the June 14, 2011 meeting; Supervisor Davidson inquired about where the Board was with this issue. Mr. John Tate stated he was waiting on additional information from Mr. Clegg Williams on the agreement and term of bond. Mr. Tate informed the Board in 1994 Mr. Bob Dix had a bond in the amount of \$75,000 for construction of the road. In 1997 the bond was reduced to \$11,250, as to why the bond was reduced is the additional information he is waiting for. Mr. Scott Simpson stated he a letter that may have information concerning this issue, and he would get a copy to Mr. Tate and Supervisor Davidson.

OLD BUSINESS (continued)

At the July 12, 2011 meeting; Mr. Bob Dix was present and stated he thought the road met state requirements. He informed the Board he would be willing to put cash up to replace the bond if necessary. At the May 10, 2011 meeting, Dr. Kiser stated the citizens living on Country Side Drive were willing to put up 2/3 of the cost of the road. The Board agreed that this was an issue between Mr. Dix and the citizens living on the road, and Mr. Dix should have a meeting with them to get this issue resolved.

At the August 9, 2011 meeting; Supervisor Davidson informed the Board the road is in the process of being repaved and built up to VDOT Standards.

At 1:05 p.m. Chairman Clark suspended the meeting until 2:00 p.m. for Closed Session.

CLOSED SESSION

At 2:02 p.m. Supervisor Call motioned 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 potential litigations. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to the open session, Supervisor Call motioned 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 Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Call inquired about the status of the Treasurer implementing the DMV Stop Program. Mr. Carter stated he would have an answer for the Board at the October 11, 2011 meeting.

At 3:00 p.m. the Board considered the Proposed Issuance of and Sale of School Bonds for the New Elementary School and Renovation of the Marion Primary School. There were an estimated nineteen citizens presents. Chairman Clark, Supervisor Dishner, and Supervisor Call read the following statement:

I, _____, declare that I have an immediate family member who is employed by and receives an annual salary from the Smyth County School Board. However, despite my disclosure of this fact, and while I may have a personal interest in a transaction, I believe my judgment is not impaired and I can render a fair and impartial decision and vote on this matter.

Chairman Clark informed the Board members the vote would be by alphabetical roll call and each member had the right to make a statement.

Supervisor Call motioned to consider the QSCBS \$9.5 million Bond. Supervisor Dishner seconded the motion:

Supervisor Wade Blevins – **yes**

Supervisor Roscoe Call – stated based on speaking to 100 to 200 of his constituents, his vote was **yes**

Supervisor Charlie Clark – stated he spoke with and discussed this item with several people and based on those discussions, his vote was **yes**

Supervisor Regina Davidson – stated she had no comment at this time, and her vote was **yes**

Supervisor Todd Dishner – stated he has thought long and hard about this and feels like he owes it to the children, and his vote was **yes**

Supervisor Darlene Neitch – stated most of the citizens and herself was against the location of the new school, and her vote was **no**

Supervisor Brenda Waddell – stated she was against the location and the money being spent on the property, and her vote was **no**

The Issuance of the \$9.5 million QSCBS Bond passed with the following vote:

AYES: 5
NAYS: 2

Supervisor Call motioned to consider the \$12.5 million and not to exceed \$3 million General Obligation Bonds. Supervisor Dishner seconded the motion:

Supervisor Wade Blevins – **yes**
Supervisor Roscoe Call – **yes**
Supervisor Charlie Clark – **yes**
Supervisor Regina Davidson – **yes**
Supervisor Todd Dishner – **yes**
Supervisor Darlene Neitch – **no**
Supervisor Brenda Waddell – **no**

The Issuance of the General Obligations Bonds passed with the following vote:

AYES: 5
NAYS: 2

Supervisor Call motioned to consider the Resolution for the Literary Loan Funds. Supervisor Dishner seconded the motion:

Supervisor Wade Blevins – **yes**

Supervisor Roscoe Call – stated the Board members, the School Board members, and citizens have worked well together on this matter. He wonders why it took so long to get the Intermediate School fixed. He stated the money should have been put back for the repairs to the school. His vote was **yes**

Supervisor Charlie Clark – **yes**

Supervisor Regina Davidson – agreed with Supervisor Call, the school should have been fixed a long time ago. The negative comments she had heard was from citizens out of her district, until last week when a gentlemen contacted her. She stated she voted no for this project at first because she did not have all the information. She has now been given the information and at the public hearing last month, Dr. Robinson gave a powerpoint presentation that answered a lot of her questions. She had been told if she voted yes for this project she would not be re-elected. With her reviewing the information she was given and having questions answered her vote was **yes**

Supervisor Todd Dishner – agreed with Supervisor Davidson and Supervisor Call. He stated there is no argument this school needs to be built. He stated he does not want the situation with the courthouse to happen with this project. His vote was **yes**

Supervisor Darlene Neitch – **no**

Supervisor Brenda Waddell – **no**

The Resolution for the Literary Loan passed with the following vote:

AYES:	5
NAYS:	2

PUBLIC HEARING – Local/Regional Water Supply Plan

With no one present, there was no reading of the advertisement published in the Smyth County News and Messenger August 27, 2011 and September 3, 2011 editions.

Mr. Toby Boian, Deputy Director Planner, Mt. Rogers Planning District, explained the Regional Water Supply Plan. Mt. Rogers Planning District started in 2008 collecting information to complete this plan as a result of two droughts. Mr. Boian also discussed the Drought Response and Contingency along with the Drought Emergency part of the plan. Mr. Simpson informed Mr. Bioan the County is in the process of adopting a Drought Ordinance.

At 3:43 Chairman Clark opened the public hearing.

Mr. Carter informed the Board Mr. James McNeil came by to thank the Board on behalf of Marion Downtown Revitalization Association for placing the \$8,000 back in the 2011/2012 budget.

Mr. Carter reminded the Board Mrs. Lindy White requested the Board consider the Hospital bond at their continued meeting on September 23, 2011. He informed them no continued meeting was scheduled. With no continued meeting scheduled, Chairman Clark stated this issue will be on the October 11, 2011 Board agenda. Ms. Pritts informed the Board legally they have 60 days, from when the IDA issued their report for issuance of the bonds to approve the IDA's issuance.

ADJOURNED

At 3:54 p.m. Supervisor Blevins motioned to adjourn. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

The Smyth County Board of Supervisors held its regular October meeting at 4:00 p.m., **Tuesday, October 11, 2011**. 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, County Administrator
Scott Simpson, Assistant County Administrator
John H. Tate, Jr., Attorney (arrived at 5:15 p.m.)
Heather Pritts, County Attorney
Pam Testerman, Office Service Assistant
Charlie Atkins, Financial Officer
Sally Morgan, Community/Economic Development
David Smith, Deputy

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

Call To Order, Invocation & Pledge of Allegiance:

With a quorum present, Chairman Clark called the meeting to order at 4:00 p.m.; Mrs. Pam Testerman gave the invocation and Mr. Charlie Atkins led the pledge of allegiance.

Adoption of Agenda:

Supervisor Call motioned to adopt the agenda, with moving item (b) under Committee Recommendations before Citizen's Time, and the additional agenda to form. Supervisor Neitch seconded the motion, and the vote is as follows:

AYES: 7
NAYS: 0

Minutes of Previous Meeting:

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

Tuesday, September 13, 2011

Supervisor Call motioned to approve the minutes for the September meeting, with the noted corrections. Supervisor Davidson seconded the motion, and the vote is as follows:

AYES: 7
NAYS: 0

Financial Report:

Mr. Charlie Atkins reported there was an estimated \$4.9 million in the bank which is sufficient funds for the requested appropriations.

Payment of County Invoices:

Supervisor Call motioned to approve \$1,954,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,800,000.00
Social Services (October 12 - 31, 2011)	\$ 104,000.00
Schools - Operating Fund	\$ 475,000.00

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

AYES: 7
NAYS: 0

Supervisor Call motioned to approve \$16,899.68 for the Animal Damage Fund appropriation. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Davidson motioned to approve \$64,658.58 for the Courthouse Project appropriation. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Dishner motioned to approve the accounts payable listing in the amount of \$1,356,177.14. Supervisor Call seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

Ms. Heather Pritts explained the proposed change to section 5.4 Order on Agenda. With the Ordinance Committee recommendation, the Board approved the following proposed change to section 5.4 of the Rules of Procedures:

After adoption of the agenda for the meeting, without requirement of suspension of the Rules or motion, the Chairperson may call items in the order of business in a different order than the order of business set forth on the agenda, provided that the Board may by adopted motion overrule such a decision by the Chairperson. The Chairperson shall make every reasonable effort not to change the designated time for citizen's time as set forth on the agenda. All public hearings shall be held at the designated time as provided in required notices, or as soon thereafter as may be heard.

The vote is as follows:

AYES: 7
NAYS: 0

Citizen's Time:

There were an estimated seven (7) citizens present, the following spoke:

Charles Wassum, Marion, he informed the Board that the Country Club still owed taxes.

At 4:23 p.m. Chairman Clark closed Citizen's Time.

NEW BUSINESS:

Mrs. Sally Morgan

Introduction of Businesses in Smyth County:

Mrs. Sally Morgan introduced Mr. Rodney Young, owner of JACO Manufacturing. Mr. Young explained to the Board the process of products produced including fire resistant caulk for construction and vehicles.

Mr. Toby Boian, Mt. Rogers Planning District, reviewed the Water Plan with the Board and requested the Board approve the Resolution for the Water Plan. Supervisor Davidson motioned to adopt the following resolution:

A RESOLUTION APPROVING THE CUMBERLAND PLATEAU, LENOWISCO, AND MOUNT ROGERS REGIONAL WATER SUPPLY PLAN.

WHEREAS, Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply plan to the Department of Environmental Quality (DEQ); and

WHEREAS, Smyth County is a participant in the Cumberland Plateau, LENOWISCO, and Mount Rogers Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

WHEREAS, on September 13, Smyth County held a public hearing to accept public comment on the Regional Water Supply Plan; and

WHEREAS, the adopted Regional Water Supply Plan will be submitted to the DEQ on or before November 2, 2011.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Smyth County hereby adopts the Regional Water Supply Plan as it pertains to Smyth County. Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to other localities. Smyth County reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted plan. Smyth County will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

BE IT FURTHER RESOLVED that the Board of Supervisors of Smyth County intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of Smyth County at a meeting held on October 11, 2011.

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

AYES: 7
NAYS: 0

Mr. Simpson explained along with the Water Plan the County would need to adopt a Drought Response and Contingency Plan. Supervisor Davidson motioned to adopt the following:

SMYTH COUNTY

Drought Response and Contingency Plan

Sec. I. Authority to declare water emergencies

During the continued existence of climatic, hydrological and other extraordinary conditions the protection of the health, safety and welfare of the residents of Smyth County may require that certain uses of water, not essential to public health, safety and welfare, be reduced, restricted or curtailed. As the shortage of raw or potable water becomes increasingly more critical, conservation measures to reduce consumption or curtail nonessential water use may be necessary. The definitions, water emergency criteria, and water use restrictions referenced here are presented in greater detail in the Mount Rogers Planning District Commission Drought Response and Contingency Plan, which is incorporated herein by reference.

The Smyth County Administrator or his or her designee is authorized to declare a water emergency in Smyth County restricting the use of water in any area of the county. All water stages are built upon and require compliance with previous water stages. For example when a Drought Emergency is declared all provisions of a Drought Warning are in effect. Also the Smyth County Administrator or his or her designee may declare any of the three stages; they do not have to be declared sequentially.

Sec. II. Publication of declaration

Upon the declaration of a water emergency, the Smyth County Administrator or his or her designee shall immediately post a written notice of the emergency at the front door of the town administration building and shall place a notice in a newspaper of general circulation in the area in which such emergency has been declared.

Sec. III. Water use considerations

Upon the declaration of a water shortage or emergency, the Smyth County Administrator or his or her designee is authorized and directed to implement conservation measures by ordering the restricted use or absolute curtailment of the use of water for certain nonessential purposes for the duration of the water shortage or emergency in the manner hereinafter set out. In exercising this discretionary authority, and making the determinations set forth hereof, the Smyth County Administrator or his or her designee shall give due consideration to stream flow conditions, water levels, available/usable storage on hand, draw down rates and the projected supply capability in the town; system purification and pumping capacity; daily water consumption and consumption projections of the system's customers; prevailing and forecast weather conditions; fire service requirements; pipeline conditions including breakages, stoppages and leaks; supplementary source data; estimates of minimum essential supplies to preserve public health and safety and such other data pertinent to the past, current and projected water demands.

Sec. IV. Limitation of restrictions

The provisions of this article shall not apply to any governmental activity, institution, business or industry which shall be declared by the Smyth County Administrator or his or her designee, upon a proper showing, to be necessary for the public health, safety and welfare or the prevention of severe economic hardship or the substantial loss of employment. Any activity, institution, business or industry aggrieved by the finding of the Smyth County Administrator or his or her designee may appeal the decision to the Smyth County Board of Supervisors.

Sec. V. Water conservation measures

Upon a determination by the Smyth County Administrator or his or her designee of the existence of the following conditions, the County Administrator shall take the following actions that shall apply to all water users in Smyth County:

- (a) Drought Watch: when moderate but limited supplies of water are available and a drought watch is declared in accordance with the Drought Response and Contingency Plan, the Smyth County Administrator or his or her designee shall, through appropriate means, call upon the general population to employ prudent restraint in water usage. Public outreach activities shall be identified to inform the general population of the potential for drought conditions to intensify any potential water conservation activities that may be utilized.
- (b) Drought Warning: The drought warning stage includes voluntary water conservation actions due to the imminent onset of a significant drought event. Customers will be asked to reduce outdoor water use by only using water before 10 a.m. and after 7 p.m. and by:
 - ◆ Reducing turf watering;
 - ◆ Using a broom, not the hose, to clean driveways and sidewalks;
 - ◆ Reducing vehicle washing;
 - ◆ Using bucket watering instead of hose watering when possible; and
 - ◆ Turning off ornamental fountains.

Customers will be asked to reduce indoor water use by:

- ◆ Identifying and repairing leaks;
 - ◆ Turning off the water while shaving, brushing teeth, etc;
 - ◆ Reducing shower time to five minutes or taking baths with less water;
 - ◆ Only using the clothes washer and dishwasher machines when there are full loads;
 - ◆ Storing water in the refrigerator instead of running it to get it cold; and
 - ◆ Installing water-saver devices in the home, such as low-flow toilets and showerheads.
- (c) Drought Emergency: As drought conditions continue to worsen, a drought emergency may be declared by the Smyth County Administrator or his or her designee. When a drought emergency is declared, the following mandatory water restrictions are imposed:

- ◆ All public water uses not required for health or safety will be prohibited;
- ◆ Watering outdoor vegetation will be prohibited, except from a watering can or other, container not exceeding three-gallons in capacity or with recycled water. Any person regularly engaged in the sale of plants will be permitted to irrigate only in amounts necessary to prevent the loss of nursery stock;
- ◆ Washing vehicles except from a bucket or other container not exceeding three-gallons in capacity or with recycled water will be prohibited;
- ◆ Washing driveways, sidewalks, exteriors of homes or other outdoor surfaces will be prohibited; however, any person regularly engaged in the business of washing such areas shall be permitted to use water for such purposes as long as the amount of water being used is minimized;
- ◆ The operation of any ornamental fountain or similar structure using water will be prohibited;

- ◆ The filling or refilling of swimming pools, hot tubs, wading pools or similar items will be prohibited;
- ◆ Restaurants and similar establishments will be prohibited from serving water unless specifically requested by the customer; and
- ◆ Fire hydrant use will only be permitted for fire protection.

Sec. VI. Penalty and enforcement

(a) Any person who violates any provision of the drought warning stage or drought emergency stage may be subject to the following penalty:

(1) For all offenses, violators shall receive a written warning delivered in person or posted by a representative of Smyth County.

Sec. VII. Notification of end of water emergency

The Smyth County Administrator or his or her designee shall notify the Smyth County Board of Supervisors when, in their opinion, the water emergency situation no longer exists. Upon concurrence of the Smyth County Board of Supervisors, the water emergency shall be declared to have ended. When this declaration is made, the information shall be conveyed to the general public through the news media.

Adopted on October 11, 2011 by the Smyth County Board of Supervisors;

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

AYES: 7
NAYS: 0

Mr. John Clark, Town of Marion, Manager, requested a boundary adjustment to property the Town of Marion is considering purchasing. Mr. Clark informed the Board the Town Counsel will consider this purchase at their next meeting. With this boundary adjustment, the County will lose an estimated \$20,866 in real estate tax revenue. Ms. Pritts advised the Board to continue this matter identifying the Board should not take action upon a boundary adjustment until the Town of Marion owns the property. Supervisor Davidson motioned to continue this matter. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Charlie Harrington

(a) Informed the Board he had filed an application for the Virginia Department of Emergency Management Grant. He explained once the grant is award, the Board will have to approve the grant. Supervisor Blevins motioned to approve the grant with the following resolution:

Governing Body Resolution

BE IT RESOLVED THE Board of Supervisors

OF THE County of Smyth

(Governing Body)

(Name of Applicant)

Michael L. Carter, County Administrator

(Name or Title of Authorized Agent)

, OR

(Name or Title of Authorized Agent)

, OR

(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

Passed and approved this 11th day of October, 2011.

Certification

I, Michael L. Carter, duly appointed and

(Name)

Clerk

(Title)

of the

Smyth County Board of Supervisors

(Governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the Smyth County Board of Supervisors of the County of Smyth on the

(Governing Body)

(Name of Applicant)

11th

day of

October

, 20 11.

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

AYES: 7

NAYS: 0

(b) Reviewed section #17 of the Emergency Operation Plan. He explained how important it is to be organized and have everything coordinated during an emergency. Mr. Harrington informed the Board he would have to develop a SERT Team to help with being organized and coordinated.

Shannon Williams requested the Board approve and appropriate the Aid to Localities through the Department of Fire Programs. Mr. Williams informed the Board he had received the funding and discussed the disbursement method of the funds. With staff recommendation, the Board approved and appropriated the following disbursement for Aid to Localities form the Department of Fire Programs:

Atkins Fire Department	\$10,962.83
Adwolfe Fire Department	\$10,962.83
Nebo Fire Department	\$10,962.84
Sugar Grove Fire Department	\$10,962.84
Town of Chilhowie	\$ 3,762.83
Town of Saltville	<u>\$ 3,762.83</u>
	\$51,377.00

The vote is as follows:

AYES: 7
NAYS: 0

Ed Stringer, President, Bank of Marion

Mr. Stringer introduced Mr. Chris Snodgrass, Chief Financial Officer with the Bank of Marion. Mr. Snodgrass gave a presentation on Treasury Yields, Federal Fund rates, Yield Securities, Treasury Bonds, and explained overnight monies. With the financing the County is facing in the future, the Bank of Marion does not have the capital reserve to handle the full amount of the funds needing to be financed.

CLOSED SESSION

At 5:30 p.m. Supervisor Call motioned to invite Mr. John Tate and Mr. Harry Dean to stay during Closed Session, and to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.7** Legal counsel consultation and staff briefings. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to the open session, Supervisor Dishner motioned 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 Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Davidson stated she was an employee of Mountain State Health Alliance and would not be participating in any discussion or vote the Board may have.

Supervisor Call motioned to accept the Industrial Development Authority's recommendation to approve the bonds, not to exceed \$150 million, for Mountain State Health Alliance. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES:	4	Call, Dishner, Clark, Blevins
NAYS:	2	Neitch, Waddell
ABSTAIN:	1	Davidson

The following resolution was confirmation of the Boards approval of the Bonds:

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF SMYTH COUNTY, VIRGINIA**

WHEREAS, Norton Community Hospital, a Virginia non-stock corporation ("Norton Hospital"), owns and operates a community hospital (the "Norton Facility") located at 100 15th Street NW, Norton, Virginia;

WHEREAS, Smyth County Community Hospital, a Virginia non-stock corporation ("Smyth Hospital"), owns and operates an existing community hospital (the "Current Smyth Facility") located at 565 Radio Hill Road, Marion, Virginia, and is currently constructing a new hospital facility (the "New Smyth Facility") located at 1625 North Main Street, Marion, Virginia, and also owns a medical office facility in the Town of Rural Retreat in Wythe County, Virginia;

WHEREAS, Johnston Memorial Hospital, Inc., a Virginia non-stock corporation ("JMH"), owns and operates a hospital facility (the "JMH Facility") located at 16000 Johnston Memorial Drive in Washington County, Virginia;

WHEREAS, Mountain States Health Alliance, a Tennessee nonprofit public benefit corporation ("Mountain States"), is a multi-facility non-profit health care entity affiliated with Norton Hospital, Smyth Hospital and JMH;

WHEREAS, the Industrial Development Authority of the City of Norton, Virginia (the "Norton IDA"), has previously issued its \$16,500,000 Hospital Refunding and Improvement Revenue Bonds (Norton Community Hospital, Inc.), Series 2001 (the "Series 2001 Bonds"), and loaned the proceeds to Norton Hospital to finance improvements and additions to the Norton Facility and to refund bonds previously issued by the Norton IDA for such purposes;

WHEREAS, the Industrial Development Authority of the Town of Abingdon, Virginia, has previously issued its \$24,465,794 Hospital Facilities Revenue and Refunding Bonds (Johnston Memorial Hospital), Series 1998 (the "Series 1998 Bonds"), and loaned the proceeds to JMH to refund two series of bonds issued by the Industrial Development Authority of Washington County to construct and equip improvements, renovations and additions to JMH's previous facilities;

WHEREAS, Smyth Hospital, Norton Hospital, JMH and Mountain States (collectively, the "Corporations") have requested the Industrial Development Authority of Smyth County (the "Authority") to issue its revenue bonds (the "Bonds") pursuant to Title 15.2, Section 49 of the Code of Virginia of 1950, as amended (the "Act"), in one or more series, for the purpose of providing funds to (1) refund the Series 1998 Bonds and the Series 2001 Bonds (together, the "Refunded Bonds"), (2) finance the costs of the Projects, as defined in Exhibit A, (3) pay the costs of issuing the Bonds and refunding the Refunded Bonds, and (4) fund a debt service reserve fund;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and Section 15.2-4906 of the Act require that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of the Bonds is located approve the issuance of such Bonds;

WHEREAS, Section 147(f) of the Code requires that any such approval by the applicable governmental unit be given after a public hearing following reasonable public notice, which hearing may be held by the public authority issuing the Bonds;

WHEREAS, on September 21, 2011, in accordance with the requirements of Section 147(f) of the Code and Section 15.2-4906 of the Act, the Authority held a public hearing and adopted a resolution approving the issuance of the Bonds (the "Authority Resolution");

WHEREAS, the Corporations have requested the Board of Supervisors of Smyth County, Virginia (the “Board”), to approve the issuance of the Bonds to comply with Section 147(f) of the Code and to concur in the Authority Resolution to comply with Section 15.2-4906 of the Act; and

WHEREAS, a copy of the Authority Resolution, a record of the public hearing and a fiscal impact statement with respect to the issuance of the Bonds have been filed with the Board.

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

1. The Board hereby approves the issuance of the Bonds by the Authority for the benefit of the Corporations in a maximum aggregate principal amount of \$150,000,000, as required by Section 147(f) of the Code and concurs with the Authority Resolution to the extent required by Section 15.2-4906 of the Act.

2. The approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the Corporations. Smyth County, Virginia, does not have any obligation to pay the Bonds or the interest thereon or other costs incident thereto.

3. All acts and doings of the officers and members of the Board that are in conformity with the purposes and intent of this resolution shall be, and the same hereby are, in all respects approved and confirmed.

4. This resolution shall take effect immediately upon its adoption.

Exhibit A

THE PROJECTS

The Projects consist of:

(1) Improvements and additions to the Norton Facility, including without limitation (a) general hospital renovations, (b) expansion and renovation of operating rooms and the emergency department, and (c) routine capital expenditures.

(2) Renovation and equipping of a clinic owned by Norton Hospital and leased to Norton Community Physician Services LLC, located at 100 15th Street, N.W., in the City of Norton, adjacent to the Norton Facility.

(3) (a) Improvements and additions to the Current Smyth Facility, consisting of (i) general hospital renovations and (ii) routine capital expenditures, including purchase of equipment; (b) the construction and equipping of the New Smyth Facility; (c) equipment and other capital improvements for a nursing care facility known as Smyth County Francis Marion Manor located at 100 Francis Marion Lane in the Town of Marion in Smyth County; and (d) the acquisition, construction and equipping of a Medical Office Building located at 7021 West Lee Highway, in the Town of Rural Retreat in Wythe County, Virginia.

(4) The construction and equipping of the JMH Facility, as well as the financing and refinancing of certain equipment and other capital additions acquired prior to the construction and completion of the JMH Facility and used at JMH’s previous facilities (the “Previous JMH Facility”) located at 351 Court Street, N.E., in the Town of Abingdon in Washington County.

Mr. Carter explained to the Board the request for appointments by the Community Criminal Justice Board. Supervisor Blevins motioned to approve the following members of the Community Criminal Justice Board:

The Honorable Elizabeth S. Wills – Juvenile and Domestic Judge Representative
The Honorable Henry A. Vanover – Circuit Court Judge Representative
The Honorable Sage B. Johnson – District Court Judge Representative
Mrs. Allison Steele – Education Representative
Chief William H. Price – Chief of Police Representative
Ruth Hale – Chief Magistrate Representative

Sheriff David Bradley – Sheriff Representative
Roy Evans – Commonwealth Attorney Representative
Steve Clear – Regional Jail Representative
Kevin Tiller – Defense Attorney Representative
Sharon Alderson – Community Service Representative

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

AYES: 7
NAYS: 0

PUBLIC HEARING – Disposition of 2 parcels of real property owned by the County

At 6:00 p.m. Chairman Clark opened the public hearing. Mr. Carter read the following advertisement as published in the Smyth County News and Messenger:

Pursuant to Va. Code Section 15.2-1800(B) (1950, as amended) the Smyth County Board of Supervisors will hold a public hearing on Tuesday, October 13, 2011 at 6:00 p.m., at the regular meeting room for the Board of Supervisors, 121 Bagley Circle, Marion, Virginia 24354, to hear comments in opposition or in favor of the County's proposed sealed bid sale of two (2) parcels of real property, as Smyth County no longer has any need for the properties; the public interest does not require the continued ownership of the properties; and that all public interest in the properties is vacated. The two properties are:

Approximately 6.6 acres on Chestnut Ridge Road, Marion, VA 24354, Tax Map Id. No. 55-6-2, and

Approximately 12.83 acres in Brown's Subdivision, Marion, VA 24354, Tax Map Id. No. 55-A-23.

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

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in this hearing should contact Clegg Williams, ADA Coordinator for Smyth County, at (276) 783-3298 x227 at least forty eight (48) hours prior to the hearing.

With no citizens being present, Supervisor Blevins suspended the reading of the rules for public hearings. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

At 6:02 p.m. Chairman Clark closed the public hearing.

Scott Simpson requested the Board approve an amendment to the purchase option agreement on the well site in Groseclose. The original agreement will expire before receiving the test results on the well. Mr. J.W. Cumbow has agreed with the amendment to extend the option agreement date until September 30, 2012. With the Water/Sewer Committee recommendation, the Board approved the amendment to extend the date of the Option Agreement to purchase real property until September 30, 2012 and authorized the Chairperson to sign. The vote is as follows:

AYES: 7
NAYS: 0

Committee Recommendations:

Ordinance

(a) With the Ordinance Committee recommendation, the Board approved the following restoration of State Funding for Aid to Localities resolution:

Resolution Supporting the Restoration of State Funding for Aid to Localities

WHEREAS, STATE FINANCIAL ASSISTANCE FOR MANDATED AND HIGH PRIORITY PROGRAMS, INCLUDING PUBLIC EDUCATION, HEALTH AND HUMAN SERVICES, PUBLIC SAFETY AND CONSTITUTIONAL OFFICERS, IS \$800 MILLION LESS IN FY12 THAN IN FY09; AND

WHEREAS, CITIES AND COUNTIES MUST BALANCE THEIR BUDGETS DURING A TIME IN WHICH FUTURE STATE ASSISTANCE IS UNRELIABLE, FEDERAL STIMULUS DOLLARS ARE DWINDLING, AND REAL ESTATE ASSESSMENTS ARE DECLINING; AND

WHEREAS, THE APPROPRIATION ACTION CONTAINS \$60 MILLION IN ACROSS-THE-BOARD CUTS TO CITIES AND COUNTIES FOR BOTH FY11 AND FY12, UNDER WHICH LOCALITIES ARE REQUIRED TO EITHER ELECT TO TAKE REDUCTIONS IN PARTICULAR STATE AID PROGRAMS, OR TO SEND THE COMMONWEALTH A CHECK FOR THE AMOUNTS DETERMINED BY THE STATE DEPARTMENT OF PLANNING AND BUDGET ("LOCAL AID TO THE STATE"); AND

WHEREAS, THE REDUCTIONS ARE APPLIED TO ESSENTIAL SERVICES, INCLUDING LAW ENFORCEMENT, JAIL ADMINISTRATION, FOSTER CARE AND CHILD PROTECTION SERVICES, ELECTION ADMINISTRATION AND SOCIAL SERVICES; AND

WHEREAS, SMYTH COUNTY DOES NOT HAVE THE AUTHORITY TO UNILATERALLY DECIDE TO DISCONTINUE PROVIDING SERVICES SUCH AS ELECTION ADMINISTRATION OR TO REFUSE TO HOUSE AND CARE FOR STATE PRISONERS' IN LOCAL AND REGIONAL JAILS; AND

WHEREAS, THE STATE BUDGET CUTS ARE NOT ACCOMPANIED BY ANY REDUCTIONS IN STATE-IMPOSED MANDATES, STANDARDS AND SERVICE REQUIREMENTS, NOR DO THEY PROVIDE ANY ADMINISTRATIVE FLEXIBILITY FOR LOCAL AGENCIES; AND

WHEREAS, SMYTH COUNTY REMITTED \$175,133.00 IN FY11 AND WILL BE REQUIRED TO REMIT ANOTHER \$168,664.00 IN FY12; AND

WHEREAS, VIRGINIA CITIES AND COUNTIES WILL HAVE PROVIDED THE COMMONWEALTH WITH \$220 MILLION BY THE CLOSE OF FY12 FOR THIS "LOCAL AID TO THE STATE" PROGRAMS; AND

WHEREAS, THESE REDUCTIONS SHIFT STATE COSTS TO LOCAL TAXPAYERS AND ARTIFICIALLY INCREASES THE AMOUNT OF STATE SURPLUS REVENUE; AND

WHEREAS, STATE REVENUES HAVE BEGUN TO RECOVER AND THE COMMONWEALTH IS EXPECTING TO HAVE A REVENUE SURPLUS FOR THE SECOND YEAR IN A ROW; AND

WHEREAS, THE COMMONWEALTH SHOULD NOT CONTINUE TO SHIFT ITS SHARE OF COSTS FOR MANDATES AND RESPONSIBILITIES TO ITS LOCAL GOVERNMENTS;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SMYTH COUNTY, VIRGINIA THAT THE BOARD RESPECTFULLY REQUESTS GOVERNOR BOB MCDONNELL TO SUBMIT A BUDGET AMENDMENT TO THE 2012 SESSION OF THE VIRGINIA GENERAL ASSEMBLY TO REVERSE THE \$60 MILLION-A-YEAR REDUCTION FOR THE CURRENT YEAR, FY12, AND TO ELIMINATE THE AID TO LOCALITIES REDUCTION IN THE BUDGET SUBMITTED FOR FY13 AND FY14; AND

BE IT FURTHER RESOLVED THAT THE BOARD ASKS THE MEMBERS OF THE GENERAL ASSEMBLY SUPPORT A BUDGET AMENDMENT TO THE 2012 SESSION OF THE GENERAL ASSEMBLY TO REVERSE THE \$60 MILLION-A-YEAR REDUCTION FOR THE CURRENT YEAR, FY12, AND TO ELIMINATE THE AID TO LOCALITIES REDUCTION IN THE BUDGET SUBMITTED FOR FY13 AND FY14.

BE IT FURTHER RESOLVED THAT THE COUNTY ADMINISTRATOR IS DIRECTED TO DISTRIBUTE A COPY OF THIS RESOLUTION TO THE GOVERNOR OF THE COMMONWEALTH; THE SOUTHWEST VIRGINIA DELEGATION TO THE GENERAL ASSEMBLY, AND THE EXECUTIVE DIRECTOR OF THE VIRGINIA ASSOCIATION OF COUNTIES.

(c) Ms. Pritts explained to the Board a Bad Check Ordinance. The Code of Virginia has raised the fee for a bad check to \$50; currently Smyth County has a \$25 fee. With having the ordinance the County would be able to enforce the bad check fee. With the Ordinance Committee recommendation to place before the full Board, Supervisor Call motioned to move forward on the Bad Check Ordinance. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

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

(d) Ms. Pritts explained to the Board an Identity Theft Policy was required by federal law. She identified while having customer's personal information, the County should have in place an Identity Theft Policy. With the Ordinance Committee recommendation to place before the full Board, Supervisor Call motioned to approve an Identity Theft Policy for all services provided by Smyth County. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES:	7
NAYS:	0

(e) Ms. Pritts explained to the Board whom they may give donations to, per the Code of Virginia. Mr. Carter explained the need to identify who the county is giving money to and make sure the organizations are non-profit. Supervisor Neitch questioned the form the County had on fund requests. Mr. Carter read the Fund Request form the Board adopted July 1, 2008. With the Ordinance Committee recommendation to place before the full Board, Supervisor Call motioned for Ms. Pritts and Mr. Carter to draft a Charitable Donation Policy. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES:	7
NAYS:	0

The draft policy will be reviewed at the next Board meeting.

(f) With the Ordinance Committee recommendation, Supervisor Dishner motioned to refer the Subdivision Ordinance back to the Planning Commission for implementation of the new Code of Virginia laws associated with this ordinance. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES:	7
NAYS:	0

(g) With the Ordinance Committee recommendation, Supervisor Call motioned to forward with the deletion of section 5-101 Exemption of churches, schools, civic organization from application fee and bond from the ordinance of the Festival Permit portion of the Smyth County Code. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mr. Carter and Ms. Pritts explained this section can be referenced to the Charitable Donations. Ms. Pritts informed the Board, the amendment to the Festival Permit ordinance would only need to be advertised, no public hearing would be necessary.

Mike Carter explained the Department of Social Services has surplus property they are considering donating to the County. Supervisor Blevins motioned to accept the surplus property from the Department of Social Services. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Mike Carter updated the Board on the recent discussion on the E911/Sheriff's Office. He informed the Board the lowest base bid was roughly \$450,000 over budget. Mr. Carter explained the Sheriff is willing to leave the auxiliary building (valued at \$192,000) as is and the Sheriff's Department will complete renovations as funding is available for the structure. Mr. Carter also informed the Board the Sheriff is willing to commit the remaining funds needed from the Police Activity Fund to complete the original E911/Sheriff's Office. After discussion, Supervisor Blevins motioned to transfer the needed money within the budget from the Police Activity Fund to the appropriate line-item. Supervisor Neitch seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Committee Recommendations: (continued)

Courthouse

(a) With staff recommendation, the Board approved the Wiley/Wilson agreement modification in the amount of \$19,750 for the additional services provided on the Sheriff's Office and Auxiliary building. The vote is as follows:

AYES: 7
NAYS: 0

(b) With the Courthouse Committee recommendation, the Board approved E Luke Greene proposal in the amount of \$1,842 for asbestos removal on the Fenk Office Building. The vote is as follows:

AYES: 7
NAYS: 0

(c) With the Courthouse Committee recommendation, the Board approved Top Quality Construction proposal in the amount of \$4,200 for demolition of the Fenk Office Building. The vote is as follows:

AYES: 7
NAYS: 0

(d) With the Courthouse Committee recommendation, the Board awarded SouthEnd Construction proposal in the amount of \$1,448,526 for the Parking Structure. Mr. Simpson informed the Board the project was budgeted at \$1,500,000. The vote is as follows:

AYES: 7
NAYS: 0

(e) With the advice of Ms. Pritts, Supervisor Davidson motioned to suspend section 8.2 of the Rules of Procedure and vote on the following procedure amendment. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

With the Courthouse Committee recommendation; the Board approved amending the Purchase Procedure section of the Rules of Procedure. The vote is as follows:

AYES: 7
NAYS: 0

The following is the amended Purchase Procedure:

SMYTH COUNTY BOARD OF SUPERVISORS

SMALL PURCHASE PROCEDURES

Whereas the Code of Virginia under section 2.2-4303 (Chapter 43 being the Virginia Public Procurement Act) allows for a public body to establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for goods and services, other than professional services, and limited for certain professional services.

As defined by the Code of Virginia under section 2.2-4301;

“Professional services” means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering. “Professional services” shall also include the services of an economist procured by the State Corporation Commission.

“Nonprofessional services” means any services not specifically identified as professional services in the definition of professional services.

“Goods” means all material, equipment, supplies, printing, and automated data processing hardware and software.

The following purchase procedures have been established for use when acquiring goods and nonprofessional services if the aggregate sum of all phases is not expected to exceed \$100,000. Procurements made pursuant to these procedures do not require public bid openings or newspaper advertisements or competitively negotiated procurements. The solicitation of price quotations for goods and services are based on the following guidelines:

- PURCHASES UNDER \$ 1,000 IN VALUE - Purchases in this group require a minimum of one (1) price quotation. The \$1,000 applies to the total of all items purchased on an invoice. Quotations must be solicited in writing or verbally. Any quotations received shall be in writing or verbal with internal documentation.
- PURCHASES BETWEEN \$ 1,000 AND \$ 15,000 IN VALUE -- Purchases in this group require solicitation of a minimum of two (2) offerors. Quotations must be solicited in writing or verbally. Any quotations received shall be in writing or verbal with internal documentation.

- PURCHASES BETWEEN \$15,000 AND \$30,000 IN VALUE -- Purchases in this group require solicitation of a minimum of three (3) offerors. Quotations must be solicited in writing or verbally. Any quotations received shall be in writing.
- PURCHASES BETWEEN \$30,000 AND \$100,000 IN VALUE — Purchases in this group require written solicitation of a minimum of four (4) offerors. Quotations must be solicited in writing and should be posted on the Department of General Services' central electronic procurement website or other appropriate websites, including the website for Smyth County. Any quotations received shall be in writing.

The following procurement procedure has been established for use when acquiring professional services if the aggregate or the sum of all phases is not expected to exceed \$50,000:

- For professional services, Smyth County shall solicit a minim of two (2) request for proposals in writing for all professional service contracts, including term and single contracts, so long as the aggregate or the sum of all phases is not expected to exceed \$50,000.00.
- Such requests for proposals shall provide for competition wherever practicable.

(f) With the Courthouse Committee recommendation, the Board approved ECS Mid-Atlantic's proposal in the amount not to exceed \$3,050 for a soil investigation on the 911 tower site at the new E911 Center. 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.

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.

At the January 11, 2011 meeting; Mr. Atkins stated that Personal Property taxes were not being collected. He discussed the Treasurer's financial report showing balance of taxes not collected. Supervisor Call would like a Delinquent Tax Committee meeting set to discuss further.

At the February 8, 2011 meeting; Supervisor Roscoe updated the Board on committee meeting on February 1, 2011.

OLD BUSINESS (continued)

At the June 14, 2011 meeting; Mr. Carter updated the Board on where the Treasurer was at with the DMV Stop Program. Mr. John Tate discussed the process of publishing the list in the paper and request the Judge approve a fee for a title search and then the fee will be added to the tax owed. The Board agreed and authorized Mr. Carter to invite Mr. Tom Burkett, Treasurer to the July 12, 2011 meeting to discuss delinquent taxes and investments.

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

At the August 9, 2011 meeting; Mr. Carter informed the Board the Ordinance Committee decided at their August 8, 2011 meeting, to allow Mrs. Heather Pritts, to review the Ordinance.

At the October 11, 2011 meeting; Supervisor Dishner motioned to refer the Subdivision Ordinance back to the Planning Commission for implementation of the new Code of Virginia laws associated with this ordinance and remove this item from the Old Business List. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

3. 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**).

At the August 25, 2011 meeting; Ms. Pritts informed the Board of her collection efforts of delinquent water and sewer accounts. She stated that these efforts have had some success.

At the September 13, 2011 meeting; Mr. Simpson informed the Board, by efforts of Ms. Pritts' letter writing to collect delinquent accounts, the Water and Sewer Department has received over \$4,000. Mr. Carter thanked Ms. Pritts for her success in the Water and Sewer Department collecting on some of the delinquent accounts. Ms. Pritts added, on some of the delinquent accounts not paid in full, payment plans were set-up.

4. 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. Clegg Williams reported to the Board that a jury trial was set for December 16, 2010.

At the January 11, 2011 meeting; Mr. Clegg Williams reported to the Board that the jury trial set for December 16, 2010 was continued, and a bench trial was set for January 27, 2011.

At the March 8, 2011 meeting; Mr. Clegg Williams informed the Board that the case has been heard and is awaiting the Judges decision.

At the August 9, 2011 meeting; Mr. Tate informed the Board of a July 7, 2011 meeting between the Judges and Attorneys, but no decision was on file

At the September 13, 2011 meeting; Ms. Pritts informed the Board she spoke with the Attorney, Mr. Patton, and no new decision has been made.

5. Financial Discussion (2-9-10)

At the August 25, 2011 meeting; Mr. Carter addressed the Board concerning the "Borrowing Ceiling" of the County. Mr. Carter presented the Board with a handout show the County's debt.

6. Service Agreement between Appalachian Juvenile Commission and Smyth County. (12-14-10)

7. Surplus Committee Recommendations (3-8-11)

- (a) Revision Clause on 7 acres on Chestnut Ridge Road
- (b) Set a public hearing on 7 acres on Chestnut Ridge Road and 13 acres in Browns Subdivision.

At the June 14, 2011 meeting; Mr. John Tate updated the Board as to the Nature Conservancy was to send someone to look at the 7 acres on Chestnut Ridge Road. He stated he has not heard back from the Nature Conservancy. Instead of having two separate public hearings, it was agreed upon to wait and just have one public hearing (b).

At the September 13, 2011 meeting; Mr. Tate advised the Board to allow him to write a letter state the Board has offered the Nature Conservancy the property with no response, and the County wishes to surplus the property for sale. Supervisor Davidson motioned to allow Mr. Tate to write the letter. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

At the September 13, 2011 meeting; (later in the meeting) Mr. Tate informed the Board he spoke with someone at the Nature Conservancy and told them of the Board's recommendation on writing a letter concerning the property Mr. Tate stated the Nature Conservancy informed him they did not want the property. Supervisor Davidson motioned to set a public hearing for both parcels of land for October 11, 2011 meeting at 6:00 p.m. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

At the October 11, 2011 meeting; Supervisor Blevins motioned to remove this item from the Old Business List. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

8. Tobacco Free Smyth County Facilities and Vehicles (4-12-11)

At the May 10, 2011 meeting; Mr. Simpson informed the Board this matter was sent to the Ordinance Committee for discussion.

At the August 9, 2011 meeting; Mr. Carter informed the Board the Ordinance Committee discussed this issue their August 8, 2011 meeting, and decided to continue the issue until the next Ordinance Committee meeting.

9. Country Side Drive (5-10-11)

At the June 14, 2011 meeting; Supervisor Davidson inquired about where the Board was with this issue. Mr. John Tate stated he was waiting on additional information from Mr. Clegg Williams on the agreement and term of bond. Mr. Tate informed the Board in 1994 Mr. Bob Dix had a bond in the amount of \$75,000 for construction of the road. In 1997 the bond was reduced to \$11,250, as to why the bond was reduced is the additional information he is waiting for. Mr. Scott Simpson stated he a letter that may have information concerning this issue, and he would get a copy to Mr. Tate and Supervisor Davidson.

At the July 12, 2011 meeting; Mr. Bob Dix was present and stated he thought the road met state requirements. He informed the Board he would be willing to put cash up to replace the bond if necessary. At the May 10, 2011 meeting, Dr. Kiser stated the citizens living on Country Side Drive were willing to put up 2/3 of the cost of the road. The Board agreed that this was an issue between Mr. Dix and the citizens living on the road, and Mr. Dix should have a meeting with them to get this issue resolved.

At the August 9, 2011 meeting; Supervisor Davidson informed the Board the road is in the process of being repaved and built up to VDOT Standards.

OLD BUSINESS (continued)

10. Rules of Procedures (**9-13-11**)

CLOSED SESSION

At 7:12 p.m. Supervisor Dishner motioned to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.1** Personnel, **A.5** Business/ Industrial Prospects; discussion concerning a business or industry considering expansion with no previous announcement being made, **A.7** Legal counsel consultation and staff briefings; discussion on potential litigations, and **A.29** discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to the open session, Supervisor Call motioned 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

CONTINUED

At 7:40 p.m. Supervisor Neitch motioned to continue the meeting until Tuesday, October 25, 2011 at 5:00 p.m. Supervisor Waddell 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 5:00 p.m., **Tuesday, October 25, 2011**. 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
M. Todd Dishner, Vice-Chair
Wade H. Blevins, Jr. (left at 5:56p.m.)
Roscoe D. Call

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

STAFF PRESENT:

Michael L. Carter, County Administrator
Scott Simpson, Assistant County Administrator
Pam Testerman, Office Service Assistant
Heather Pritts, County Attorney
Charlie Atkins, Financial Officer
Sally Morgan, Community/Economic Developer

At 4:57 p.m. Chairman Clark called the meeting to order.

Supervisor Blevins motioned to adopt the agenda with an additional item being added and moving Closed Session to item #5. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

CITIZEN'S TIME

At 4:59 p.m. Chairman Clark opened citizen's time.

There were four citizens present, with no one speaking.

At 4:59 p.m. Chairman Clark closed citizen's time.

Financial Report:

Mr. Charlie Atkins reported, per Mrs. Debbie Schwartz, Chief Deputy Treasurer there was \$4,972,000 bank balance, which is sufficient funds for the requested appropriations.

Supervisor Blevins motioned to approve \$3,900,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$ 625,000.00
Social Services (October 12 - 31, 2011)	\$ 115,000.00
(November 1 – 8, 2011)	\$ 60,000.00
Schools - Operating Fund	\$3,100,000.00

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

AYES: 7
NAYS: 0

CLOSED SESSION

At 5.00 p.m. Supervisor Neitch motioned to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A-5 Business/Industry**, discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in location or expanding its facilities in the community, and **A-7 Legal**, consultation with legal counsel & staff including current litigations. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Upon returning to the open meeting, Supervisor Call motioned 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

Heather Pritts

(a) Town of Marion's Boundary Line Adjustment request – Ms. Pritts informed the Board the Town of Marion's council approved the purchase of the Country Club. After discussion, Supervisor Davidson motioned to continue this item. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

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

(b) Proposed Bad Check Ordinance – Ms. Pritts informed the Board the Ordinance Notice was advertised in the Saturday, October 15 and October 22, 2011 editions of the Smyth County News and Messenger. After discussion, Supervisor Call motioned to adopt the Bad Check Ordinance. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

(c) Festival Permit Amendment – Ms. Pritts informed the board the amendment was advertised in the Saturday, October 15 and October 22, 2011 editions of the Smyth County News and Messenger. After discussion, Supervisor Call motioned to delete section 5-101 Exemption of churches, schools, civic organization from application fee and bond from the ordinance of the Smyth County Code. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

(d) Charitable Donation Policy – Ms. Pritts read the policy and discussed the content of the policy with the Board. Supervisor Neitch inquired if this policy would be sent to the organizations the County currently funds. Mr. Carter informed the Board the policy and new application would be sent to the list of organizations that are currently in the budget. After discussion, Supervisor Neitch motioned to approve the Charitable Donation Policy. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Neitch and Supervisor Davidson stated this policy is a good legal procedure.

Chairman Clark request the policy be added to the County's website as soon as possible.

Mike Carter

(a) Chilhowie Ambulance Service – Mr. Carter informed the Board Chilhowie Ambulance Service main office is at 822 Lee Hwy, Chilhowie and an expanded office is at 596 Radio Hill, Marion. The office located at 596 Radio Hill is operating without coming before the Board and requesting a resolution to operate out of the expansion office as required by Virginia law. The staff recommends sending a letter to Chilhowie Ambulance Service to cease operation at 596 Radio Hill, Marion until appearing before the Board and explaining their need to have an expansion office and request a resolution from the Board. The Chilhowie Ambulance Service is a transporting service and not a rescue service; therefore no safety issue will be created within the county. Supervisor Call motioned to send a letter and request Chilhowie Ambulance Service to appear before the Board at the November 9, 2011 Board meeting. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSTAIN: Davidson

(b) VDOT Revenue Sharing – Mr. Carter informed the Board on a letter he received concerning De-Allocation of Revenue Sharing Funds with VDOT. There were five projects with money remaining and the remaining money will be divided between VDOT and the County.

Mr. Carter informed the Board Mr. Matthew Cox with VDOT informed him of a Revenue Sharing project on Green Hill Circle. A resident requested this road be brought into the state system. Mr. Carter stated he requested Supervisor Blevins speak with residents in this area and see what their view of the project was. Supervisor Blevins informed the Board the residents wanted to know how much this would cost before committing. Mr. Carter mentioned to the Board the deadline for an application for the project is November 1, 2011. He also informed the Board filing an application does not commit any money from the Board. After discussion, Supervisor Blevins motioned to file an application for a Revenue Sharing Project for Green Hill Circle. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Scott Simpson

(a) Mr. Simpson updated the Board on the following contracts and requested authorization to execute them:

E Luke Greene – Supervisor Davidson motioned to authorize execution of the contract to remove asbestos from the Fenyk building. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Blevins

Top Quality Construction – Supervisor Call motioned to authorize execution of the contract to demolish the Fenyk Building after the asbestos removal. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Blevins

SouthEnd Construction – Supervisor Call motioned to authorize execution of the contract to construct the Parking Structure. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Blevins

Mr. Simpson informed the Board Ms. Pritts drafted these contracts.

Supervisor Dishner and Supervisor Call inquired if any local contractors bid. Mr. Simpson stated there were local contractors bidding, but they were not the lowest responsible and responsible bidder.

(b) Supervisor Davidson motioned to award three engineering contracts to Peed & Bortz, LLC in the amount of \$5,600 each for Burgess Hollow, Hwy 16, and Goodpasture Hollow water extensions. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Blevins

Mr. Simpson informed the Board the funds for these contracts were included in the budget for the projects.

Supervisor Davidson motioned to authorize execution of the three engineering contracts to Peed & Bortz, LLC. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Blevins

Ms. Pritts informed the Board the above contracts were pursued under the Board's Small Purchase Procedure.

Committee Recommendations:

Budget

(a) Mr. Carter explained with the size of the \$50 million transaction, Davenport & Company recommended have two rating agencies. Ms. Pritts has reviewed the agreement and approved to form. With the Budget Committee recommendation, the Board approved \$21,000 to Standard & Poor's rating agency for rating services for the upcoming the upcoming bond issuance. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Blevins

(b) With the Budget Committee recommendation, the Board approved a 20 year amortization on the Courthouse project. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Blevins

(c) With the Budget Committee recommendation, the Board approved a budget amendment in the amount of \$16,800 for a grant awarded to the Sheriffs Department to purchase 10 ballistic vests. The budget amendment will help track the revenue and expense associated with this grant. The vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Blevins

Revenue – Supplemental Grant Revenue – 3-001-023020-0010 – (\$16,800)
Expenditure – Vest's Funds – 4-001-021070-8888-93 – \$16,800

(d) Mr. Carter updated the Board on the School Bond Resolutions. He informed them Mr. John Tate has recorded the bonds with the Clerk's Office.

Supervisors Comment Time:

Supervisor Call thanked everyone for their condolences for losing his brother, Bob Call.

Supervisor Clark wished the Supervisors in the election, "Good Luck".

ADJOURN MEETING

At 6:13 p.m. Chairman Clark adjourned the meeting.

Charlie Clark, Jr., Chairman

The Smyth County Board of Supervisors held its regular November meeting at noon, **Wednesday, November 9, 2011**. 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.	Darlene R. Neitch
Roscoe D. Call (arrived at 12:04 p.m.)	Brenda J. Waddell
Regina H. Davidson (left at 1:00 p.m.)	

STAFF PRESENT:

Michael Carter, County Administrator
Scott Simpson, Assistant County Administrator
Heather Pritts, County Attorney
Pam Testerman, Office Service Assistant
Charlie Atkins, Financial Officer
Sally Morgan, Community/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, Chairman Clark called the meeting to order at 12:00 noon; Mr. Andy Overbay gave the invocation and Mrs. Pam Testerman led the pledge of allegiance.

Adoption of Agenda:

Supervisor Blevins motioned to adopt the agenda, and the additional agenda to form. Supervisor Davidson seconded the motion, and the vote is as follows:

AYES:	6
NAYS:	0
ABSENT:	Call

Minutes of Previous Meeting:

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

Tuesday, October 10, 2011

Tuesday, October 25, 2011

Supervisor Blevins motioned to approve the minutes for the October meetings, with the noted corrections. Supervisor Neitch seconded the motion, and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Call

Financial Report:

Mr. Charlie Atkins reported, per Mrs. Debbie Schwartz in the Treasurer's Office, there was \$6,534,000 million in the bank at the closing of business yesterday, November 8, 2011. With this balance there are sufficient funds for the requested appropriations. Mr. Atkins informed the Board, in the General Fund appropriations, there is an estimated \$200,000 for the donation checks although he had not received every organization's 501(c)3 information.

Payment of County Invoices:

Supervisor Blevins motioned to approve \$6,420,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,660,000.00
Social Services (November 9 - 30, 2011)	\$ 275,000.00
(December 1 - 13, 2011)	\$ 60,000.00
Schools - Operating Fund	\$4,200,000.00
Debt and Capital Outlay Fund	\$ 225,000.00

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

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve \$115.00 for the Animal Damage Fund appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve \$50,000.00 for the School TextBook Fund appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve \$807.00 for the IDA Fund 4 appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve \$54,252.05 for the Courthouse Project appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve the accounts payable listing in the amount of \$781,310.92. Supervisor Call seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

NEW BUSINESS:

Mrs. Sally Morgan

Introduction of Businesses in Smyth County:

Mrs. Sally Morgan presented to the Board a product, fire-restraint caulk, Mr. Young with JACO Manufacturing talked about at the October 11, 2011 meeting. She also presented to the Board a list of the top 50 employers of the county based on employment.

Citizen's Time:

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

William Barton, Marion, He requested the Board consider an ordinance for the operation of golf carts on public highways. Mr. Barton presented the Board with an ordinance he prepared. Mr. Carter informed the Board he had spoke with Mr. Barton prior and this matter is currently on the old business of the Ordinance Committee. Mr. Barton wanted to bring this to the full Board's attention.

Ken Johnson, Meade Realty, Abingdon, Meade Realty, He requested on behalf of his client, Ms. Elizabeth Obregon, to abandon two alley ways on her property in Atkins. Ms. Pritts explained to the Board their options. After discussion, Supervisor Blevins motioned to have a joint public hearing with the Planning Commission. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Charles Wassum, Marion, thanked the Supervisors for their time serving on the Board.

At 12:25 p.m. Chairman Clark closed Citizen's Time.

Committee Recommendations:

Water and Sewer

With the Water and Sewer Committee recommendation, Supervisor Blevins motioned to accept and approve execution of the Mount Rogers Planning District agreement in the amount of \$26,500 for the Hwy 107 sewer extension project. This motion also included authorizing Mr. Carter signing the agreement. Supervisor Call 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.

At the January 11, 2011 meeting; Mr. Atkins stated that Personal Property taxes were not being collected. He discussed the Treasurer's financial report showing balance of taxes not collected. Supervisor Call would like a Delinquent Tax Committee meeting set to discuss further.

At the February 8, 2011 meeting; Supervisor Roscoe updated the Board on committee meeting on February 1, 2011.

At the June 14, 2011 meeting; Mr. Carter updated the Board on where the Treasurer was at with the DMV Stop Program. Mr. John Tate discussed the process of publishing the list in the paper and request the Judge approve a fee for a title search and then the fee will be added to the tax owed. The Board agreed and authorized Mr. Carter to invite Mr. Tom Burkett, Treasurer to the July 12, 2011 meeting to discuss delinquent taxes and investments.

2. 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).

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OLD BUSINESS (continued)

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Mrs. Norma Teaters gave an update on the CSA program. She discussed the budget, the number of children currently being served by the CSA, and the services the CSA provides. Mrs. Teaters informed the Board Ms. Pritts is currently working on contracts for outside service providers.

Mr. Kevin Austin, Manager, Chilhowie Ambulance Service requested the Board adopt a resolution for Chilhowie Ambulance Service to operate an office in the Marion area. He stated currently Chilhowie Ambulance Service is located at 822 East Lee Highway, Chilhowie, but would like to extend their transporting services to a Marion office. Mr. Austin informed the Board Chilhowie Ambulance Service is a non-emergency transporting service, currently they have 18 employees, a 24 hour service, Dr. James Patterson is the OMD, and is recognized by the Commonwealth of Virginia. Ms. Pritts discussed a resolution of the Board acknowledging Chilhowie Ambulance Services office at 822 East Lee Highway, Chilhowie, and 596 Radio Hill Road, Marion.

After discussion, Supervisor Blevins motioned to adopt the following resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SMYTH COUNTY
ACKNOWLEDGING CHILHOWIE AMBULANCE SERVICE OFFICE AT 822 EAST
LEE HIGHWAY, CHILHOWIE, VA 24319**

WHEREAS, Chilhowie Ambulance Service desires to operate an office within the County of Smyth, located at 822 East Lee Highway, Chilhowie, Virginia 24319;

WHEREAS, the Virginia Department of Health, Office of Emergency Medical Services is the regulatory authority for EMS organizations; and

WHEREAS, the Code of Virginia requires that no volunteer rescue squad, emergency medical service organization or other organization providing similar type services, or volunteer fire-fighting organization shall be established in any locality on or after July 1, 1984, without the prior approval by resolution of the governing body, i.e. the Smyth County Board of Supervisors;

WHEREAS, the resolution adopted must specify the geographic boundaries of the agency's primary service area within the locality;

NOW, THEREFORE, BE IT RESOLVED on this the 9th day of November, 2011, upon endorsement by the Virginia Department of Health, the Smyth County Board of Supervisors acknowledges Chilhowie Ambulance Service and its office located at 822 East Lee Highway, Chilhowie, Virginia 24319, as an emergency medical service agency and hereby specifies the geographic boundaries of the primary service area to be any property located within the boundaries of Smyth County. The Smyth County Board of Supervisors hereby acknowledges, recognizes, and approves Chilhowie Ambulance Service as a Designated Emergency Response Agency. The Smyth County Board of Supervisors does not consider or recognize Chilhowie Ambulance Service as an integral part of the official safety program of the County.

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

AYES: 6
NAYS: 0
ABSENT: Davidson

Supervisor Blevins motioned to adopt the following resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SMYTH COUNTY
ACKNOWLEDGING CHILHOWIE AMBULANCE SERVICE OFFICE AT 596 RADIO
HILL ROAD MARION, VA 24354**

WHEREAS, Chilhowie Ambulance Service desires to operate a second office within the County of Smyth, located at 596 Radio Hill Road, Marion, Virginia 24354;

WHEREAS, the Virginia Department of Health, Office of Emergency Medical Services is the regulatory authority for EMS organizations; and

WHEREAS, the Code of Virginia requires that no volunteer rescue squad, emergency medical service organization or other organization providing similar type services, or volunteer fire-fighting organization shall be established in any locality on or after July 1, 1984, without the prior approval by resolution of the governing body, i.e. the Smyth County Board of Supervisors;

WHEREAS, the resolution adopted must specify the geographic boundaries of the agency's primary service area within the locality;

NOW, THEREFORE, BE IT RESOLVED on this the 9th day of November, 2011, upon endorsement by the Virginia Department of Health, the Smyth County Board of Supervisors acknowledges Chilhowie Ambulance Service and its office located at 596 Radio Hill Road, Marion, Virginia 24354, as an emergency medical service agency and hereby specifies the geographic boundaries of the primary service area to be any property located within the boundaries of Smyth County. Smyth County Board of Supervisors hereby acknowledges, recognizes, and approves Chilhowie Ambulance Service as a Designated Emergency Response Agency. The Smyth County Board of Supervisors does not consider or recognize Chilhowie Ambulance Service as an integral part of the official safety program of the County.

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

AYES: 6
NAYS: 0
ABSENT: Davidson

CLOSED SESSION

At 1:44 p.m. Supervisor Neitch motioned to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.1 Personnel**; discussion of salaries for the Board of Supervisors, **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**; discussion with legal counsel and staff pertaining to actual

or probable litigation. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

Upon returning to the open session, Supervisor Call motioned 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: 6
NAYS: 0
ABSENT: Davidson

Supervisor Dishner motioned to authorize Ms. Pritts to respond to Mr. Ford Stephens on the Courthouse conflicts and schedule a hearing. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6

NAYS: 0
ABSENT: Davidson

Ms. Pritts stated per Virginia Code Section 2.2-3712(f) the Board invited Mr. John Graham to closed session during the discussion of 2.2-3711 A.7.

Mr. Carter reminded Chairman Clark of the Chamber of Commerce Annual Dinner and the Southwest Virginia Breakfast & Forum. Chairman Clark informed the Board to let Mrs. Testerman know if anyone was going to attend these meetings.

Supervisor Dishner inquired who to contact about the recognition of trails in the National Forest for ATVs. Mr. Carter stated he would contact Ms. Beth Merz with the Forest Service.

CONTINUED

At 3: p.m. Supervisor Neitch motioned to continue the meeting until Thursday, November 17, 2011 at 6:30 p.m. for a joining public hearing with the Planning Commission Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

The Smyth County Board of Supervisors held its regular November meeting at noon, **Wednesday, November 9, 2011**. 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.	Darlene R. Neitch
Roscoe D. Call (arrived at 12:04 p.m.)	Brenda J. Waddell
Regina H. Davidson (left at 1:00 p.m.)	

STAFF PRESENT:

Michael Carter, County Administrator
Scott Simpson, Assistant County Administrator
Heather Pritts, County Attorney
Pam Testerman, Office Service Assistant
Charlie Atkins, Financial Officer
Sally Morgan, Community/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, Chairman Clark called the meeting to order at 12:00 noon; Mr. Andy Overbay gave the invocation and Mrs. Pam Testerman led the pledge of allegiance.

Adoption of Agenda:

Supervisor Blevins motioned to adopt the agenda, and the additional agenda to form. Supervisor Davidson seconded the motion, and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Call

Minutes of Previous Meeting:

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

Tuesday, October 10, 2011

Tuesday, October 25, 2011

Supervisor Blevins motioned to approve the minutes for the October meetings, with the noted corrections. Supervisor Neitch seconded the motion, and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Call

Financial Report:

Mr. Charlie Atkins reported, per Mrs. Debbie Schwartz in the Treasurer's Office, there was \$6,534,000 million in the bank at the closing of business yesterday, November 8, 2011. With this balance there are sufficient funds for the requested appropriations. Mr. Atkins informed the Board, in the General Fund appropriations, there is an estimated \$200,000 for the donation checks although he had not received every organization's 501(c)3 information.

Payment of County Invoices:

Supervisor Blevins motioned to approve \$6,420,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,660,000.00
Social Services (November 9 - 30, 2011)	\$ 275,000.00
(December 1 - 13, 2011)	\$ 60,000.00
Schools - Operating Fund	\$4,200,000.00
Debt and Capital Outlay Fund	\$ 225,000.00

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

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve \$115.00 for the Animal Damage Fund appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve \$50,000.00 for the School TextBook Fund appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve \$807.00 for the IDA Fund 4 appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve \$54,252.05 for the Courthouse Project appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Supervisor Blevins motioned to approve the accounts payable listing in the amount of \$781,310.92. Supervisor Call seconded the motion and the vote is as follows:

AYES: 7
NAYS: 0

NEW BUSINESS:

Mrs. Sally Morgan

Introduction of Businesses in Smyth County:

Mrs. Sally Morgan presented to the Board a product, fire-restraint caulk, Mr. Young with JACO Manufacturing talked about at the October 11, 2011 meeting. She also presented to the Board a list of the top 50 employers of the county based on employment.

Citizen's Time:

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

William Barton, Marion, He requested the Board consider an ordinance for the operation of golf carts on public highways. Mr. Barton presented the Board with an ordinance he prepared. Mr. Carter informed the Board he had spoke with Mr. Barton prior and this matter is currently on the old business of the Ordinance Committee. Mr. Barton wanted to bring this to the full Board's attention.

Ken Johnson, Meade Realty, Abingdon, Meade Realty, He requested on behalf of his client, Ms. Elizabeth Obregon, to abandon two alley ways on her property in Atkins. Ms. Pitts explained to the Board their options. After discussion, Supervisor Blevins motioned to have a joint public hearing with the Planning Commission. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7
NAYS: 0

Charles Wassum, Marion, thanked the Supervisors for their time serving on the Board.

At 12:25 p.m. Chairman Clark closed Citizen's Time.

Committee Recommendations:

Water and Sewer

With the Water and Sewer Committee recommendation, Supervisor Blevins motioned to accept and approve execution of the Mount Rogers Planning District agreement in the amount of \$26,500 for the Hwy 107 sewer extension project. This motion also included authorizing Mr. Carter signing the agreement. Supervisor Call 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.

At the January 11, 2011 meeting; Mr. Atkins stated that Personal Property taxes were not being collected. He discussed the Treasurer's financial report showing balance of taxes not collected. Supervisor Call would like a Delinquent Tax Committee meeting set to discuss further.

At the February 8, 2011 meeting; Supervisor Roscoe updated the Board on committee meeting on February 1, 2011.

At the June 14, 2011 meeting; Mr. Carter updated the Board on where the Treasurer was at with the DMV Stop Program. Mr. John Tate discussed the process of publishing the list in the paper and request the Judge approve a fee for a title search and then the fee will be added to the tax owed. The Board agreed and authorized Mr. Carter to invite Mr. Tom Burkett, Treasurer to the July 12, 2011 meeting to discuss delinquent taxes and investments.

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After discussion, Supervisor Blevins motioned to adopt the following resolution:

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WHEREAS, the Code of Virginia requires that no volunteer rescue squad, emergency medical service organization or other organization providing similar type services, or volunteer fire-fighting organization shall be established in any locality on or after July 1, 1984, without the prior approval by resolution of the governing body, i.e. the Smyth County Board of Supervisors;

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

AYES: 6
NAYS: 0
ABSENT: Davidson

Supervisor Blevins motioned to adopt the following resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF SMYTH COUNTY
ACKNOWLEDGING CHILHOWIE AMBULANCE SERVICE OFFICE AT 596 RADIO
HILL ROAD MARION, VA 24354

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

AYES: 6
NAYS: 0
ABSENT: Davidson

CLOSED SESSION

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made, and **A.7 Legal**; discussion with legal counsel and staff pertaining to actual or probable litigation. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

Upon returning to the open session, Supervisor Call motioned to adopt the following resolution certifying the business conducted in closed session as follows:

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

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WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such 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: 6
NAYS: 0
ABSENT: Davidson

Supervisor Dishner motioned to authorize Ms. Pritts to respond to Mr. Ford Stephens on the Courthouse conflicts and schedule a hearing. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

Ms. Pritts stated per Virginia Code Section 2.2-3712(f) the Board invited Mr. John Graham to closed session during the discussion of 2.2-3711 A.7.

Mr. Carter reminded Chairman Clark of the Chamber of Commerce Annual Dinner and the Southwest Virginia Breakfast & Forum. Chairman Clark informed the Board to let Mrs. Testerman know if anyone was going to attend these meetings.

Supervisor Dishner inquired who to contact about the recognition of trials in the National Forest for ATVs. Mr. Carter stated he would contact Ms. Beth Merz with the Forest Service.

CONTINUED

At 3: p.m. Supervisor Neitch motioned to continue the meeting until Thursday, November 17, 2011 at 6:30 p.m. for a joining public hearing with the Planning Commission Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Davidson

The Smyth County Board of Supervisors held a continued meeting at 6:30 p.m., **Thursday, November 17, 2011**. 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
M. Todd Dishner, Vice-Chair
Wade H. Blevins, Jr.

Roscoe D. Call
Brenda J. Waddell

ABSENT PRESENT:

Regina H. Davidson

Darlene R. Neitch

STAFF PRESENT:

Michael L. Carter, County Administrator
Scott Simpson, Assistant County Administrator
Heather Pritts, County Attorney
Clegg Williams, Zoning Administrator
Becca Kirk, Administrative Assistant
Sally Morgan, Community/Economic Development
Charlie Atkins, Financial Officer

COMMISSIONERS PRESENT:

Vice Chairman Dennis Bleivns
Graham Davidson
Blake Frazier

Norman Sparks
Wayne Venable

COMMISSIONERS ABSENT:

Karl Kalber

Pokey Harris

OTHERS PRESENT: Approximately 9 citizens were present.

At 6:30 p.m. Mr. Clark, Chairman of the Board of Supervisors, and Mr. Blevins, Co-Chairman of the Planning Commission, called the joint public hearing to order. Mr. Michael Carter read the following advertisement as placed in the Smyth County News and Messenger as well as the rules of procedure during public hearings.

**NOTICE OF PUBLIC HEARING
ON PROPOSED NEW SUBDIVISION ORDINANCE
ALLOWING THE VACATION OF LOT LINES BY DEED**

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, November 17, 2011 at 6:30 p.m. or as soon thereafter, at the meeting room for the Board of Supervisors, located at 121 Bagley Circle, Marion, VA 24354, to receive public comment on the following proposed subdivision ordinance under Section 7.11 of the Smyth County Subdivision Code:

"7.11(a) Vacation of Lot Lines.

In addition to any other methods set forth and incorporated by reference herein, as proscribed by law, any owner of two or more contiguous or adjoining lots may request that the boundary or interior lot lines of any such parcels of land be vacated and combined into a single lot provided that no easements or utility rights-of-way located along any lot lines to be vacated shall be extinguished or altered without the express written consent of all persons holding any interest therein.

The process for requesting a vacation of boundary lines is for the owner to submit a prepared deed of vacation and consolidation that shall reference the recorded plat by which the lot line(s) were originally created, a copy of the original recorded plat, a completed application, and an application fee of \$150.00 to the County Building and Subdivision Department. The County Building and Subdivision Department will review and submit any completed requests to the Smyth County Board of Supervisors or its designee for approval and execution. The vacation of boundary lines shall be effective upon the Owner's recordation of the deed in the Smyth County Circuit Court Clerk's Office.

State Code reference *Code of Virginia* § 15.2-2275 (1950, as amended)."

At this public hearing, and subject to the rules of procedure of the Board of Supervisors, any citizen of the County may appear and give his or her comments. A full text version of this proposed subdivision ordinance is available at the office of the County Administrator, at 121 Bagley Circle, Marion, VA 24354.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Administrator's office at (276) 783-3298 at least forty eight (48) hours prior to the hearing.

**PROPOSED NEW SUBDIVISION ORDINANCE
ALLOWING THE VACATION OF LOT LINES BY DEED**

The Smyth County Board of Supervisors will conduct a meeting on Thursday, November 17, 2011 at 7:00 p.m. or as soon thereafter, at the meeting room for the Board of Supervisors, located at 121 Bagley Circle, Marion, VA 24354, following the joint public hearing of the Smyth County Board of Supervisors and the Smyth County Planning Commission, to vote on the proposed enactment of the following subdivision ordinance under Section 7.11 of the Smyth County Subdivision Code:

"7.11(a) Vacation of Boundary Lines.

In addition to any other methods set forth and incorporated by reference herein, as proscribed by law, any owner of two or more contiguous or adjoining lots may request that the boundary or interior lot lines of any such parcels of land be vacated and combined into a single lot provided that no easements or utility rights-of-way located along any lot lines to be vacated shall be extinguished or altered without the express written consent of all persons holding any interest therein.

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State Code reference *Code of Virginia* § 15.2-2275 (1950, as amended)."

A full text version of this proposed subdivision ordinance is available at the office of the County Administrator, at 121 Bagley Circle, Marion, VA 24354.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in this meeting should contact the Smyth County Administrator's office at (276) 783-3298 at least forty eight (48) hours prior to the hearing.

Vacation of Lot Lines: At approximately 6:37 p.m. Mrs. Pritts clarified typographical errors placed in the newspaper paper legal ad. Mr. Williams explained the proposed text amendment to the subdivision ordinance to allow for the vacation of boundary lines through the proper process.

Ryan Hall, representing First Residential Mortgage Corporation, spoke in favor of this text amendment because our current ordinance makes mortgage loans difficult and sometimes impossible to approve due to boundary lines not being vacated.

Jeff Richardson, Commissioner of the Revenue, also spoke in favor of the text amendment.

No one else spoke on the application.

Chairman Clark and Vice Chairman Blevins closed the joint public hearing at 6:52 p.m.

The Board of Supervisors recessed while the Planning Commission continued their meeting in the Board room.

The Board of Supervisors reconvened in the Boardroom at 7:04 p.m.

CITIZEN'S TIME

There were no citizens present.

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.

OLD BUSINESS (continued)

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.

At the January 11, 2011 meeting; Mr. Atkins stated that Personal Property taxes were not being collected. He discussed the Treasurer's financial report showing balance of taxes not collected. Supervisor Call would like a Delinquent Tax Committee meeting set to discuss further.

At the February 8, 2011 meeting; Supervisor Roscoe updated the Board on committee meeting on February 1, 2011.

At the June 14, 2011 meeting; Mr. Carter updated the Board on where the Treasurer was at with the DMV Stop Program. Mr. John Tate discussed the process of publishing the list in the paper and request the Judge approve a fee for a title search and then the fee will be added to the tax owed. The Board agreed and authorized Mr. Carter to invite Mr. Tom Burkett, Treasurer to the July 12, 2011 meeting to discuss delinquent taxes and investments.

At the November 17, 2011 meeting; After a brief discussion, it was decided to move forward with this matter after the December 5, 2011 tax season.

2. 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).

At the August 25, 2011 meeting; Ms. Pritts informed the Board of her collection efforts of delinquent water and sewer accounts. She stated that these efforts have had some success.

At the September 13, 2011 meeting; Mr. Simpson informed the Board, by efforts of Ms. Pritts' letter writing to collect delinquent accounts, the Water and Sewer Department has received over \$4,000.

Mr. Carter thanked Ms. Pritts for her success in the Water and Sewer Department collecting on some of the delinquent accounts. Ms. Pritts added, on some of the delinquent accounts not paid in full, payment plans were set-up.

3. 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.

OLD BUSINESS (continued)

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. Clegg Williams reported to the Board that a jury trial was set for December 16, 2010.

At the January 11, 2011 meeting; Mr. Clegg Williams reported to the Board that the jury trial set for December 16, 2010 was continued, and a bench trial was set for January 27, 2011.

At the March 8, 2011 meeting; Mr. Clegg Williams informed the Board that the case has been heard and is awaiting the Judges decision.

At the August 9, 2011 meeting; Mr. Tate informed the Board of a July 7, 2011 meeting between the Judges and Attorneys, but no decision was on file

At the September 13, 2011 meeting; Ms. Pripps informed the Board she spoke with the Attorney, Mr. Patton's office, and no new decision has been made.

At the November 17, 2011 meeting; Mr. Patton spoke and mentioned he is waiting on the Judge's ruling.

4. Financial Discussion (2-9-10)

At the August 25, 2011 meeting; Mr. Carter addressed the Board concerning the "Borrowing Ceiling" of the County. Mr. Carter presented the Board with a handout show the County's debt.

5. Service Agreement between Appalachian Juvenile Commission and Smyth County. (12-14-10)

6. Tobacco Free Smyth County Facilities and Vehicles (4-12-11)

At the May 10, 2011 meeting; Mr. Simpson informed the Board this matter was sent to the Ordinance Committee for discussion.

At the August 9, 2011 meeting; Mr. Carter informed the Board the Ordinance Committee discussed this issue their August 8, 2011 meeting, and decided to continue the issue until the next Ordinance Committee meeting.

7. Country Side Drive (5-10-11)

At the June 14, 2011 meeting; Supervisor Davidson inquired about where the Board was with this issue.

OLD BUSINESS (continued)

Mr. John Tate stated he was waiting on additional information from Mr. Clegg Williams on the agreement and term of bond. Mr. Tate informed the Board in 1994 Mr. Bob Dix had a bond in the amount of \$75,000 for construction of the road. In 1997 the bond was reduced to \$11,250, as to why the bond was reduced is the additional information he is waiting for. Mr. Scott Simpson stated he a letter that may have information concerning this issue, and he would get a copy to Mr. Tate and Supervisor Davidson.

At the July 12, 2011 meeting; Mr. Bob Dix was present and stated he thought the road met state requirements. He informed the Board he would be willing to put cash up to replace the bond if necessary. At the May 10, 2011 meeting, Dr. Kiser stated the citizens living on Country Side Drive were willing to put up 2/3 of the cost of the road. The Board agreed that this was an issue between Mr. Dix and the citizens living on the road, and Mr. Dix should have a meeting with them to get this issue resolved.

At the August 9, 2011 meeting; Supervisor Davidson informed the Board the road is in the process of being repaved and built up to VDOT Standards.

At the November 9, 2011 meeting; Supervisor Davidson stated she had no new information on this project.

At the November 17, 2011 meeting; Mr. Carter informed the Board about Supervisor Davidson's comment on the progress.

8. Rules of Procedures (9-13-11)

9. Town of Marion's boundary line adjustment request (10-25-11)

At the November 9, 2011 meeting; Mr. Carter informed the Board there was a rumor that the County issued money to the Town of Marion to assist in the purchase of the Country Club. He stated he wanted to set that rumor straight that the County has not issued any money to the Town of Marion for the purchase of the Country Club.

10. Green Hill Circle (10-25-11)

At the November 9, 2011 meeting; Mr. Carter updated the Board there are 16 residences on Green Hill Circle. He informed the Board currently there are 3 in favor and 3 not in favor of having the road constructed to the VDOT secondary road system. Mr. Carter stated there must be a majority of the residents in favor to go forward with the project. He also informed the Board he had a meeting tomorrow with VDOT and some of the residents.

At the November 17, 2011 meeting; Mr. Carter informed the Board that the majority of residents do not support this at this time.

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

AYES: 5
NAYS: 0
ABSENT: Davidson, Neitch

OLD BUSINESS (continued)

11. Request for vacation of two alley ways tax map Id. Nos.48B-2-1; 48B-2-2; 48B-2-3; 48B-2-4; and 48B-2-14 (**11-9-11**)

At the November 17, 2011 meeting: Supervisor Blevins motioned to set a public hearing for the vacation of two alleys ways for December 13, 2011 at 5:45 p.m., contingent upon the owner paying for the advertisements. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Davidson, Neitch

Charlie Atkins requested a public hearing be set for budget amendments for the County and School Board. Mr. Atkins informed the Board the budget amendment amounts would be \$25 million for both County and School Board. He reported that all prior budget amendments would have to be available for public discussion. Supervisor Dishner motioned to set a public hearing for the \$25 million budget amendment for the County and School Board at 6:00 p.m. on December 13, 2011. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Davidson, Neitch

Mr. Carter stated Supervisor Neitch would like to nominate Ms. Sabrina Rose, 2185 Redstone Road, Marion as the Rye Valley District representative to the Board of Zoning Appeals Board. This matter was continued as Ms. Neitch was not present at the meeting.

CLOSED SESSION

At 7:28 p.m. Supervisor Call motioned 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 and **A.7 Legal**; discussion with legal counsel and staff pertaining to actual or probable litigation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Davidson, Neitch

Upon returning to the open session, Supervisor Dishner motioned 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: 5
NAYS: 0
ABSENT: Davidson, Neitch

Sally Morgan updated the Board on the Mega-Site project. She requested the Board adopt a resolution approving matching funds and the application to the Tobacco Commission for the second round of fund for the Mega-Site project. Mrs. Morgan also requested approving a letter of intent for the purchase of property for the mega-site project. After discussion; Supervisor Dishner motioned to adopt the following resolution including authorization for Chairman Clark and Mr. Carter to sign the resolution:

Resolution

WHEREAS, Smyth County is currently faced with serious economic challenges, including one of the highest unemployment rates in Southwest Virginia, and

WHEREAS, the Smyth County Board of Supervisors determined in 2010 that it needed to develop additional industrial property to market to prospective industry, including a potential "mega site," and

WHEREAS, Smyth County received an initial planning grant from the Mega-Site funding program of the Tobacco Commission in early 2011 and has undertaken a county-wide Site Selection Study and preliminary engineering to analyze and rank several possible industrial sites, and

WHEREAS, the Tobacco Indemnification and Community Revitalization Commission is requesting second round applications (FY 2012) from the applicants that were successful candidates in FY2011 for funding toward the development of mega-sites, and

WHEREAS, the public purpose of this economic development project is to invest in proper infrastructure to attract companies to Smyth County, to increase the number of job opportunities, to increase the tax base, encourage population growth, and promote the overall welfare of the citizens of Smyth County.

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors authorizes an application for funding from the Tobacco Commission for the development of an industrial site under the Mega Sites program in the amount of \$5,400,000, and

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors will provide the required matching funds through the commitment of these funds by the Industrial Development Authority for this purpose, and

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the County Administrator to execute all grant-related documents and accepts responsibility for the accuracy of the application and for the appropriate use of the funds, if granted.

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

AYES: 5
NAYS: 0
ABSENT: Davidson, Neitch

Supervisor Call motioned to approve and authorize Chairman to sign a letter of intent for the purchase of property for the Mega-Site project. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Davidson, Neitch

Scott Simpson updated the Board on the 911 Center, the Fenyk Office being torn down, and the Parking Structure.

ADJOURN MEETING

At 8:08 p.m. Supervisor Call motioned to adjourn meeting. Supervisor Blevins seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Davidson, Neitch

The Smyth County Board of Supervisors held its regular November meeting at 4:00 p.m., **Tuesday, December 13, 2011**. 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 (left at 8:02 p.m.)
Brenda J. Waddell

MEMBERS ABSENT:

Darlene Neitch

STAFF PRESENT:

Michael Carter, County Administrator
Scott Simpson, Assistant County Administrator
Heather Pritts, County Attorney
Pam Testerman, Office Service Assistant
Charlie Atkins, Director of Finance
Deputy Daniel Hamm

OTHERS PRESENT:

Dan Kegley, Smyth County News & Messenger

Call To Order, Invocation & Pledge of Allegiance:

With a quorum present, Chairman Clark called the meeting to order at 4:00 p.m.; Mrs. Pam Testerman gave the invocation and Mr. Mike Carter led the pledge of allegiance.

Adoption of Agenda:

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

AYES: 6
NAYS: 0
ABSENT: Neitch

Minutes of Previous Meeting:

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

Wednesday, November 9, 2011

Thursday, November 17, 2011

Supervisor Blevins motioned to approve the minutes for the November meetings, with the noted corrections. Supervisor Call seconded the motion, and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Neitch

Financial Report:

Mr. Charlie Atkins reported, per letter from the Treasurer, deposits through yesterday, December 12, 2011 were \$15,714,261 in the General Fund. He stated this is well sufficient for the requested appropriations.

Payment of County Invoices:

Supervisor Dishner motioned to approve \$5,785,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,600,000.00
Social Services (December 14 -31, 2011)	\$ 275,000.00
(January 1 – 10, 2012)	\$ 60,000.00
Schools - Operating Fund	\$3,850,000.00

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

AYES: 6
NAYS: 0
ABSENT: Neitch

Supervisor Blevins motioned to approve \$396.69 for the Animal Damage Fund appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Supervisor Blevins motioned to approve \$60,000.00 for the School TextBook Fund appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Supervisor Blevins motioned to approve \$194,663.73 for the Courthouse Project appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Supervisor Blevins motioned to approve the accounts payable listing in the amount of \$1,108,327.70. Supervisor Call seconded the motion and the vote is as follows:

AYES: 6
NAYS: 0
ABSENT: Neitch

Mr. Mike Carter made the Board aware Ms. Neitch would not be attending the meeting.

Mr. Carter updated the Board on the Courthouse and School Bonds in the amount of **\$40,831,476.50**. He gave the following breakdown of the amount:

	Courthouse	School	Total
Amount	\$28,220,351.50	\$12,500,000.00	\$40,831,476.50
Premium	1,572,664.00	267,375.00	1,840,039.00
Underwriter's Discount	<u>(337,312.50)</u>	<u>(156,250.00)</u>	<u>(493,562.50)</u>
Purchase Price	\$28,220,351.50	\$12,611,125.00	\$40,831,476.50

Mr. Carter discussed the transcript list of 32 items the County met before closing the Bonds on December 6, 2011. He informed the Board the November 2010 Bond in the amount of \$5 million was paid off. The following is a Summary of the Wire Transfers:

Wire to Regions Bank for Payoff of 2010 Note	\$ 5,003,333.33
Wire to County's Account at BB & T	\$35,742,143.17
Wire to Hunton & Williams as Bond/Underwriter's Counsel	<u>\$ 86,000.00</u>
Total Wires from Davenport & Company LLC	\$40,831,476.50

CITIZEN'S TIME

There were 4 citizens present, with no one wishing to speak.

Chairman Closed citizens time at 4:19 p.m.

Introduction of Businesses in Smyth County:

Mr. Carter introduced Ms. Angela Wolford, Plant Manager, Kennametal. Ms. Wolford informed the Board Kennametal was started in 1939 in Pittsylvania and is their headquarters. She explained they use powder metal for customer solutions. Ms. Wolford presented products the Chilhowie industry products. She stated 85% of the product Chilhowie produces is drill bits, mainly for coal mine machinery. Ms. Wolford mentioned the Chilhowie industry has an estimated 140 employees. She invited the Board to come by and take a tour. Mr. Carter informed the Board he had been to Kennametal and taken a tour with Ms. Wolford, and he was impressed with the safety production.

Mr. Charlie Harrington, Emergency Management; informed the Board he received information on a couple of Homeland Security Grants. He stated one grant would assist with computers, etc. and the other would assist with building the Emergency Operation Center. Mr. Harrington reported the grants required local matching funds, and the money the County is contributing to building the EOC would be considered the matching funds. He requested the Board approve him applying for the grants and authorizing Mr. Carter to sign the applications. Supervisor Call motioned to approve Mr. Harrington applying for the Homeland Security Grant funds and authorizing Mr. Carter to sign the applications. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Mr. Harrington reviewed Function #8 *Health Pandemic* portion of the Emergency Operation Plan with the Board. He informed the Board Mount Rogers Health District plays a major role in the insistence. Mt. Rogers Health District would coordinate the medical, medicine, etc to assist the hospital. Mr. Harrington stated the County currently has 15 ambulances and three helicopters available. He also informed the Board, if needed, the medical examiner and funeral directors would handle a mortuary. Mr. Harrington emphasized coordination is the key to any emergency.

Mr. Harrington stated he would like for Ms. Pritts to review the Mutual Aid Agreements with the surrounding counties. The County needs to keep these agreements up-to-date for emergency assistance.

Scott Simpson –

(a) Requested authorization to execute the Engineering Agreement with Anderson & Associates for the Porter Valley Phase II water extension project. The agreement is in the amount of \$15,742.50 and the funds are available through remaining funds in the Fox Valley project. Mr. Simpson stated Ms. Pritts had reviewed the agreement. Supervisor Blevins motioned to approve the Engineering Agreement with Anderson & Associates in the amount of \$15,742.50 and authorize Mr. Carter to sign the agreement. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

(b) Requested authorization to execute the Engineering Term Agreements of the following six firms:

Adams-Heath Engineering
Anderson & Associates
Draper Aden

Gay & Neel
Lane Engineering
Thompson & Litton

Supervisor Call motioned to authorize execute of the Engineering Term Agreements of Adams-Heath Engineering, Anderson & Associates, Draper Aden, Gay & Neel, Lane Engineering and Thompson & Litton. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

(c) Requested to award bid for the 911 Center/Sheriff Office Project to Clark Brothers Co., Inc. in the amount of \$2,141,427. Mr. Simpson informed the Board after negotiation with Clark Brothers, the lowered bid is within the County Budget. Supervisor Blevins motioned to award Clark Brothers Co., Inc. the bid on the 911 Center/Sheriff Office Project in the amount of \$2,141,427. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

(d) Requested authorization to execute the contract for the 911 Center/Sheriff Office Project. Supervisor Blevins motioned to authorize Mr. Carter to sign the contract with Clark Brothers Co., Inc. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Mr. Mike Carter requested the Board authorize execution of the Sugar Grove Convenience Station lease agreement with Mr. Terry Surface. Mr. Carter explained Mr. Surface owned the land the convenience station is on. He stated Ms. Pritts wrote the agreement for a 10-year lease consisting of two consecutive 5-year terms. Mr. Carter informed the Board Mr. Surface had signed the agreement and he would receive \$1,200 per year for the lease. Supervisor Blevins motioned to authorize Chairman to sign the lease. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Supervisor Call inquired about purchasing the land the convenience stations are located on. Mr. Carter informed Supervisor Call and the Board the County has tried to purchase the land where the stations are located. He stated some landowners have been willing to discuss the purchase of land; the last property the County purchased was the location of the Old Quarry Convenience Station.

Committee Recommendations:

Budget

(a) Continued until later in the meeting.

(b) With the Budget Committee recommendation to send local mandates letter to the Governor's Task Force and after review of letter, Supervisor Call motioned to support letter sent. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Building and Grounds

Mr. Carter updated the Board on the smoking issue in the Smyth County Office Building. He stated the issue is a continued item with the Ordinance Committee. Mr. Carter requested Ms. Pritts to review what law allowed designating a no smoking area without an ordinance. He informed the Board the law allows posting notices designating no smoking area. Mr. Carter read the notice Ms. Pritts prepared. He mentioned he had support from Department of Social Services and the School Board. With the Building and Grounds Committee recommendation, the Board approved posting designated "No Smoking" notices through-out the Smyth County Office Building. The vote is as follows:

AYES: 6
NAYES: 0
ASENT: Neitch

Mr. Carter mentioned he would be posting the notices tomorrow, December 14, 2011.

Insurance Committee

(a) With the Insurance Committee recommendation, the Board approved leaving the County's and Employee's percentage the same for the insurance premium, including the 2.267% rate increase. The vote is as follow:

AYES: 6
NAYS: 0
ABSENT: Neitch

(b) With the Insurance Committee recommendation, the Board awarded Mrs. Lisa Vencille the Professional Contract for Insurance Consultant for one year at \$10,000. The vote is as follow:

AYES: 6
NAYS: 0
ABSENT: Neitch

Mr. Carter informed the Board staff solicited other consultants to meet the procurement requirements and Mrs. Vencille was the lower quote. Ms. Pritts drafted an agreement for Mrs. Vencille to review.

Planning Commission Recommendation

Mr. Clegg Williams updated the Board on the Planning Commission meeting on November 17, 2011, and the Planning Commission's recommendation to the Board. After discussion, and with the Planning Commission recommendation, Supervisor Call motioned to adopt the following text amendment to the Subdivision Ordinance:

7.11(a) Vacation of Boundary Lines.

In addition to any other methods set forth and incorporated by reference herein, as prescribed by law, any owner of two or more contiguous or adjoining lots may request that the boundary or interior lot lines of any such parcels of land be vacated and combined into a single lot provided that no easements or utility rights-of-way located along any lot lines to be vacated shall be extinguished or altered without the express written consent of all persons holding any interest therein.

The process for requesting a vacation of boundary lines is for the owner to submit a prepared deed of vacation and consolidation that shall reference the recorded plat by which the boundary line(s) were originally created, a copy of the original recorded plat, a completed application, and an application fee of \$150.00 to the County Building and Zoning Department. The County Building and Zoning Department will review and submit any completed requests to the Smyth County Board of Supervisors or its designee for approval and execution. The vacation of boundary lines shall be effective upon the Owner's recordation of the deed in the Smyth County Circuit Court Clerk's Office.

State Code reference *Code of Virginia* § 15.2-2275 (1950, as amended)."

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

AYES: 6
NAYS: 0
ABSENT: Neitch

The Board discussed appointing a designee to assist in approval and execution of requests for vacation of boundary lines reviewed and submitted by the Building and Zoning Department. Ms. Pritts explained the duties of the designee and stated she had draft resolutions for Clerk of the Board, Subdivision Agent, and Planning Commission to be the designee. After discussion, Supervisor Call motioned to appoint the Planning Commission to be the Subdivision Designee for the Smyth County Subdivision Ordinance Section 7.11(a), effective December 13, 2011, and adopted the following Resolution:

RESOLUTION

December 13, 2011

**Re: Appointment of Subdivision Agent Designee
For Smyth County Subdivision Ordinance Section 7.11(a)
To Approve Deed for Vacation of Boundary Lines and/or
Deed for Consolidation of Lot Lines.**

WHEREAS, pursuant to Virginia Code Section 15.2-2275 and the Smyth County Subdivision Ordinance Section 7.11(a) duly adopted, the Smyth County Board of Supervisors hereby appoints the Planning Commission as the Subdivision Agent Designee for the Smyth County Subdivision Ordinance Section 7.11(a) for the purposes of considering the desires of the landowner in conjunction with the interests of the community in light of the circumstances existing at the time of the proposed boundary line vacation and consolidation, and to duly approve or disprove the deed for vacation of boundary lines and/or deed for consolidation of lot lines on behalf of the Board of Supervisors for Smyth County, Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby appoints the Planning Commission to serve as the Subdivision Agent Designee for the Smyth County Subdivision Ordinance Section 7.11(a).

**BY ORDER OF BOARD OF SUPERVISORS
FOR SMYTH COUNTY:**

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

AYES: 6
NAYS: 0
ABSENT: Neitch

PUBLIC HEARING – Proposed New Subdivision Ordinance – Vacation of Alley ways

The Smyth County Board of Supervisors and Smyth County Planning Commission held a joint public meeting on Tuesday, December 13, 2011, at 5:45 P.M. in the Smyth County Office Building.

Board Members Present: Chairman Charlie Clark, Wade Blevins, Brenda Waddell, Todd Dishner, Regina Davidson and Roscoe Call; **Absent:** Darlene Neitch

Commissioners Present: Vice Chairman Dennis Blevins, Norman Sparks, Graham Davidson, and Wayne Venable; **Absent:** Pokey Harris, Blake Frazier and Park District Vacant

Staff Present: Clegg Williams, Becca Kirk, Pam Testerman, Michael Carter, Heather Pritts, Charlie Atkins, and Scott Simpson

Others Present: Approximately 9 citizens and Dan Kegley with the Smyth County News were present.

At approximately 5:54 p.m. Mr. Clark, Chairman of the Board of Supervisors, and Mr. Blevins, Vice Chairman of the Planning Commission, called the joint public hearing to order. Mr. Michael Carter read the advertisement as placed in the Smyth County News and Messenger as well as the rules of procedure during public hearings.

***NOTICE OF PUBLIC HEARING ON PROPOSED NEW SUBDIVISION ORDINANCE
“ENACTMENT OF AN ORDINANCE OF VACATION WITH CONDITIONS
Specifically – Vacation of one 20’ alley abutting the rear of Lot 14 and running from Atkins Tank Road to the 18’ alley and the vacation of one 18’ alley running parallel with Atkins Tank Road adjoining Lot Nos. 3, 4, and 14
and the vacation and consolidation of all interior lot lines of the properties, identified as:
Lot Nos. 1, 2, 3, 4, and 14 of a portion of the plat of survey
prepared by E.C. Dutton, dated August 1, 1919, entitled
‘Plat of Lots At Atkins, Va., Made For Richardson and Anderson – Dealer in Real Estate,’
of record in Deed Book 44 at Page 371 in the Office of the Circuit Clerk for Smyth County, Tax Map
Id. Nos. 48B-2-1, 48B-2-2, 48B-2-3, 48B-2-4, 48B-2-14.”***

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Tuesday, December 13, 2011 at 5:45 p.m. or as soon thereafter, at the meeting room for the Board of Supervisors, located at 121 Bagley Circle, Marion, VA 24354, to receive public comment on a proposed new subdivision ordinance.

The draft ordinance proposes an addition to the Smyth County Subdivision Ordinance, Section 7.11, adding subsection (b) whereby any recorded plat or part thereof, may be vacated pursuant to the provisions of Section 15.2-2272(2) Code of Virginia, and upon a request of an interested person, in this instance, the applicant is Ken Johnson, realtor, on behalf of the property owner Elizabeth Obregon, which was presented to the Board of Supervisors at their regular meeting on November 9, 2011 to vacate one 20’ alley abutting the rear of Lot 14 and running from Atkins Tank Road to the 18’ alley and to vacate one 18’ alley running parallel with Atkins Tank Road adjoining Lot Nos. 3, 4, and 14, and to vacate and consolidate all interior lot lines of the properties, identified as Lot Nos. 1, 2, 3, 4, and 14 of a portion of the plat of survey Prepared by E.C. Dutton, dated August 1, 1919, entitled “Plat of Lots At Atkins, Va., Made For Richardson and Anderson – Dealer in Real Estate” of record in Deed Book 44 at Page 371 in the Office of the Circuit Clerk for Smyth County, and upon certain conditions

being imposed, including: (i) that the applicant shall prepare and submit to the County for review and approval, the Deed(s) of Vacation, and all required plats, subject to the approval thereof by the County, including approval of the deed(s) as to form by the County Attorney; (ii) that all of the Deed(s) of Vacation for the entire length and width of the alleys vacated by this Ordinance shall be submitted to the County at the same time; (iii) that prior to the recordation of any Deed of Vacation, the applicant shall pay to the County compensation in the full amount of all fees and costs for advertising and providing notice as required, and any and other fees applicable for this Ordinance; and (iv) the applicant shall record at his sole expense the Deed(s) of Vacation and all plats, subject to approval of the County, including approval as to form by the County Attorney.

At this public hearing, and subject to the rules of procedure of the Board of Supervisors, any citizen may appear and give his or her comments. A full text version of this proposed subdivision ordinance is available at the office of the County Administrator, at 121 Bagley Circle, Marion, Virginia 24354.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Administrator's office at (276) 783-3298 at least forty eight (48) hours prior to the hearing.

Clegg Williams explained the request made by real estate agent, Ken Johnson, on behalf of Elizabeth Obregon's desire to vacate two public alleys, (18' and 20') and to vacate interior property lines and consolidate her property as a whole. Mr. Williams advised that Mr. Johnson paid all advertising costs for the public hearing on this matter.

Earl McClure was the only citizen to speak on this application. His allowed time was shortened by his disruptive conduct and comments pursuant to the Board of Supervisors Rules of Procedure.

No one else spoke on the application.

Chairman Clark and Vice Chairman Blevins closed the joint public hearing at 6:05 p.m.

PUBLIC HEARING – Two Amendments to the Smyth County Budget

At 6:06 p.m. Chairman Clark opened the public hearing.

Mr. Carter read the following advertisement as published in the Smyth County News & Messenger:

**Notice of Public Hearing
On Amending the Smyth County Budget
For the Fiscal Year
July 1, 2011 through June 30, 2012
On December 13, 2011 at 6:00 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 December 13, 2011 at 6:00 P.M., or as soon thereafter, in the Board of Supervisors meeting room at 121 Bagley Circle, Marion, Virginia.

At this public hearing, subject to the rules of the Board of Supervisors, any citizen may appear and give his or her comments. A full text version of this proposed agreement is available at the office of the County Administrator and Clerk to the Board of Supervisors, at 121 Bagley Circle, Marion, Virginia 24354. In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Administrator's office at (276) 783-3298 at least forty eight (48) hours prior to the hearing.

The purpose of the hearing will be to receive public comment on proposed amendments to the Smyth County budget for fiscal year 2011-2012. The amendments relate to Smyth County Courthouse Renovations, Grant award for Ballistic Vests, Sheriff Office Renovations and the School Board Debt and Capital Outlay for the New School Building and Marion Primary School Renovations.

A brief synopsis of the proposed budget amendments follows:

By order of the Smyth County Board of Supervisors

Michael L. Carter, County Administrator

Proposed Budget Amendments

	2011-2012 Original	2011-2012 Proposed	Difference	
FUND 001 General Fund				
Vest Fund	\$ -	\$ 16,800	\$ 16,800	Inc
Supplemental Grants	\$ (205,000)	\$ (16,800)	\$ (16,800)	Inc
Funds Transferred to Schools	\$ -	\$ 25,000,000	\$ 25,000,000	Inc
Borrowing for School Buildings	\$ -	\$ (25,000,000)	\$ (25,000,000)	Inc
FUND 009 School Operations				
Debt and Capital Outlay Expense	\$ -	\$ 25,000,000	\$ 25,000,000	Inc
Transfer In from General Fund	\$ (1,886,441)	\$ (25,000,000)	\$ (25,000,000)	Inc
Fund 301 Courthouse Construction				
Transfer From Other Funds	\$ -	\$ (257,000)	\$ (257,000)	Inc
Courthouse Renovations	\$ -	\$ 25,000,000	\$ 25,000,000	Inc
Borrowing for Capital Projects	\$ -	\$ (25,000,000)	\$ (25,000,000)	Inc
FUND 744 Police Activity				
Sheriff Office Renovations	\$ -	\$ 257,000	\$ 257,000	Inc
Total Budget Revenue	\$ 84,528,174	\$ 134,801,974	\$ 50,273,800	
Total Budget Expenditures	\$ 84,528,174	\$ 134,801,974	\$ 50,273,800	

There were 3 citizens present, with no one wishing to speak. Supervisor Dishner motioned to suspend the reading of the rules for public hearings. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

At 6:08 p.m. Chairman Clark closed the public hearing.

Supervisor Blevins motioned to waive the rules and vote on the budget amendments. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Supervisor Blevins motioned to approve the following budget amendments:

	Proposed Budget Amendments			
	2011-2012 Original	2011-2012 Proposed	Difference	
FUND 001 General Fund				
Vest Fund	\$ -	\$ 16,800	\$ 16,800	Inc
Supplemental Grants	\$ (205,000)	\$ (16,800)	\$ (16,800)	Inc
Funds Transferred to Schools	\$ -	\$ 25,000,000	\$ 25,000,000	Inc
Borrowing for School Buildings	\$ -	\$ (25,000,000)	\$ (25,000,000)	Inc
FUND 009 School Operations				
Debt and Capital Outlay Expense	\$ -	\$ 25,000,000	\$ 25,000,000	Inc
Transfer In from General Fund	\$ (1,886,441)	\$ (25,000,000)	\$ (25,000,000)	Inc
Fund 301 Courthouse Construction				
Transfer From Other Funds	\$ -	\$ (257,000)	\$ (257,000)	Inc
Courthouse Renovations	\$ -	\$ 25,000,000	\$ 25,000,000	Inc
Borrowing for Capital Projects	\$ -	\$ (25,000,000)	\$ (25,000,000)	Inc
FUND 744 Police Activity				
Sheriff Office Renovations	\$ -	\$ 257,000	\$ 257,000	Inc
Total Budget Revenue	\$ 84,528,174	\$ 134,801,974	\$ 50,273,800	
Total Budget Expenditures	\$ 84,528,174	\$ 134,801,974	\$ 50,273,800	

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

AYES: 6
NAYS: 0
ABSENT: Neitch

Committee Recommendations: (continued)

Budget

(a) Mr. Jeff Richardson was present and explained to be competitive in the hiring market, he requested to the Budget Committee, to transfer \$7,000 from part-time salaries to full-time salaries. With the Budget Committee recommendation, the Board approved a line-item transfer of \$7,000 from Part-time Salaries (012090-1003) to Full-Time Salaries (012090-1001) within the Commissioner of Revenue's budget. The vote is as follow:

AYES: 6
NAYS: 0
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.

OLD BUSINESS (continued)

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.

At the January 11, 2011 meeting; Mr. Atkins stated that Personal Property taxes were not being collected. He discussed the Treasurer's financial report showing balance of taxes not collected. Supervisor Call would like a Delinquent Tax Committee meeting set to discuss further.

At the February 8, 2011 meeting; Supervisor Roscoe updated the Board on committee meeting on February 1, 2011.

At the June 14, 2011 meeting; Mr. Carter updated the Board on where the Treasurer was at with the DMV Stop Program. Mr. John Tate discussed the process of publishing the list in the paper and request the Judge approve a fee for a title search and then the fee will be added to the tax owed. The Board agreed and authorized Mr. Carter to invite Mr. Tom Burkett, Treasurer to the July 12, 2011 meeting to discuss delinquent taxes and investments.

At the November 17, 2011 meeting; after a brief discussion, it was decided to move forward with this matter after the December 5, 2011 tax season.

2. 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)**.

At the August 25, 2011 meeting; Ms. Pritts informed the Board of her collection efforts of delinquent water and sewer accounts. She stated that these efforts have had some success.

At the September 13, 2011 meeting; Mr. Simpson informed the Board, by efforts of Ms. Pritts' letter writing to collect delinquent accounts, the Water and Sewer Department has received over \$4,000.

Mr. Carter thanked Ms. Pritts for her success in the Water and Sewer Department collecting on some of the delinquent accounts. Ms. Pritts added, on some of the delinquent accounts not paid in full, payment plans were set-up.

3. 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.

OLD BUSINESS (continued)

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. Clegg Williams reported to the Board that a jury trial was set for December 16, 2010.

At the January 11, 2011 meeting; Mr. Clegg Williams reported to the Board that the jury trial set for December 16, 2010 was continued, and a bench trial was set for January 27, 2011.

At the March 8, 2011 meeting; Mr. Clegg Williams informed the Board that the case has been heard and is awaiting the Judges decision.

At the August 9, 2011 meeting; Mr. Tate informed the Board of a July 7, 2011 meeting between the Judges and Attorneys, but no decision was on file

At the September 13, 2011 meeting; Ms. Pritts informed the Board she spoke with the Attorney, Mr. Patton's office, and no new decision has been made.

At the November 17, 2011 meeting; Mr. Patton spoke and mentioned he is waiting on the Judge's ruling.

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

At the August 25, 2011 meeting; Mr. Carter addressed the Board concerning the "Borrowing Ceiling" of the County. Mr. Carter presented the Board with a handout show the County's debt.

5. Service Agreement between Appalachian Juvenile Commission and Smyth County. **(12-14-10)**

6. Tobacco Free Smyth County Facilities and Vehicles **(4-12-11)**

At the May 10, 2011 meeting; Mr. Simpson informed the Board this matter was sent to the Ordinance Committee for discussion.

At the August 9, 2011 meeting; Mr. Carter informed the Board the Ordinance Committee discussed this issue their August 8, 2011 meeting, and decided to continue the issue until the next Ordinance Committee meeting.

7. Country Side Drive **(5-10-11)**

At the June 14, 2011 meeting; Supervisor Davidson inquired about where the Board was with this issue.

OLD BUSINESS (continued)

Mr. John Tate stated he was waiting on additional information from Mr. Clegg Williams on the agreement and term of bond. Mr. Tate informed the Board in 1994 Mr. Bob Dix had a bond in the amount of \$75,000 for construction of the road. In 1997 the bond was reduced to \$11,250, as to why the bond was reduced is the additional information he is waiting for. Mr. Scott Simpson stated he a letter that may have information concerning this issue, and he would get a copy to Mr. Tate and Supervisor Davidson.

At the July 12, 2011 meeting; Mr. Bob Dix was present and stated he thought the road met state requirements. He informed the Board he would be willing to put cash up to replace the bond if necessary. At the May 10, 2011 meeting, Dr. Kiser stated the citizens living on Country Side Drive were willing to put up 2/3 of the cost of the road. The Board agreed that this was an issue between Mr. Dix and the citizens living on the road, and Mr. Dix should have a meeting with them to get this issue resolved.

At the August 9, 2011 meeting; Supervisor Davidson informed the Board the road is in the process of being repaved and built up to VDOT Standards.

At the November 9, 2011 meeting; Supervisor Davidson stated she had no new information on this project.

At the November 17, 2011 meeting; Mr. Carter informed the Board about Supervisor Davidson's comment on the progress.

At the December 13, 2011 meeting; Mr. Carter updated on the progress of the project.

8. Rules of Procedures (**9-13-11**)

9. Town of Marion's boundary line adjustment request (**10-25-11**)

At the November 9, 2011 meeting; Mr. Carter informed the Board there was a rumor that the County issued money to the Town of Marion to assist in the purchase of the Country Club. He stated he wanted to set that rumor straight that the County has not issued any money to the Town of Marion for the purchase of the Country Club.

At the December 13, 2011 meeting; Ms. Pitts informed the Board she sent a draft agreement to Mr. Mark Fenyk, Town of Marion counsel and has had no comments from Mr. Fenyk or the Town Counsel.

10. Request for vacation of two alley ways tax map Id. Nos.48B-2-1; 48B-2-2; 48B-2-3; 48B-2-4; and 48B-2-14 (**11-9-11**)

At the November 17, 2011 meeting; Supervisor Blevins motioned to set a public hearing for the vacation of two alleys ways for December 13, 2011 at 5:45 p.m., contingent upon the owner paying for the advertisements. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Davidson, Neitch

At the December 13, 2011 meeting; the Board held a public hearing on this matter.

OLD BUSINESS (continued)

11. Mega-Site Project (11-17-11)

At the December 13, 2011 meeting: Mr. Carter informed the Board the Tobacco Commission meeting was moved to January 10, 2012. He reported the Tobacco Commission received 7 applications totaling \$41 million; the Tobacco Commission will only be awarding a total of \$25 million.

12. Appointments (11-17-11)

At the December 13, 2011 meeting: Supervisor Blevins stated Ms. Neitch had asked him to make her nominations for Social Service Board and Area Beautification Board. Supervisor Blevins motioned to reappoint Ms. JoAnn Bennett to serve an additional 4-year term on the Social Service Board. Ms. Bennett's term will expire December 31, 2015. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

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

Supervisor Blevins motioned to reappoint Ms. Phyllis Griffith to serve an additional 1-year term on the Area Beautification Board. Ms. Griffith term will expire December 31, 2012. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

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

Supervisor Clark mentioned he believed the newly elected officials should appoint the expiring terms.

Vice-Chair, Supervisor Dishner recognized the three Board members leaving office; Supervisor Darlene Neitch for her 12 years serving the Rye Valley District, Supervisor Charlie Clark for his eight years serving the NorthFork District, and Supervisor Brenda Waddell for her four years serving the Atkins District.

SUPERVISOR COMMENTS

Supervisor Dishner, Supervisor Davidson, Supervisor Blevins and Supervisor Call thanked the members for their assistance and their friendship. Supervisor Clark and Supervisor Waddell thanked the Board members and staff for their service and friendship.

Supervisor Dishner requested Ms. Pritts review the nuisance of the trailers at Exit 44 and what the limitation was for cleaning up the nuisance.

CLOSED SESSION

At 6:49 p.m. Supervisor Dishner motioned to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.1 Personnel** – 2 personnel issues; **A.5 Business/Industrial Prospects** – discussion concerning a business or industry considering expansion with no previous announcement being made, and **A.7 Legal** – 2 legal issues; discussion with legal counsel and staff pertaining to actual or probable litigation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Upon returning to the open session, Supervisor Dishner motioned 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 Waddell seconded the motion, and the motion passed with the following vote:

AYES: 6
NAYS: 0
ABSENT: Neitch

Mr. Carter thanked the three departing Supervisors and wished them well.

ADJOURN MEETING

At 8:04 p.m. Supervisor Call motioned to adjourn meeting. Supervisor Waddell seconded the motion, and the motion passed with the following vote:

AYES: 5
NAYS: 0
ABSENT: Neitch, Dishner