

The Smyth County Board of Supervisors held its regular January meeting at noon, **Tuesday, January 10, 2012**. 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:**

Wade H. Blevins, Jr., Chairman  
M. Todd Dishner, Vice-Chair  
Richard K. Blevins  
Ronald C. Blevins

J. Howard Burton  
Roscoe D. Call  
Regina H. Davidson

**STAFF PRESENT:**

Michael Carter, County Administrator  
Scott Simpson, Assistant County Administrator  
Heather Pitts, 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, Mr. Mike Carter, Clerk of the Board called the meeting to order at noon; Mrs. Pam Testerman gave the invocation and Mr. Scott Simpson led the pledge of allegiance.

**Adoption of Agenda:**

Supervisor Wade 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

**Election of Officers:**

Mr. Carter opened the floor for nominations of Chairman for the 2012 calendar year. Supervisor Burton nominated Mr. Rick Blevins as Chairman. Supervisor Ron Blevins seconded the motion. Supervisor Davidson nominated Mr. Wade Blevins as Chairman. Supervisor Call seconded the motion.

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

AYES: 7  
NAYS: 0

Mr. Carter asked for a vote on Mr. Rick Blevins nomination. The vote is as follows:

AYES: 1 J. Howard Burton  
NAYS: 6 Regina Davidson, Roscoe Call, Todd Dishner, Ron Blevins, Rick Blevins, Wade Blevins

Mr. Carter asked for a vote on Mr. Wade Blevins nomination. The vote is as follows:

AYES: 6 Regina Davidson, Roscoe Call, Todd Dishner, Ron Blevins, Rick Blevins, Wade Blevins  
NAYS: 1 J. Howard Burton

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

Chairman Wade Blevins accepted nominations for Vice Chairman. Supervisor Davidson nominated Mr. Todd Dishner as Vice Chair. Supervisor Call seconded the nomination. Supervisor Ron Blevins nominated Mr. Howard Burton. No second was motioned.

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

AYES: 6 Regina Davidson, Roscoe Call, Todd Dishner, J. Howard Burton, Wade Blevins, Rick Blevins  
NAYS: 1 Ron Blevins

Chairman Wade Blevins accepted nominations for Clerk. Supervisor Call nominated Mr. Mike Carter as Clerk. Supervisor Dishner seconded the nomination. No other nominations were made.

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

AYES: 7  
NAYS: 0



Chairman Wade Blevins accepted nominations for Deputy Clerk. Supervisor Call nominated Mr. Scott Simpson as Deputy Clerk. Supervisor Burton seconded the nomination. No other nominations were made.

Chairman Wade Blevins asked for a vote on Mr. Simpson's nomination. The vote is as follows:

AYES: 7  
NAYS: 0

Supervisor Call motioned to set the 2012 regular monthly meetings the second Tuesday of each month, beginning with Closed Session at 4:00 p.m., returning to open session for regular meeting at 5:00 p.m. with Citizen's Time beginning at 5:15 p.m. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Mr. Carter mentioned additional meetings are scheduled the 4<sup>th</sup> Thursday of each month at 7:00 when needed. Also, special meetings may need to be scheduled.

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

AYES: 7  
NAYS: 0

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

AYES: 7  
NAYS: 0

Ms. Heather Pritts, County Attorney, mentioned the Commonwealth of Virginia observes two unpaid Holidays; January 26<sup>th</sup> as Motherhood and Apple Pie Day and October 19<sup>th</sup> as Yorktown Day.

**Minutes of Previous Meeting:**

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

Tuesday, December 13, 2011

Supervisor Call motioned to approve the minutes for the December meeting. Supervisor Burton seconded the motion, and the vote is as follows:

AYES: 7  
NAYS: 0

**Financial Report:**

**Mr. Charlie Atkins** reported, per Treasurer's Office, the County has over \$11 million in CDs. He stated this is well sufficient for the requested appropriations.

**Payment of County Invoices:**

Supervisor Dishner motioned to approve \$5,965,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,780,000.00
Social Services (January 11 -31, 2012)	\$ 275,000.00
(February 1 – 14, 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: 7  
NAYS: 0

Supervisor Davidson 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 Call motioned to approve \$50,000.00 for the School Debt and Capital Outlay Fund appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$1,000,000.00 for the School Construction Fund appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$163,364.76 for the Courthouse Project appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$8,204.96 for the Hall Addition #2 Sewer Project appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Dishner motioned to approve \$7,825.63 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 Dishner motioned to approve the accounts payable listing in the amount of \$1,174,807.96. Supervisor Call seconded the motion and the vote is as follows:

AYES: 7  
NAYS: 0

## **CITIZEN'S TIME**

There were 9 citizens present, with no one wishing to speak.

Chairman closed citizen's time at 12:23 p.m.

## **Introduction of Businesses in Smyth County:**

Mr. Carter introduced Mr. Chris Tipton, Plant Manager, General Shale. Mr. Tipton has been with General Shale for 14 years. He explained the past, present and future production of brick. Mr. Tipton stated General Shale produces 30 million brick a year. They produce residential and commercial brick, pavers, window seals, and can produce older looking brick. The Atkins facility has 45 employees currently. The Marion facility was damaged by snow fall in 2011, but Mr. Tipton stated General Shale hoped to build it back. He invited the Board to stop by and tour the Atkins facility.

## **Mr. Mike Carter –**

(a) Updated the Board on Country Side Drive (Old Business #7). Mr. Carter requested the Board adopt Country Side Drive into VDOT's Secondary Road System and authorize him to sign VDOT's AM-4.3 form. Supervisor Call motioned to adopt the following resolution and authorize Mr. Carter to sign the AM-4.3 VDOT form:

The Board of Supervisors of Smyth County, in regular meeting on the 10<sup>th</sup> day of January, 2012, adopted the following:

### **RESOLUTION**

WHEREAS, the street(s) described on the attached forms AM 4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Smyth County; and

WHEREAS, the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements (or Secondary Street Acceptance Requirements, as applicable) of the Virginia Department of Transportation, and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on November 10, 2010 for *Comprehensive Stormwater Detention* which applies to this request for addition,

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached forms AM 4.3 to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements (or Secondary Street Acceptance Requirements, as applicable), and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

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

In the County of Smyth

By resolution of the governing body adopted January 10, 2012

*The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.*

A Copy Testee

Signed (County Official):

---

**Report of Changes in the Secondary System of State Highways**

---

Project/Subdivision Countryside Subdivision

Type Change to the Secondary System of State Highways:

Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change:

New subdivision street

Pursuant to Code of Virginia Statute:

§33.1-229

---

**Street Name and/or Route Number**

Countryside Drive, State Route Number 1138

Old Route Number: 0

From: Intersection Route 704

To: Cul-de-sac, a distance of: 0.21 miles.

Recordation Reference: Plat Slide

291, Pg 17 Right of Way width

(feet) = 50

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

AYES: 7  
NAYS: 0

Supervisor Davidson mentioned the residents would like to call for the surety bond that is being held for Country Side Drive. Ms. Pritts stated she would review this matter.

(b) Michael Carter explained to the Board a Tobacco Commission Grant awarded to the IDA in the amount of \$207,000 for Power Distribution Products and a performance agreement was entered between the Tobacco Commission, IDA, and the company. He requested the Board approve and appropriate the \$207,000 for the IDA so that the IDA can provide the funds to the company pursuant to the performance agreement. Supervisor Dishner motioned to approve and appropriate \$207,000 (Incentive Fund-Pass Thru 081030-8888-4) to the IDA from a Tobacco Commission Grant. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

(c) Michael Carter informed the Board of the Town and County Quarterly meeting the County would be hosting. The meeting will be held on Thursday, January 19, 2012 at 6:00 p.m. Mr. Carter explained the meeting will be held at the Smyth Career and Technology Center (Smyth County Vocational School) at Seven Mile Ford. The program will be a presentation from Kristin Untiedt-Barnett, Exec. Director of the Smyth County Chamber of Commerce, who will talk about "Improving Smyth County's On-line Presence." He hoped all would be able to attend.

At 1:00 p.m. the **Library Board** and citizens were present for the Library Board's Loss of Revenue Presentation. Mr. Patton Graham, member of the Library Board, discussed the \$248,000 cut from the Library's budget and spoke on money for maintenance and requested the Board to continue to fund the Library. Mr. Ron Johnson, Library Accountant, discussed audit. Louise Shupe, Member of the Bland County Library Board, thanked the Board of their continued support. Ms. Cathy Knots, citizen and her children use the Library. Francis Detwilder, Friends of the Library, she explained the Friends of the Library. Margaret, Geological Society, Smyth-Bland Regional Library has been selected to be an affiliate with the Salt Lake City, Utah Family History Library. Carol Schwartz, spoke about the leaking roof. Mr. Graham stated the Chilhowie Library is out of room and he introduced Ms. Vickie

Montgomery, Saltville representative to the Library Board. Pat Hatfield, Librarian, spoke on roof condition and the heat pumps and requested the Board help with funds to repair the roof, and she thanked the Board for their continued support.

Chairman Blevins stated once the 2012 committees were step up, the County would have a Budget Committee and have the Library on the Budget Committee's agenda.

At 1:40 p.m. **Richard Lennon**, of Brown, Edwards & Company, discussed the June 30, 2011 audit with the Board. Mr. Lennon reviewed the Summary of Compliance Matters. After review, Supervisor Rick Blevins inquired about what avenue to take for the County to be in complete compliance. Supervisor Davidson inquired about purchase orders and the County's current practice and policy. Supervisor Davidson motioned to have Mr. Carter review the purchase order policy. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

**Ms. Heather Pritts, County Attorney –**

**(a)** Discussed a PowerPoint presentation concerning County Attorney; Introduction of Law and Principles

**(b)** Updated the Board on the following ligation of court cases:

- Commonwealth of Virginia v. Smyth County Board of Supervisors  
Smyth County Circuit Court Case No.: CL05000243-00
- Smyth County Board of Supervisors v. Louis Perry and Peggy Perry  
Smyth County Circuit Court Case No.: CL1000450-00
- Walt Smith v. Commonwealth TRB and Smyth County Building & Zoning Department  
Smyth County Circuit Court Case No.: CL1000448-00
- John Doyle and Alice Doyle v. Board of Equalization of Smyth County  
Smyth County Circuit Court Case No.: CL11000374-00
- Manish Dhekar v. Smyth County Board of Equalization  
Smyth County Circuit Court Case No.: CL11000778-00
- Woodgrain Millwork, Inc. v. Smyth County  
Smyth County Circuit Court Case No.: CL11000838-00.
- Jeffrey Richardson in his official capacity as COR of Smyth v. IRS  
W.D. Va. Court Case No.: 1:12-cv-00001-jpj-pms



Ms. Pritts advised the Board they may wish to discuss litigation negotiations and other confidential information in closed session pursuant to Va. Code § 2.2-3711(A)(7).

**(c)** Provided a PowerPoint presentation concerning Commonwealth v. Smyth County – Courthouse Facilities Case Update

Mr. Scott Simpson discussed the difference between two designs for the Circuit Court room.

No action was taken by the Board on this matter.

**2:30 p.m. Mr. Clegg Williams, Subdivision Agent –**

**(a)** Updated the Board on the Public Hearing held at the December 13, 2011 Board meeting. Supervisor Call motioned to accept the Planning Commission recommendation to adopt the following ordinance:

**7.11(b). Ordinance to vacate 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, Smyth County Tax Map Id. Nos. 48B-2-1, 48B-2-2, 48B-2-3, 48B-2-4, 48B-2-14."**

BE IT ORDAINED, that in accordance with Va. Code § 15.2-2272(2) pursuant to 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 4 at Page 371 in the Office of the Circuit Clerk for Smyth County, is hereby vacated subject to the following conditions:

- (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) that 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.

“Plat of Lots At Atkins, Va., Made For Richardson and Anderson – Dealer in Real Estate” (Subdivision); Tax Map Identification Numbers 48B-2-1, 48B-2-2, 48B-2-3, 48B-2-4, 48B-2-14 and one 20’ alley and one 18’ alley; Deed Book 44, Page 371; Recorded in the Smyth County Circuit Court Clerk’s Office August 1, 1919; Vacated by ordinance of the Smyth County Board of Supervisors on the 10<sup>th</sup> day of January, 2012.”

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

AYES: 7  
NAYS: 0

(b) As the Board appointed the Planning Commission as its designee for Subdivision Ordinance Section 7.11(a) to assist the approval and execution of requests for vacation of boundary lines reviewed and submitted by the Building and Zoning Department, Clegg Williams updated the Board on the December 13, 2011, Planning Commission meeting and a request from Utility Trailer to vacate its lot lines. Supervisor Rick Blevins inquired if the vacation of lot lines ordinance allowed for vacation of boundary lines for both commercial and residential properties. Mr. Williams informed him it was available for both commercial and residential properties. Supervisor Ron Blevins inquired if the vacation of lot lines were done at the request of the owner and not a County mandate. Mr. Williams informed it was at the request of the owner.

### **Scott Simpson – Economic Update**

(a) Updated the Board on where the project was for the 911 Center/Sheriff Office renovations

(b) Updated the Board on the Mega-Site Project (Old Business Item #11). He updated the Board on the second round of funding through the Tobacco Commission that was applied for on the project. Mr. Simpson informed the Board Mrs. Sally Morgan, Economic/Community Developer, was at the Tobacco Commission meeting today. He stated Mrs. Morgan texted him and the County was awarded a \$4.9 million grant for the Mega-Site Project, and the IDA had committed to the 10% match on the grant at its last meeting.

(c) Discussed setting Public Hearing #1 for a Community Development Block Grant opportunity for 1) Economic Development, 2) Housing, 3) Community Service Facilities, 4) Community Facilities (water and sewer) and 5) Comprehensive Community Development. The projects must meet one of the three national objectives: 1) Benefitting low-and moderate income persons, 2) Aid in the elimination of slums and blight, and 3) Meet a particular urgent need (must have a declaration of emergency or health threat issued by the state). Supervisor Davidson motioned to set the public hearing for February 14, 2010 at 5:30 p.m. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

### **Mutual Aid Agreements**

Heather Pritts advised the Board that a Sergeant Chip Shuler, representing the Sheriff was present and had requested to be added to the agenda for a matter.

Supervisor Dishner motioned to add Chip Shuler to discuss Law Enforcement Services Mutual Aid Agreements to the agenda under Section 5.2 of the Board Rules and Procedures. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Sergeant Chip Shuler, Sheriff's Department, requested the Board to consider renewing the Mutual Aid Agreements with the incorporated Towns and adjoining Counties. Mr. Shuler informed the Board the agreements allow for Towns to help the County and County to help the Towns when needed, as well as, the Counties to help each other. He stated the citizens benefit from these agreements. Supervisor Ron Blevins motioned to approve renewal of the Mutual Aid Agreements with the surrounding Towns and Counties and requested Heather Pritts to prepare these agreements. 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.*

*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. Pripps 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.*

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.*

*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.*

**OLD BUSINESS** - continued

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.*

*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.*

*At the January 10, 2012 meeting; With the road being completed and inspected by VDOT, Supervisor Dishner 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. Rules of Procedures (9-13-11)



**OLD BUSINESS** - continued

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. Pritts 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.*

*At the January 10, 2012 meeting; With public hearing being held and considered by both the Planning Commission and the Board of Supervisors, Supervisor Dishner 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

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

**OLD BUSINESS** - continued

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.

At the January 10, 2012 meeting; Supervisor Dishner motioned to appoint Mrs. Regina Davidson to serve as the Board of Supervisor representative on the Department of Social Service Board. Mrs. Davidson will serve a four (4) year term to expire February 6, 2016. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Burton motioned to reappoint Ms. Karen Gillespie to serve an additional 1-year term on the Area Beautification Board. Ms. Gillespie's term will expire December 31, 2012. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to reappoint Ms. Carol Nutter to serve an additional 1-year term on the Area Beautification Board. Ms. Nutter's term will expire December 31, 2012. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

The following nominations were continued:

North Fork District  
Park District

Royal Oak District

Supervisor Dishner motioned to appoint Mr. J. Howard Burton (725 Mitchell Valley Road, Marion, VA 24354, 276-783-8821) to the District Three Governmental Cooperative Board. Mr. Burton will serve a one (1) year term that will expire December 31, 2012. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Burton motioned to reappoint Mr. Todd Dishner as Alternate to the District Three Governmental Cooperative Board. Mr. Todd Dishner will serve a one (1) year term that will expire December 31, 2012. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

**OLD BUSINESS** - continued

Supervisor Davidson motioned to appoint Mr. Wade Blevins (522 Town Spring Road, Chilhowie, VA 24319, 276-646-5312) to serve as the Smyth County Board of Supervisor representative on the Smyth-Washington Regional Industrial Facilities Authority. Mr. Blevins will serve a four (4) year term to expire December 31, 2015. The vote is as follows:

AYES: 7  
NAYS: 0

Supervisor Burton motioned to appoint Dr. Charles Wassum III, 200 Larch Street, Marion, VA 24354, 276-783-3707, to serve as the Atkins District representative to the Planning Commission. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6 J. Howard Burton, Ron Blevins, Roscoe Call, Todd Dishner, Wade Blevins,  
Rick Blevins  
NAYS: 1 Regina Davidson

Dr. Wassum will serve a four (4) year that will expire December 31, 2015.

Atkins District – Supervisor Burton motioned to appoint Ms. Erwin Rowland, 739 Park Blvd, Marion, VA 24354, 276-781-0811, to serve a five (5) year term on the Board of Zoning Appeals Board to expire December 31, 2016. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

North Fork District – Supervisor Ron Blevins motioned to appoint Mr. Rodney Blevins, 340 Venice Drive, Marion, VA 24354, 276-646-2041, to serve a five (5) year term on the Board of Zoning Appeals Board to expire December 31, 2016. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Elected to Chairman, Mr. Wade Blevins, (522 Town Spring Road, Chilhowie, VA 24319, 276-646-5312), will represent Smyth County on the Virginia a Corridor, Mt. Rogers Partnership Board. He will serve a one (1) year term expiring December 31, 2012.

Supervisor Ron Blevins motioned to appoint Ms. Deanie Dimick (526 Meadows Path, Chilhowie, VA 24319, 276-646-8439, dimickd@gmail.com) to serve as the Chilhowie District representative on the Smyth-Bland Regional Library Board. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Ms. Dimick will serve a four (4) year term that will expire December 31, 2015.



### **Supervisor Comments**

Supervisor Call – He stated he looked forward to working with the new Board.

Supervisor Dishner – He stated he also looked forward to working with the new Board.

Supervisor Burton – He stated he also looked forward to working with the Board and it involved more than what the citizens see.

Supervisor Rick Blevins – He stated he is excited about being on the Board and any help would be appreciated.

Supervisor Ron Blevins – He stated he looked forward to the next four years.

Supervisor Davidson – She welcomed the new Board members and told them to ask a lot of questions.

Chairman Wade Blevins thanked the other Board members for electing him chairman and he looked forward to working together.

### **Mr. Charlie Harrington, Emergency Management Coordinator**

Mr. Harrington updated the new Board members on the Emergency Operation Plan and stated he would obtain a copy on flash drive for them. He reported to the Board he had applied to the Homeland Security Grant for equipment and applied with Wythe County on the PET Grant to assist in sheltering animals in an emergency. Mr. Harrington informed the Board on some FEMA funding. He stated an emergency is considered a financial loss, life loss, and/or economic loss to a community. Mr. Harrington also informed the Board members they needed to take some NEIMS training. He is working on getting the Mutual Aid Agreements in compliance.

### **CLOSED SESSION**

At 3:46 p.m. Supervisor Dishner motioned to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.3 Acquisition of Land** – concerning the property for the Mega-Site project. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Upon returning to the open session at 4:18 p.m., 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 Ron Blevins seconded the motion, and the motion passed with the following vote:

AYES:         7  
NAYS:         0

Supervisor Davidson motioned to approve and appropriate an amount not to exceed \$20,000 for an option agreement on the Mega-Site property. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES:         7  
NAYS: 0

Supervisor Call motioned to approve and appropriate an amount not to exceed \$5,000 for an appraisal on the Mega-Site property. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES:         7  
NAYS:         0

**CONTINUE MEETING**

At 4:24 p.m. Supervisor Ron Blevins motioned to continue meeting until January 26, 2012 at 7:00 p.m. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, January 26, 2012**. 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:**

Wade H. Blevins, Jr., Chairman  
M. Todd Dishner, Vice-Chair  
Rick K. Blevins  
Ron C. Blevins

J. Howard Burton  
Roscoe D. Call  
Regina H. Davidson

**STAFF PRESENT:**

Michael L. Carter, County Administrator  
Scott Simpson, Assistant County Administrator  
Heather Pritts, County Attorney  
Clegg Williams, Zoning Administrator  
Becca Kirk, Administrative Assistant  
Pam Testerman, Office Service Assistant  
Sally Morgan, Community/Economic Development

**COMMISSIONERS PRESENT:**

Norman Sparks – Chairman  
Graham Davidson  
Blake Frazier

Pokey Harris  
Wayne Venable  
Charles Wassum

**COMMISSIONERS ABSENT:**

Park District Vacant

**OTHERS PRESENT:** Approximately 5 citizens and Dan Kegley with the Smyth County News were present.

**Public Hearing:** At 7:00 p.m. Mr. Wade Blevins, Chairman of the Board of Supervisors, and Mr. Norman Sparks, 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.

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

*The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, January 26, 2012, 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 pursuant to 9-2.1 from Mable Hayden, which has been forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an amendment to the official Zoning Map at Marion, Virginia, to rezone approximately 22 acres from Agricultural/Rural to Commercial. The Smyth County Comprehensive Plan does not identify a density range and the general usage is vacant property. The property is located behind 2286 Lee Hwy. in Marion, Virginia, and is identified as Tax Map Nos. 56G-A-3, 56G-1-40A, 56G-1-41A and can be found in Grid Map No. 5486 of the official Zoning Map of Smyth County.*

*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.*

*Copies of the application(s) along with their maps/drawings are on file in the Office of the County Administrator of Smyth County. Copies are also maintained by the County Zoning Administrator at the address given above, and may be viewed during regular business hours Monday through Friday.*

*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.*

*Done by order of the Board of Supervisors and the Planning Commission.*

*Michael L. Carter, County Administrator  
Clegg Williams, Zoning Administrator*

*Mable Hayden — Application for Map Amendment:* At approximately 7:07 p.m. Mr. Williams explained Mable Hayden's intention to sale her land located behind 2286 Lee Hwy in Marion. The property is further identified as Tax Map Nos. 56G-A-3, 56G-1-41A & 56G-1-40A. She currently has the property on the market with Realtor Tom Evans of Ideal Realty. Mr. Williams explained that recent interest in the property for commercial development led Ms. Hayden to tonight's application request. With her application, she submitted the required owner's affidavit and paid the required fee. Notice of tonight's public hearing was advertised in the Smyth County News & Messenger on January 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 Rural/Residential of the Future Land Use Map. He received one

comment from LeRoy Blizzard who requested Mr. Williams inform the Board and Commission that he is in favor of any commercial development being proposed in the County. Mr. Williams also read into the record an email from Becky Bane, Permit Specialist for Virginia Department of Transportation.

Tom Evans of Ideal Realty represented Mrs. Hayden and was in attendance and available for questions. Mr. Ron Blevins questioned the potential effect the pond located on the back of the property would have on any development. Mr. Evans explained any developer would have to address any issues with the pond through EPA. Mrs. Davidson asked if the property is already listed, to which Mr. Evans confirmed that it is. Mr. Evans stated there have been potential individuals interested in the property if it is zoned Commercial.

Debby Byrd spoke in favor of the application and stated her opinion of the need for commercial development in Smyth County.

Earl McClure spoke on the application process stating his opinion that the County does not have the authority to rezone property and citizens should be able to do whatever they wish with their property. No one else spoke on the application.

Chairman Wade Blevins and Chairman Sparks closed the joint public hearing at 7:17 p.m. Chairman Sparks recessed the Planning Commission.

Chairman of the Board of Supervisors recessed the Board of Supervisors meeting at 7:17 p.m.

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

Upon Mr. Carter's request, the Board of Supervisors and Mr. Clegg Williams and Ms. Heather Pritts took a few moments to explain the process and reasoning of holding joint public hearings between the Planning Commission and the Board of Supervisors.

### **CITIZEN'S TIME**

There were three citizens present, with no one wishing to speak.

**Committee Recommendations:**

**Appointment**

(a) With the Appointment Committee recommendation, the Board changed the term expiration date from December 31, to January 31 on the following:

Planning Commission

Local Board of Building Code Appeals

Board of Zoning Appeals, if approved and as appointed by the Smyth County Circuit Court

The vote is as follows:

AYES: 7

NAYS: 0

(b) With the Appointment Committee recommendation, the Board reappointed Mr. Jay Hubble to serve on the New River RC & D Council. Mr. Hubble will serve a one (1) year term that will expire on December 31, 2012. The vote is as follows:

AYES: 7

NAYS: 0

(c) With the Appointment Committee recommendation, the Board appointed Mr. David Richardson (951 Country Club Road, Marion, VA 24354, 276-783-8031) to replace Mr. David Parlier as Alternate on the Transportation Rural Technical Committee. Mr. Parlier resigned due to health related issues. Mr. Richardson will serve a two (2) year term that will expire December 31, 2013. The vote is as follows:

AYES: 7

NAYS: 0

(d) With the Appointment Committee recommendation, the Board appointed Mr. Rick Blevins to serve on the Konnarock Neighborhood Facility Authority. Mr. Blevins will serve a term at the pleasure of the Board. The vote is as follows:

AYES: 7

NAYS: 0

(e) With the Appointment Committee recommendation, the Board reappointed Mr. Les Whitt and Mr. Brian Reynolds to the Local Board of Building Code Appeals. Mr. Whitt and Mr. Reynolds will serve a four (4) year term that will expire January 31, 2016. The vote is as follows:



AYES: 7  
NAYS: 0

(f) With the Appointment Committee recommendation, the Board appointed Mr. Charles Greer from Alternate to Member, to replace Mr. David Schwartz, to the Local Board of Building Code Appeals. He will serve a four (4) year term that will expire January 31, 2016. The vote is as follows:

AYES: 7  
NAYS: 0

(g) With the Appointment Committee recommendation, the Board reappointed Mr. Rhea Lawrence and Ms. Phyllis Griffith and appointed Ms. Beverly Mountain (336 Greystone Road, Marion, VA 24354, 276-646-8470) to represent Smyth County on the Mount Rogers Community Mental Health and Mental Retardation Services Board. Mr. Lawrence, Ms. Griffith, and Ms. Mountain will serve a three (3) year term expiring December 31, 2014. The vote is as follows:

AYES: 7  
NAYS: 0

The remaining member will be considered for appointment at the February 14, 2012, Board meeting.

(h) With the Appointment Committee recommendation, the Board appointed, Mr. Wade Blevins (522 Town Spring Road, Chilhowie, VA 24319, 276-646-5312) and reappointed Mr. Roscoe Call as Alternate, to represent Smyth County on the New River/Mt Rogers Workforce Investment Consortium Board. Mr. Blevins and Mr. Call will serve a one (1) year term that will expire December 31, 2012. The vote is as follows:

AYES: 7  
NAYS: 0

(i) With the Appointment Committee recommendation, the Board reappointed Mr. Ron Thomason and Mrs. Sally Morgan, Alternate; to serve as Smyth County representatives on the Ninth District Development Financing Board of Directors. The vote is as follows:

AYES: 7  
NAYS: 0

Mr. Thomason and Mrs. Morgan will serve a two (2) year term that will expire December 31, 2014.

(j) With the Appointment Committee recommendation, the Board appointed Mr. Clegg Williams (121 Bagley Circle, Ste 120, Marion, VA 24354, 276-783-3298 x227) to serve on the Upper TN River Roundtable Board of Directors. The vote is as follows:



AYES: 7  
NAYS: 0

Mr. William will serve a two (2) year term that will expire January 31, 2014.

(k) With the Appointment Committee recommendation, the Board appointed Mr. Joel Pugh (680 Snider Branch Road, Marion, VA, 276-781-0731) to serve as the Park District representative on the Planning Commission. The vote is as follows:

AYES: 7  
NAYS: 0

Mr. Pugh will serve a four (4) year term that will expire January 31, 2016.

(l) With the Appointment Committee recommendation, the Board appointed Mrs. Paige Coulthard (476 Cave Ridge Road, Sugar Grove, VA 24375, 276-677-3520) to serve as the Rye Valley District representative on the Smyth-Bland Regional Library Board. The vote is as follows:

AYES: 7  
NAYS: 0

Mrs. Coulthard will serve a four (4) year term that will expire December 31, 2015.

## **Budget**

(a) With the Budget committee recommendation, the Board approved and appropriated \$84,061 for Sheriff vehicles and authorized Mr. Carter to sign the checks when the vehicles become available. The vote is as follows:

AYES: 6 Wade Blevins, Todd Dishner, Howard Burton, Roscoe Call, Rick Blevins, Regina Davidson  
NAYS: 1 Ron Blevins

\$84,000 - 744-010000-9003  
\$61 - 744-010000-5408

(b) With the Budget committee recommendation, the Board approved a line-item transfer in the amount of \$18,811 from (001-011010-8888) to (001-035050-7011) and appropriated \$98,811 (001-035050-7011) for the purchase of an Emergency Operation Vehicle. The vote is as follows:

AYES: 7  
NAYS: 0

(c) With a request from Chilhowie High School for Project Graduation, Supervisor Ron Blevins motioned to approve and appropriate \$3,000 (001-056000-5827) for the Smyth County High School's Prom or Project Graduation event. \$1,000 will be issued upon a request from the school for their event. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES:	6	Ron Blevins, Roscoe Call, Wade Blevins, Todd Dishner, Rick Blevins, Regina Davidson
NAYS:	1	Howard Burton

**Mr. Mike Carter**

(a) Updated the Board on current proposed Virginia General Assembly current session bills. He presented the Board with a highlighted list of proposed bills that may have a direct impact on Smyth County. Mr. Carter also presented the Board with, from the proposed list, a list of which bills were approved and denied by the House.

Mr. Carter invited Mr. Jeff Richardson, Commissioner of Revenue, to speak on a specific proposed bill. Mr. Richardson informed the Board of House Bill 512 concerning doing away with Machinery and Tool tax. He reported the impact of this bill would decrease the County's revenue by \$419,000 per year. Mr. Richardson also reported this would have an impact on the Town of Chilhowie and Town of Saltville. He stated there would be no impact to the State.

(b) Informed the Board of the Evergreen Soil & Water Conservation Annual Brunch. Since the Board has their meetings starting at 4:00 p.m., instead of a brunch, what time would the Board like to have this meeting. After discussion, the Board agreed to have the meeting with Evergreen Soil & Water Conservation at 2:00 p.m. on March 13, 2012.

**Ms. Heather Pritts** presented the Wilkenson Mill Convenience Station lease agreement to the Board for their consideration. She informed the Board that the land owner had already agreed to and executed the lease agreement and that this was a ten (10) year renewal lease to expire December 31, 2022, with an option to renewal for two consecutive five (5) year terms. Supervisor Davidson motioned to approve the renewal of the Wilkenson Mill Convenience Station lease with option. Supervisor Burton 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.*

*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.*

*At the January 26, 2012 meeting; Supervisor Call inquired about securing the Sheriffs Department to deliver letters to the delinquent tax payers.*

**OLD BUSINESS** (continued)

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.*

*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.*

**OLD BUSINESS** (continued)

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. Rules of Procedures (9-13-11)

8. 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. Pritts 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.*

9. 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.*

10. 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:*

**OLD BUSINESS** (continued)

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.

At the January 10, 2012 meeting; Supervisor Dishner motioned to appoint Mrs. Regina Davidson to serve as the Board of Supervisor representative on the Department of Social Service Board. Mrs. Davidson will serve a four (4) year term to expire February 6, 2016. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Burton motioned to reappoint Ms. Karen Gillespie to serve an additional 1-year term on the Area Beautification Board. Ms. Gillespie's term will expire December 31, 2012. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to reappoint Ms. Carol Nutter to serve an additional 1-year term on the Area Beautification Board. Ms. Nutter's term will expire December 31, 2012. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

The following nominations were continued:

NorthFork District  
Park District

Royal Oak District

Supervisor Dishner motioned to appoint Mr. J. Howard Burton (725 Mitchell Valley Road, Marion, VA 24354, 276-783-8821) to the District Three Governmental Cooperative Board. Mr. Burton will serve a one (1) year term that will expire December 31, 2012. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Burton motioned to reappoint Mr. Todd Dishner as Alternate to the District Three Governmental Cooperative Board. Mr. Todd Dishner will serve a one (1) year term that will expire December 31, 2012. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Davidson motioned to appoint Mr. Wade Blevins (522 Town Spring Road, Chilhowie, VA 24319, 276-646-5312) to serve as the Smyth County Board of Supervisor representative on the Smyth-Washington Regional Industrial Facilities Authority. Mr. Blevins will serve a four (4) year term to expire December 31, 2015. The vote is as follows:



**OLD BUSINESS** (continued)

AYES: 7  
NAYS: 0

Supervisor Burton motioned to appoint Dr. Charles Wassum III, 200 Larch Street, Marion, VA 24354, 276-783-3707, to serve as the Atkins District representative to the Planning Commission. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6 J. Howard Burton, Ron Blevins, Roscoe Call, Todd Dishner, Wade Blevins,  
Rick Blevins  
NAYS: 1 Regina Davidson

Dr. Wassum will serve a four (4) year that will expire December 31, 2015.

Atkins District – Supervisor Burton motioned to appoint Ms. Erwin Rowland, 739 Park Blvd, Marion, VA 24354, 276-781-0811, to serve a five (5) year term on the Board of Zoning Appeals Board to expire December 31, 2016. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

NorthFork District – Supervisor Ron Blevins motioned to appoint Mr. Rodney Blevins, 340 Venice Drive, Marion, VA 24354, 276-646-2041, to serve a five (5) year term on the Board of Zoning Appeals Board to expire December 31, 2016. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Elected to Chairman, Mr. Wade Blevins, (522 Town Spring Road, Chilhowie, VA 24319, 276-646-5312), will represent Smyth County on the Virginia aCorridor, Mt. Rogers Partnership Board. He will serve a one (1) year term expiring December 31, 2012.

Supervisor Ron Blevins motioned to appoint Ms. Deanie Dimick (526 Meadows Path, Chilhowie, VA 24319, 276-646-8439, dimickd@gmail.com) to serve as the Chilhowie District representative on the Smyth-Bland Regional Library Board. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Ms. Dimick will serve a four (4) year term that will expire December 31, 2015.

At the January 26, 2012 meeting: Supervisor Dishner motioned to reappoint Sherian Medley as Park District representative to the Area Beautification Committee Judges. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Ms. Medley will serve a one (1) year term that will expire December 31, 2012.

11. Mutual Aid Agreements (1-10-12)

### **Supervisor Comment Time**

**Supervisor Ron Blevins** – requested to rejoin NACO, inquired about video taping the meetings, and inquired about Bill HB 1291 concerning judges mandating localities to building new courthouse.

**Supervisor Rick Blevins** – stated the Sugar Grove citizens are excited about the progress of the Rye Valley Water Treatment facility.

**Supervisor Howard Burton** – stated he had visited the Library and reviewed the roof. He felt the replacement of the roof could wait and repair the initial problem first.

**Supervisor Roscoe Call** – commented on the New Hospital Tour that the Board was invited to. He stated it was going to be a very nice hospital.

### **ADJOURN MEETING**

At 8:20 p.m. Supervisor Call motioned to adjourn meeting. Supervisor Ron 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 February meeting at 4:00 p.m., **Tuesday, February 14, 2012**. 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:**

Wade H. Blevins, Jr., Chairman  
M. Todd Dishner, Vice-Chair  
Richard K. Blevins  
Ronald C. Blevins

J. Howard Burton  
Roscoe D. Call  
Regina H. Davidson

**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 Surber

**OTHERS PRESENT:**

Dan Kegley, Smyth County News & Messenger

**At 4:00 p.m.** Chairman Wade Blevins called meeting to order.

**CLOSED SESSION**

At 4:00 p.m. Supervisor Call motioned to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.3 Acquisition of Land** – discussion or consideration of acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; Mega Site property land acquisition discussion, **A.5 Industrial/Business Prospects** – 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, **A.7 Legal** – consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, and consultation with legal counsel employed or retained by a

public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of the subdivision, probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a know party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter; Courthouse facilities case, Circuit Court Case No. CL05-243-00, and A.29 Contract Awarding – discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders of 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; Award of contract on Tower Project and Appraisal Company for Mega Site property contract terms discussion.

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

AYES: 7  
NAYS: 0

Upon returning to the open session at 4:42 p.m., 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

At 4:42 p.m. the Chairman recessed the meeting until 5:00 p.m.

**Call To Order, Invocation & Pledge of Allegiance:**

With a quorum present, Chairman Wade Blevins called the meeting to order at 5:00 p.m.; Mrs. Pam Testerman gave the invocation and Mr. Manuel Street led the pledge of allegiance.

**Adoption of Agenda:**

Supervisor Ron Blevins motioned to adopt the agenda, with striking item (c) under Ms. Heather Pritts along with pages 99 and 100 from the agenda and the additional agenda. 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, January 10, 2012  
Thursday, January 26, 2012

Supervisor Call motioned to approve the minutes for the January meetings. Supervisor Ron Blevins seconded the motion, and the vote is as follows:

AYES: 7  
NAYS: 0

**Financial Report:**

**Mr. Charlie Atkins** reported, per Treasurer's Office, the County has a balance of \$13,063,000 in the bank. He stated this is well sufficient for the requested appropriations.

**Payment of County Invoices:**

Supervisor Dishner motioned to approve \$5,285,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,450,000.00
Social Services (February 15 -29, 2012)	\$ 275,000.00
(March 1 – 13, 2012)	\$ 60,000.00
Schools - Operating Fund	\$3,500,000.00

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

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$150,000.00 for the School Debt and Capital Outlay Fund appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$1,000,000.00 for the School Construction Fund appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$569,969.35 for the Courthouse Project appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$4,827.50 for the Pioneer/Fox Valley Water Project appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve the accounts payable listing in the amount of \$955,245.86. Supervisor Dishner seconded the motion and the vote is as follows:

AYES: 7  
NAYS: 0

### **Introduction of Businesses in Smyth County:**

Mrs. Sally Morgan introduced Mr. Jubal Mathis, Financial Operation Manager and Mr. Andy Barrett, Chief Operations Manager of Power Distribution Products. Mr. Mathis explained Power Distribution started in Chilhowie in 2009. He informed the Board of the expansion project including the hiring of some additional personnel. Mr. Mathis explained the company produces electrical boxes for above and below ground mining equipment and machinery.

**Sally Morgan** introduced Ms. Marty Holliday and Dr. Ron Proffitt, with the Mt. Rogers/New River Workforce Consortium Board called out of order of the agenda to speak because they planned to attend the meetings of Smyth County Board of Supervisors, Washington County Board of Supervisors, and Bristol City Council all in the same evening.

(b) Regional Workforce Feasibility Study – Ms. Marty Holliday explained the process for this study. She stated the need for this study was to see if there is any reason to go forward with the project of building a workforce center in the area. She reported the Workforce has a pending grant in the amount of \$70,000 with a 10% match from the localities; \$7,000 divided between the three localities. Ms. Holliday informed the Board this project is important to get the workforce up-to-speed with the industries.

## **CITIZEN'S TIME**

Chairman opened Citizen's Time at 5:28 p.m.

There were 38 citizens present, with the following wishing to speak.

**Erwin Rowland, Marion**, she informed the Board she had a petition with 326 signatures opposing the Mt. Rogers Community Service Board purchase and expansion of the former Garzon Clinic. Ms. Rowland stated Mt. Rogers CSB performs much needed services to the citizens of Smyth County and the forgoing comments have nothing to do with the services they provide, the people that provide them and the people that need them. Ms. Rowland mentioned the following issues:

- Mt. Rogers CSB plans to build a large clinic on Culbert Drive to counsel criminals
- Proposed facility is a threat to children, women, families and quality of life and will deteriorate the neighborhood
- There are better, already paid for locations available
- Using taxpayers' money is unnecessary
- Mt. Rogers is tax exempt, doesn't pay property taxes
- The need for oversight of Mt. Rogers CSB in Smyth County

Ms. Rowland requested the following solutions from the Board:

- Step in and stop Mt. Rogers from locating their facility on Culbert Drive
- Establish oversight procedures over Mt. Rogers Community Services Board
- Refrain from giving taxpayer money to Mt. Rogers Community Service Board unnecessarily

**Peter Doty, Marion**, Mr. Doty stated he agreed with Ms. Rowland on the Mt. Rogers Community Service Board.

**Patton Graham, Marion**, Mr. Graham presented the Board with the Smyth-Bland Regional Library's newsletter and informed the Board they would be able to find this on the Library's website. He mentioned the property that Mt. Rogers Community Service Board purchased is zoned medical. Mr. Graham stated this is a needed facility in the community.

**Betty Keith, Marion**, Ms. Keith stated the Mt. Rogers Community Service Board clinic would be a Methadone Clinic. She informed the Board this location was not appropriate for this type of clinic.

**Charles Wassum, Marion**, Dr. Wassum stated we have Regional Commissions but the taxpayers have no input. He also stated the County budget needs to



be looked at along with the Comprehensive Plan, Zoning and Ordinance need to be looked at for "medical".

**Donna Richardson, Marion**, Ms. Richardson stated she opposed the Mt. Rogers Clinic; the neighborhood won't be safe and she likes to walk in the neighborhood. She questioned where the line is between "medical arts" and putting citizens in harm.

**Harold Slemp, Realtor, Marion**, Mr. Slemp, being a realtor, questioned who would want to purchase a home near this type of clinic. He informed the Board the Town of Marion turned down Mt. Rogers' zoning change request. Mr. Slemp also stated there is a playground within 100 feet of the clinic. He mentioned the need to expand other buildings.

Chairman closed citizen's time at 6:02 p.m.

At 6:02 p.m. **PUBLIC HEARING – Community Development Block Grant**

Mr. Carter read the following advertisement as published in the Smyth County News and Messenger as well as the rules for public hearings:

#### NOTICE OF PUBLIC HEARING

Smyth County will hold a public hearing on Tuesday, February 14, 2012 at 5:30 p.m. to solicit public input on local community development and housing needs in relationship to the Community Development Block Grant (CDBG) funding. The public hearing will be held in the Board of Supervisors Meeting Room at the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia.

Information on the amount of funding available, the requirements on benefit to low and moderate-income persons, eligible activities, and plans to minimize displacement and provide displacement assistance as necessary will be available. Citizens also will be given the opportunity to comment on Smyth County's past use of CDBG funds. All interested citizens are urged to attend.

Comments and grievances can be submitted in writing to Smyth County at 121 Bagley Circle, Suite 100, Marion, VA 24354 or by phone to Sally Morgan at 783-3298, Ext. 206 until Tuesday, February 14. If you plan to attend and you have special needs requirements, please call the number listed above.

Mrs. Morgan explained the Community Development Block Grant and this was the first of two public hearings as required. She informed the Board the VA Department of Housing help with slum, blight, and urgent needs for low to moderate income areas. Mr. Morgan stated communities have to compete for the funds.

There were eleven (11) citizens present with the following speaking:

**Charles Wassum, Marion**, stated once again the money comes from the "federal" government.

At 6:13 p.m. **Mr. Clegg Williams, Zoning Administrator**, updated the Board on the Planning Commission's recommendation to approve Mable Hayden's application for a Map Amendment to rezone from A/R to Commercial. Supervisor Ron Blevins inquired if the legal advertisement was correct as to the Board's consideration of the application at this meeting. Ms. Pritts stated to her understanding and with talking with Mr. Williams, the advertisement stated the language in the advertisements indicated that the Planning Commission and the Board would consider the application at their February 14, 2012 meeting and that this was acceptable language and the advertisement requirements were satisfied.

With the Planning Commission's recommendation, Supervisor Davidson motioned to approve Ms. Mable Hayden's application for a Map Amendment to rezone approximately 22 acres located behind 2286 Lee Hwy in Marion from Agricultural/Rural to Commercial. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:

AYES:	6	Regina Davidson, Rick Blevins, Roscoe Call, Howard Burton, Todd Dishner, Wade Blevins
NAYS:	0	
ABSTAIN:	1	Ron Blevins

**Clegg Williams – Department of Conservation & Recreation request**

Mr. Clegg Williams explained the Department of Conservation & Recreation has requested localities voluntarily adopt the VA Stormwater Management Regulations. He informed the Board along with the adoption it is the locality's intent to enforce the regulations. Mr. Williams reported DCR will share the permit fee with the locality. After discussion, Supervisor Call motioned to pursue the Department of Conservation & Recreation's request and voluntarily adopt the VA Stormwater Management Regulations. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES:	6	Roscoe Call, Todd Dishner, Howard Burton, Wade Blevins, Rick Blevins, Regina Davidson
NAYS:	1	Ron Blevins

At 6:15 p.m., **Mr. Dave Barrett**, Mt. Rogers Planning District, presented the Board with the Planning District's budget request for the fiscal year 2012/2013. Mr. Barrett updated the Board on the "Regional Cooperation Act". Mr. Barrett stated the Planning District tries to give more money to localities than the localities give to the Planning District. He reported to the Board that the Planning District has helped the County with water projects by providing \$133,000. Mr. Barrett explained the Planning Districts works with the Towns within the localities as well. He mentioned that Supervisor Call represents the County well on the Mt. Rogers Planning District Commission. Supervisor Davidson thanked Mr. Barrett for the funding assistance with the much needed water projects.

At 6:48 p.m., **Mr. Will Leonard**, Chairman, Smyth Wythe Airport Commission, introduced himself and Mr. Billy Dungan to the new Board members and explained the commission. Mr. Leonard updated the Board on the terminal construction; 95% complete although the project is six weeks over contract. He reported the terminal will be opened 24-hours and the airport will have two full time employees. Mr. Leonard informed the Board they would be invited to the Open House in April 2012. He also explained a new "land acquisition" project to the Board. Mr. Leonard mentioned to the Board the 2012/2013 budget request will be less than the current year. Supervisor Davidson thanked Mr. Leonard for including the flight logs with the Airport's minutes.

At 6:57 p.m., **Ms. Beth Merz**, US Forest Service, explained to the Board the 2008 Secure Rural Schools Funding Grant. She informed the Board of the following projects that involve Smyth County:

- Enhancing Habitat for Wildlife Diversity along Appalachian Trail - \$4,400
- Settlers Museum of SWVA Enhancement Project - \$26,949
- Equipment Support for Smyth County Sheriff's Dept. - \$2,500
- Forest Road 644 Slide Repair - \$15,000

Ms. Merz stated allocation of \$48,849 was approved for Smyth County under the Secure Rural Schools Act, Title II. After discussion, Supervisor Ron Blevins motioned to send this issue to the Budget Committee for a recommendation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

At 7:03 p.m., **Dr. Mike Robinson**, School Superintendent, updated the Board on the new school construction, the renovation at the Primary School, and concerns with the falling wall at the Intermediate gym. He reported that the footers, at the new school, will be poured in April 2012, visible work on the Kindergarten wing at the Primary School and with the road construction, hopefully, completed to where the road will open in September 2012, and explained the options for the gym wall repair. Dr. Robinson informed the Board the Engineer felt there was no danger with the rest of the Intermediate School facility and they have moved the traffic pattern away from the gym. Supervisor Ron Blevins inquired about fencing at the new school. Dr. Robinson explained there would be some fencing. Dr. Robinson also discussed the enrollment situations of Sugar Grove Combined School and the Atkins Elementary School. He stated the School Board is reviewing possible solutions to where the schools will be able to continue operate.

**Sally Morgan –**

**(a) Allison Gap Housing Rehabilitation Project (CDBG Funding) Phase 1 Lick Skillet Road** – Mrs. Morgan explained 13 homes on Lick Skillet Road qualified for a housing rehabilitation grant of \$611,579. She outlined the requirements that need to be accomplished in order to get under contract with the funding. After discussion, Supervisor Call motioned to authorize the County Administrator, Mike Carter, to sign the following resolution to get this project underway.

**RESOLUTION**  
**Fair Housing**

**WHEREAS**, the Congress has enacted the Federal Fair Housing Act of 1968 as amended; and

**WHEREAS**, federal and state law provide equal housing opportunity for all citizens regardless of race, color, religion, national origin, sex, age, familial status, or handicap; and

**WHEREAS**, Smyth County, VA has provided programs to assist the development of decent, affordable housing for citizens of all incomes; now

**THEREFORE**, We, the Smyth County Board of Supervisors, do enforce the concept of Fair Housing and call upon the citizens of Smyth County and government officials along with those in the banking and housing industries to join and work together in this observance for free and equal housing treatment for all.

I certify this to be true extract from the Board of Supervisors regularly scheduled meeting held Tuesday, February 14, 2012 as recorded.

\_\_\_\_\_, Michael L. Carter, County Administrator

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

**SUPERVISORS:**

**VOTE:**

Wade H. Blevins, Jr., Chairperson, Chilhowie District	Aye
Rick K. Blevins, Rye Valley District	Aye
Ron C. Blevins, Northfork District	Aye
J. Howard Burton, Atkins District	Aye
Roscoe D. Call, Saltville District	Aye
Regina Davidson, Royal Oak District	Aye
M. Todd Dishner, Vice Chairperson, Park District	Aye

Mrs. Morgan suggested setting up a Management Team for the project at the March Board meeting.

**(b) Regional Workforce Feasibility Study** – Ms. Holliday updated the Board on this study earlier in the meeting. Mrs. Morgan and Ms. Pritts discussed the following agreement further with the Board:

**AGREEMENT  
REGARDING THE ROLE OF THE FEASIBILITY STUDY EXECUTIVE COMMITTEE OF  
THE SOUTHWEST VIRGINIA WORKFORCE TRAINING CENTER STEERING  
COMMITTEE FOR THE  
2012 REGIONAL WORKFORCE DEVELOPMENT CENTER PROJECT**

**THIS AGREEMENT** Regarding the Role of the Feasibility Study Executive Committee of the Southwest Virginia Workforce Training Center Steering Committee for the 2012 Regional Workforce Development Center Project (Agreement) is made and entered into this the \_\_\_\_ day of \_\_\_\_\_, 2012, by and between the Parties, as identified herein.

**I. The Parties**

1. The parties to this Agreement are: a. Virginia Highlands Community College (College);  
b. New River/Mount Rogers Workforce Investment Area Consortium (Consortium);  
c. County of Washington, Virginia;  
d. County of Smyth, Virginia; and  
e. City of Bristol, Virginia.
2. The foregoing parties, together, shall be known as the Feasibility Study Executive Committee of the Southwest Virginia Workforce Training Center Steering Committee (Executive Committee) or, individually, as Executive Committee member. Each Executive Committee member shall appoint an individual to serve as its representative for purposes of activities of the Executive Committee and shall provide to the College at the address provided herein or in the attached exhibit hereto written notice of such appointment as well as contact information for the individual



so appointed. The three political subdivision members; City of Bristol, Smyth County, and Washington County; may be referenced herein as Locality Members.

## **II. Background**

3. In 1999, Smyth and Washington Counties joined forces to study the possible creation of a joint industrial park. That resulted in the purchase and development of the 300-acre Glade Highlands Regional Industrial Park, now called Highlands Business Park, and the establishment of the Smyth-Washington Regional Industrial Facilities Authority (SWIFA) which owns and markets the park to prospective industries. SWIFA is comprised of three members from each county. There is also a joint Enterprise Zone covering parts of both counties. In 2004, the SWIFA commissioned a workforce deficiency study. The study recommended the development of a new, state of the art regional workforce development center since manufacturing is still the largest industry in the region, employing over 34% in Smyth County and over 25% in Washington County. One of the priorities of the region is to focus on growing sustainable and competitive manufacturing that requires advanced technologies in the workplace. The training and development center would be designed for advanced manufacturing training, comprising the following five industry sectors: automotive and truck components, metal and aluminum fabrication, composites and polymer manufacturing, wood products, and food products. The concern about available and skilled workforce in the area led SWIFA to spearhead creation of the Smyth-Washington Regional Workforce Consortium which was composed of manufacturers, training providers, and local government partners. The Consortium was the first rural entity in the country to be a pilot program for the National Association of Manufacturers' Dream-It, Do- It campaign focused on attracting young people to careers in manufacturing. Upon completion of the grant program, the Consortium became the non-profit Southwest Virginia Alliance for Manufacturing (SVAM) comprised currently of manufacturing firms in the two-county area. In 2008, SVAM had a consulting firm prepare a study of the feasibility of a new workforce training center especially for advanced manufacturing. The study recommended the establishment of such a center provided it would replace the out-dated Washington County Skills Center and that it would be the home of the Manufacturing Technology Center which has offices at Wytheville Community College. The study also showed a need especially for the training of incumbent workers in a broad range of manufacturing skills and sectors, not just advanced manufacturing.
4. In 2009, the Counties of Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Smyth, Washington, and Wythe and the Cities of Bristol, Galax, and Radford, Virginia (Member Jurisdictions) formed the New River/Mount Rogers Work Force Investment Area Consortium (Consortium) by their entry into the New River/Mount Rogers Workforce Investment Consortium Agreement (2009) (Consortium Agreement). In 2011, the Virginia Tobacco Indemnification and Community Revitalization Commission (Tobacco Commission) awarded the Consortium a grant in the amount of Seventy Thousand Dollars (\$70,000) (Grant Award) to complete the project entitled Planning and Design of a Southwest Virginia Regional Workforce Training Center (the Project or the project). The Tobacco Commission designated the Consortium as the Grant Recipient.

## **III. Summary of the Project**

5. The Project entails the planning and design of a regional workforce training center to serve the counties of Smyth and Washington, and the City of Bristol, in southwest



Virginia. The purpose of the Grant Award is to perform the first three phases of the Project:

- a. The first phase will be to update the 2008 Feasibility Study of an Advanced Manufacturing Workforce Training Center for SWVA Alliance for Manufacturing, Inc.
- b. The second phase will consist of a comprehensive site analysis to determine where the Center should be located and whether the renovation of an existing available structure or the construction of a new facility would best serve the project.
- c. The third phase of the project will be for the development of a Business and Operational Plan to ensure that the facility can be operated successfully once it has been completed.

#### **IV. Purpose of this Agreement**

6. The purpose of this Agreement is to outline the roles, responsibilities and liabilities of the Executive Committee in connection with the Project. Specifically, this Agreement delineates the activities, functions and accountability of the Executive Committee members to execute the roles and responsibilities as outlined in the approved final project plan attached to this Agreement.

#### **V. Roles and Responsibilities of Parties**

7. As partners, the Executive Committee members agree to work together to meet the goals of the initiative as outlined in this Agreement and in the plan for completion of the Project, as such was described in the Tobacco Commission Grant Application (Project Plan), which is attached hereto as Exhibit A and incorporated as if fully set out herein. In the event there is a conflict between the provisions in this Agreement and the Project Plan, the terms of this Agreement shall control.
8. All parties to this Agreement shall fulfill the following responsibilities:
  - a. To work with other parties to this Agreement and with members of the Steering Committee to ensure that all project phases, as set out above, are successfully completed;
  - b. To work with the Steering Committee to solicit and review proposals from independent contractors for the services to complete the Project;
  - c. To recommend to the Consortium, based on the results of the solicitation of proposals and discussions with the Steering Committee, a contractor to perform the services necessary to complete the Project (Contractor);
  - d. To negotiate a Contract between the Consortium and the Contractor, which will ultimately be reviewed for approval and execution by the Consortium (the Contract); and
  - e. To oversee the work performed pursuant to the Contract and to make periodic reports to the Consortium on the progress of the Project.
9. The Locality Members of the Executive Committee agree to the following responsibilities:
  - a. To make pro rata financial contributions, which shall be paid to Washington County, Virginia as Fiscal Agent, as necessary to meet local match requirements for acceptance of the Grant Award (Local Match Contributions); and
  - b. To share equally, one-third (1/3) per locality, to reimburse Washington County in the event that payments advanced by Washington County pursuant to its service as Fiscal Agent and in reliance on approval of such payment by the

Consortium ultimately are determined by the Tobacco Commission to be costs ineligible for reimbursement from the Grant Award (Disallowed Costs).

10. The following unique roles are accepted by the Consortium, Washington County, and Virginia Highlands Community College:

a. **The Consortium shall undertake the following:**

- 1) To serve as Grant Recipient for the Grant Award;
- 2) To file with the Tobacco Commission the paperwork necessary to authorize Washington County, as Fiscal Agent, to request funds for the Grant Award and to authorize the Tobacco Commission to make grant payments payable to Washington County;
- 3) In a timely manner, to review invoices received from the Contractor for consistency with Grant Award requirements and with the Project Contract and to authorize Washington County, as Fiscal Agent, to pay approved invoices;
- 4) To notify the Locality Members if payment of Local Match Contributions is required;
- 5) To invoice the Locality Members in the event that reimbursement to Washington County is necessitated by Disallowed Costs;
- 6) To ensure that regulatory and reporting guidelines and requirements of the Consortium and the Tobacco Commission are met; and
- 7) To prepare and submit Project reports to the Tobacco Commission as required by the Grant Award Letter of Agreement for Grant Funds entered into between the Commission and the Consortium (Grant Award Agreement), including all attachments thereto.

b. **Washington County shall undertake the following, as Fiscal Agent:**

By resolution adopted at its July 12, 2011 regular meeting, the Board of Supervisors of the County of Washington, Virginia, agreed that Washington County would serve as Fiscal Agent for the Grant Award. , Attachment B hereto. As Fiscal Agent, Washington County shall perform the following functions:

- 1) To maintain records of funds received from the Tobacco Commission, from the Local Match Contributions, and from other grant sources, if any;
- 2) To maintain records of funds received for purposes of the Project;
- 3) To keep such records in a form that is consistent with recordkeeping requirements the Tobacco Commission and of other grant fund source(s), if any;
- 4) To process and pay invoices as approved by the Consortium;
- 5) To provide advance funding for payment of invoices approved by the Consortium pending reimbursement from the Tobacco Commission;
- 6) To coordinate with the Consortium for preparation and submittal of necessary reports to the Tobacco Commission and other grant source, if any; and
- 7) To provide financial reports as requested by parties to the Agreement, not to exceed one report per month.

c. **Virginia Highlands Community College shall undertake the following responsibilities:**

- 1) To assume the leadership role in the Project with the Executive Committee and the Steering Committee;
- 2) To work with Executive Committee and Steering Committee to ensure that all project elements are successfully completed;

- 3) To act as facilitator of activities of the Executive Committee for purposes of communications among its members, organization and notification of meetings, and otherwise, as necessary for successful completion of the Project; and
- 4) To coordinate meetings, communications, and activities between the Executive Committee and the Steering Committee in furtherance of the goals of this Project. , Attachments C and D for contact information for Steering Committee and for Executive Committee.

## **VI. Timeline and Duration**

11. This Agreement is effective as of the date of the last signature hereon or the date of the Grant Award Agreement, whichever last occurs, and shall remain in effect until completion of the Project to the satisfaction of the Consortium as shall be indicated by Consortium acceptance of the Business and Operational Plan created pursuant to this Agreement, unless modified in writing before that date and otherwise agreed to by all parties to this Agreement. Notwithstanding the foregoing, the responsibility for repayment to Washington County of Disallowed Costs, as set forth in this Agreement, shall not terminate until the Tobacco Commission has closed the Project and all costs determined Disallowed Costs by the Tobacco Commission final report have been reimbursed to Washington County.

## **VII. Governance of the Executive Committee**

12. The Executive Committee may adopt by-laws, subject to the following rules of order and administration.
13. Unless a majority of the members of the Executive Committee agree otherwise and such agreement is spread upon the minutes of the Executive Committee meeting at which such agreement was reached, the following rules of order shall govern Executive Committee meetings.
  - a. The College representative shall act as chairperson to facilitate meetings of the Executive Committee.
  - b. The Executive Committee may elect from its membership or appoint staff to serve as secretary for purposes of recordation of minutes, which position may be reappointed from time to time as determined necessary by Executive Committee action.
  - c. The College representative and three members of the Executive Committee must be present to constitute a quorum.
  - d. Each member of the Executive Committee shall have one vote.
  - e. Decisions shall be made by motion and vote, with a simple majority of members present required to pass the motion. Notwithstanding the foregoing, the Executive Committee shall make the Contractor selection and any decisions that affect financial expenditures only when at least two Locality Members are present.
  - f. Written minutes shall be kept on all meetings. Such minutes shall state the date and place of meeting, the members present, and a record of all votes taken.
  - g. The College shall provide to the Executive Committee members an agenda that itemizes the subjects to be discussed at a meeting at least three business days prior to meeting. Supporting materials may be provided with the agenda.
  - h. Disputes among Executive Committee members shall be resolved as much as possible by negotiation among the members. In the event negotiation is unsuccessful, the matter may be brought before the Steering Committee for motion and vote for final determination. If a party is aggrieved by the final

determination, the party may appeal for review by the Member Jurisdictions in the context of a meeting of the Consortium.

**VIII. Assurances and Nondiscrimination Clause**

14. Each party to this Agreement shall:

- a. Not discriminate in their employment practices or services on the basis of gender, age, race, color, creed, religion, national origin, disability or veterans' status or any other classification protected under state or federal law.
- b. Comply with all nondiscrimination and equal opportunity provisions under current laws and regulations, including 29 CFR Parts 30 - 32.
- c. Upon request from state and federal law enforcement entities, shall furnish all necessary employment and training records for the purpose of investigations to ascertain compliance with the provisions of nondiscrimination clauses.
- d. Assure that complaints alleging discrimination on any of the above bases will be processed in accordance with all applicable state and federal nondiscrimination laws. Copies of complaint procedures developed pursuant to all applicable laws under (29 CFR Part 37.76 and amendments) and approved by the U. S. Department of Labor's Civil Rights Centers will be made available to be followed in processing discrimination complaints.

**IX. Attachments**

15. Attachments necessary to complete this Agreement include:

- A. Tobacco Commission Grant Application
- B. Washington County Fiscal Agent Resolution
- C. Southwest Virginia Workforce Training Center Steering Committee Roster
- D. Contact information for members of Executive Committee

**X. Counterpart**

16. This Agreement may be signed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

**XI. Signatures**

Our signatures below indicate acceptance of the terms and conditions contained in this Memorandum of Agreement and further indicate willingness to fulfill these terms and conditions to the best of our ability to ensure project success.

**NEW RIVER/MOUNT ROGERS  
VIRGINIA  
WORKFORCE INVESTMENT AREA  
CONSORTIUM BOARD**

**COUNTY OF WASHINGTON,**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Title

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Title

Date: \_\_\_\_\_

**COUNTY OF SMYTH, VIRGINIA**

**CITY OF BRISTOL, VIRGINIA**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Title

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Title

\_\_\_\_\_  
Date:

**VIRGINIA HIGHLANDS COMMUNITY COLLEGE**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Title Printed Title

\_\_\_\_\_  
Date:

Supervisor Burton inquired if they could look at using the existing buildings in the area for the workforce center. Mrs. Morgan was questioned on the match coming out of the IDA's budget. After discussion, Supervisor Davidson motioned to approve agreement. Supervisor Dishner seconded the motion and the motion passed with the following vote:

AYES:           6       Regina Davidson, Todd Dishner, Roscoe Call, Wade Blevins,  
                              Rick Blevins, Ron Blevins  
NAYS:           1       Howard Burton

Ms. Pritts explained in 2009 the Board considered an ordinance with the Mt. Rogers/New River Workforce Consortium Board, but the ordinance was not executed. She suggested adopting the following Ordinance as an Emergency Ordinance:

**ORDINANCE AUTHORITYING THE FORMATION OF A JOINT ENTITY AND  
ACCEPTANCE OF CONSORTIUM AGREEMENT BETWEEN THE COUNTIES OF  
BLAND, CARROL, FLOYD, GILES, GRAYSON, MONTGOMERY, PULASKI,  
SMYTH, WASHINGTON, AND WYTHE AND THE CITIES OF BRISTOL, GALAX,  
AND RADFORD, VIRGINIA TO BE CALLED THE WORKFORCE INVESTMENT  
AREA CONSORTIUM AND BESTOWING ON SUCH ENTITYT ALL POWERS  
NECESSARY AND PROPER FOR THE PERFORMANCE OF ITS DUTIES UNDER  
THE WORKFORCE INVESTMENT ACT.**

**WHEREAS**, the Workforce Investment Act of 1998, codified at 29 U.S.C.S. 2801 *et seq.* (hereinafter the "Act"), provides federal funding to states for the delivery of workforce training and other services;

**WHEREAS**, 29 U.S.C.S. 2831 requires that the governor of each state to designate local workforce investment areas to deliver workforce investment services within the state;

**WHEREAS**, the Governor of Virginia has designated the counties of Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Smyth, Washington, and Wythe and the cities of Bristol, Galax, and Radford, Virginia (hereinafter the "Member Jurisdictions") as the Area II Workforce Investment Act Area;

**WHEREAS**, on February 15, 2000, the Member Jurisdictions entered into an agreement to jointly administer the Workforce Investment Act programs called the "Charter Chief Local Elected Officials Agreement" (hereinafter the "Charter Agreement") and have operated continuously under this Charter Agreement;

**WHEREAS**, the Member Jurisdictions wish to continue to jointly perform the responsibilities prescribed for them under the Act;

**WHEREAS**, Virginia Code Section 15.2-1300 (1950, as amended) provides that local governments may enter into agreements for the joint or cooperative exercise of any power, privilege or authority which each is capable of exercising individually and that such agreement may be approved by a locality if approved by ordinance;

**WHEREAS**, the Member Jurisdictions desire to form and continue membership in a joint entity under Virginia Code Section 15.2-1300 to be designated as the New River/Mount Rogers Workforce Investment Area Consortium (hereinafter the "Consortium") and to be recognized as Virginia's Area II Local Workforce Investment Area which will perform the duties incumbent on them individually under the Workforce Investment Act;

**WHEREAS**, a joint entity permits the delivery and oversight of workforce services in a manner that will ensure accountability to governing bodies of the Member Jurisdictions;

**WHEREAS**, according to the minutes of the continued meeting of the Smyth County Board of Supervisors (hereinafter the "Board") on October 22, 2009, the Board adopted the ordinance approving the New River/Mount Rogers Workforce Investment Consortium Agreement (hereinafter the "Agreement") dated October 1, 2009 or the day that the last Member Jurisdiction entered into the Agreement; however, the ordinance adopted by the Board on October 22, 2009 was never executed by the Chairperson of the Board or codified by the Clerk of the Board, nor contained the name of each member and how he or she voted and therefore was not valid;

**WHEREAS**, on November 12, 2009, the Chairperson of the Board executed the Agreement;

**WHEREAS**, the Board has been a member of the Consortium since its execution of the Charter Agreement, execution of the Agreement, and has continued its membership;

**WHEREAS**, as of the date of adoption of this Ordinance, the original executed ordinance adopted by the Board on October 22, 2009 was never located by the Clerk of the Board;



**WHEREAS**, to ensure compliance with Virginia law and the membership of the Consortium and to maintain the ability to enter into further agreements related to the Consortium, the Board hereby desires to adopt this ordinance.

**NOW THEREFORE**, the Smyth County Board of Supervisors hereby Rescinds the Charter Agreement; Approves entering into the New River/ Mount Rogers Workforce Investment Consortium Agreement (hereinafter the "Agreement") which is attached and hereto and made a part of this Ordinance; and authorizes the Chairperson of the Smyth County Board of Supervisors to execute any future Agreement on behalf of the Board as approved and authorized.

This Ordinance shall be effective immediately.

**SUPERVISORS:**

**VOTE:**

Wade H. Blevins, Jr., Chairperson, Chilhowie District	Aye
Rick K. Blevins, Rye Valley District	Aye
Ron C. Blevins, Northfork District	Aye
J. Howard Burton, Atkins District	Nay
Roscoe D. Call, Saltville District	Aye
Regina Davidson, Royal Oak District	Aye
M. Todd Dishner, Vice Chairperson, Park District	Aye

On motion of Supervisor Davidson, seconded by Supervisor Dishner, which carried a vote of 6 to 1, the following was adopted:

By: \_\_\_\_\_  
Wade Blevins, Chairman for Board of Supervisors

ATTEST: \_\_\_\_\_  
Michael Carter, Clerk of the Board of Supervisors

**(c) Mega-Site Project** – Mrs. Morgan updated the Board on the Purchase Agreement for the Mega-Site property. She requested the Board approve and appropriate \$50,000 to be presented along with the signed agreement for a portion of the site acquisition. Mrs. Morgan reported the \$50,000 would come out of the IDA budget (\$40,000 – 081030-7019 and \$10,000 – 081030-8888). After discussion, Supervisor Davidson motioned to approve and appropriate \$50,000 to be presented along with the signed Purchase Agreement for the Mega-Site property. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

**(d) Resolution for the IDA to replace the Board as the Grant Recipient of the Mega-Site Tobacco Commission Grant** – Ms. Pritts explained that the IDA will be the owner of the Mega-Site property and should be the grant recipient to have direct access to the funds. Supervisor Ron Blevins motioned to adopt the following resolution:

**RESOLUTION**

At a regular meeting of the Board of Supervisors for Smyth County, Virginia (the “Board”) held in the Board meeting room at the County Office Building at 121 Bagley Circle, Marion, Virginia 24354, on February 14, 2012:

**A RESOLUTION TO AUTHORIZE THE SMYTH COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY TO REPLACE THE SMYTH COUNTY BOARD OF SUPERVISORS AS THE GRANT RECIPIENT FOR THE TOBACCO COMMISSION MEGASITE PROJECT GRANT AWARD.**

WHEREAS, Smyth County Board of Supervisors applied for the Tobacco Commission Megasite Grant on November 1, 2010 and the Smyth County Board of Supervisors was awarded the initial round of Tobacco Commission Megasite Grant award on January 11, 2011;

WHEREAS, Smyth County Board of Supervisors applied for a second round of Tobacco Commission Megasite Grant on November 18, 2011, and was awarded this grant on January 10, 2012;

WHEREAS, the Smyth County Industrial Development Authority (“IDA”) is an authority created by the Smyth County Board of Supervisors pursuant to § 15.2-4900, et seq., of the Code of Virginia (1950 as amended) and will be the property owner for the real property for the Megasite Project and will need to have access to the direct funds for this project.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors on this the 14<sup>th</sup> day of February, 2012, that the IDA be the Grant recipient of the Megasite Grant and that the Tobacco Commission be notified and asked to make this change and that a certified copy of this Resolution be presented to the IDA at their meeting on February 15, 2012 and request the IDA to become the grant recipient.

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

**SUPERVISORS:**

**VOTE:**

Wade H. Blevins, Jr., Chairperson, Chilhowie District  
Rick K. Blevins, Rye Valley District  
Ron C. Blevins, Northfork District  
J. Howard Burton, Atkins District  
Roscoe D. Call, Saltville District  
Regina Davidson, Royal Oak District  
M. Todd Dishner, Vice Chairperson, Park District

Aye  
Aye  
Aye  
Aye  
Aye  
Aye  
Aye

Mrs. Morgan requested a public hearing be set for Browns Subdivision for a potential Community Development Block Grant. She explained the grant would assist in providing water to the residents in the subdivision. Supervisor Davidson motioned to set the Public Hearing for March 13, 2012 at 6:00 p.m. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

**Heather Pritts –**

**(a) Appalachian Juvenile Commission Service Agreement – OLD BUSINESS -**

Ms. Pritts informed the Board she had received requested information previously requested and reviewed. Mr. Carter, being a member of the Commission, updated the Board on the history of the Commission and the agreement; the agreement is necessary to insure funding. He stated if the County does not sign the agreement; the kids will have to go somewhere else, which could increase the funding needed. After discussion, Supervisor Call motioned to adopt the following service agreement between Smyth County and Appalachian Juvenile Commission:

THIS SERVICE AGREEMENT (the "Agreement") is made by and among the Appalachian Juvenile Commission (the Commission) and the counties of Buchanan, Dickenson, Lee, Russell, Scott, Smyth., Washington and Wise and the Cities of Bristol and Norton, Virginia each of which is a political subdivision of the Commonwealth of Virginia (collectively the "Member Jurisdictions" and individually, a "Member Jurisdiction").

**RECITALS**

WHEREAS, the Commission previously has been created by the governing bodies of the Member Jurisdictions, to enhance public safety within the region by equipping, maintaining and operating a regional juvenile detention center (the "Detention Center"); and

WHEREAS, the Commission provides such programs and services to the Member Jurisdictions that allows the Juvenile Courts alternative sanctions necessary to manage the available bed space at the Detention Center, and

WHEREAS, in order to pay the cost of equipping, maintaining and operating the Detention Center, programs and services, the Member Jurisdictions have agreed herein to pay certain amounts, on terms set forth in this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants set forth herein, the Commission and each of the Member Jurisdictions hereby agrees as follows:

## ARTICLE I

The capitalized terms in this Agreement have the meaning set forth below unless the context otherwise requires.

"Annual Budget" has the meaning given to that term in Section 3.7.

"Applicable Law" means all applicable laws, ordinances, judgments, decrees, injunctions, writs and orders of any court, arbitrator or government agency or authority and all rules, regulations, orders, interpretations, licenses, and permits on any Federal, state, county municipal, regional or other governmental body, instrumentality, agency or authority.

"Commission" means the Appalachian Juvenile Commission.

"Commission Default" has the meaning given to that term in Section 8.1.

"Detainee(s)" means juvenile offenders committed to the custody of the Detention Center by the appropriate authorities.

"Detention Alternatives" means any program or service provided by the Commission that allows the Juvenile Courts alternative sanctions necessary to manage the available bed space at the Detention Center.

"Detention Center" means the facility operated by the Commission, together with any future additions or improvements thereto.

"Expenses" means all expenses which may reasonably be determined by the Commission to be attributable directly or indirectly to the ownership or operation of the Detention Center and Detention Alternatives services, and payable as operating expenses in accordance with generally accepted accounting principles and shall also include required payments to the Operating Reserve Fund established in Section 4.3.

"Fiscal Year" means the annual accounting period from July 1 of one year to June 30 of the following year.

"Local" means within the City limits of Bristol, VA.

"Member Jurisdiction" means the counties of Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Washington and Wise and the Cities of Bristol and Norton, each a political subdivision of the Commonwealth and such other political subdivision or subdivisions joining the Commission as provided in Section 5.7 but excluding any political subdivisions that may have withdrawn from the Commission as provided in Section 5.8.

"Member Jurisdiction Default" has the meaning given to such term in Section 8.2.

"Non-Member Jurisdictions" means political subdivisions or agencies thereof, including but not limited to the federal government and the Commonwealth of Virginia, which utilize the Commission facilities.

"Non-Member Rate" means the daily charge to Non-Member Jurisdictions for each juvenile detained as determined from time to time by the Commission.

"Percentage Usage Charge" means the dollar amount assessed to each locality yearly based on the following formula:

The "Total Local Cost" is determined by subtracting all Federal, State and Grant funds from the projected yearly cost of providing the Commission Programs. The remainder of the cost will be the Total Local Cost.

## **ARTICLE II**

### **CONSTRUCTION AND FINANCE**

The Commission is not currently, nor does it expect to be any time in the near future, in debt for any construction costs.

## **ARTICLE III**

### **Provisions of Services, Operation and Maintenance**

#### **Section 3.1 Acceptance of Detainees.**

To minimize the cost of operations to the Member Jurisdictions, the Commission shall exercise its best efforts to keep the Detention Center full of Detainees at all times. To accomplish this, the Commission shall seek and may accept Detainees for consideration from other jurisdictions, including the federal government and its agencies, at such rates and upon such terms as the Commission may deem advisable, to fill space not being used by the Member Jurisdictions. When space is limited, however, Detainees of Member Jurisdictions shall be given a preference over those non-members. In the event the Detention Center cannot house any additional Detainees, and it is necessary for a Member Jurisdiction to commit a Detainee to the Commission, the Commission shall accept the Detainee and secure space in some other appropriate facility. The cost of such other placement shall be a Commission Expense, and the committing Member Jurisdiction shall be responsible for paying the Member Percentage Usage for such detainee housed in the other facility.

### Section 3.2 Commitment of Detainees.

Each Member Jurisdiction agrees to commit all of its juvenile offenders requiring confinement to the custody of the Commission Detention Center. The Commission agrees to accept all such juvenile offenders.

### Section 3.3 Transportation of Detainees.

Each Member Jurisdiction shall be responsible for the initial transportation of Detainees from such Jurisdiction to the Detention Center. Thereafter the Member Jurisdiction shall continue to be responsible for any future transportation of Detainees to and from court appearances or other transports as deemed necessary by the courts. The Detention Center shall be responsible for Local transportation of Detainees for medical care and other personal needs that arise during detention, so long as applicable Department of Juvenile Justice standards require such. To minimize the need for transportation to court appearances, the Commission shall use its best efforts to include appropriate video and telecommunications equipment in the Detention Center and to assist the Member Jurisdictions in securing such equipment for their respective juvenile court facilities.

### Section 3.4 Operation and Maintenance.

The Commission shall operate and maintain the Detention Center and Detention Alternatives Programs in accordance with all Applicable Laws. The Commission shall be an equal opportunity employer.

### Section 3.5 Insurance.

The Commission shall maintain hazard, liability or such other insurance as may be required by Applicable Law, or that the Commission may deem prudent and advisable.

### Section 3.6 Annual Report.

The Commission will cause an annual audit to be performed and completed by October 31 of each year for the immediately preceding Fiscal Year by an independent certified public accountant. The report will show the activities, revenues, expenditures and other such activities of the Commission for the preceding Fiscal Year.

### Section 3.7 Annual Budget.

On or before January 1, the Commission shall provide to each Member Jurisdiction the Commission's Annual Budget for the next Fiscal Year, including any capital projects.



For each Fiscal Year in which the Commission will be in operation, or in which Obligations will be outstanding, such Annual Budget shall set forth the Percentage Usage Charge for Detainees committed to the Commission by the Member Jurisdictions as well as the Three Year Utilization Average. The Commission agrees to set, and revise, as needed, the Percentage Usage Charges sufficient to generate revenue adequate to pay Net Expenses. Within ten (10) days of any revision to the Percentage Usage Charge, the Commission shall notify each Member Jurisdiction of such revision. The Commission shall promptly provide copies on any amendments to its Annual Budget to each Member Jurisdiction.

Each Member Jurisdiction hereby directs its Chief Executive Officer to include in each annual budget submitted to the governing body of his or her jurisdiction or in an amendment thereto, sufficient funds to cover the payment of the Percentage Usage Charge assessed by the Commission in each Fiscal Year.

### Section 3.8 Books and Records

The Commission shall maintain proper books, records and accounts in which proper entries shall be made in accordance with generally accepted accounting principles for government bodies, consistently applied, of all of its business and affairs. The Commission shall also establish and maintain adequate financial policies and procedures to ensure the safeguarding of Commission assets. All books, records, accounts and documents in the Commission's possession relating to the Commission's programs shall at all reasonable times be open to inspection by such agents or employees of the Member Jurisdictions as they may designate.

### Section 3.9 Majority Required for Commission Decision

All actions of the Commission may be taken by a majority of the members when a quorum is present. Each member of the Commission shall be entitled to one (1) vote on matters before the Commission.

## ARTICLE IV

### Funding Provisions

#### Section 4.2 Payments from Member Jurisdictions

- (a) In each Annual Budget, the Commission shall establish the Percentage Usage Charge for the following year as provided in Section 3.7.
- (b) The Percentage Usage Charges shall be invoiced quarterly by the Commission 30 days in advance of service and shall be payable no later than August 1, October 1, January 1 and April 1 in each year, beginning August 1, 2011.
- (c) In order to facilitate the successful financing of the Commission Programs, the

Member Jurisdictions agree to pay their ratable share of the Percentage Usage Charge as budgeted by the Commission in accordance with the percentages established annually pursuant to this Section (the Percentage Usage Charge)

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

AYES: 7  
NAYS: 0

**(b) Mutual Aid Agreement – OLD BUSINESS** - Ms. Pritts updated the Board on the request of Sheriff Bradley to renew the Mutual Aid agreement with the surrounding counties. Ms. Pritts stated that the agreement between Smyth County and Washington County was completely negotiated to the satisfaction of all parties but the agreements with the other localities were still being negotiated. After discussion, Supervisor Call motioned to approve the following mutual aid agreement between Smyth and Washington Counties:

Pursuant to Virginia Code §§ 15.2-1724, 15.2-1726, 15.2-1730.1, and 15.2-1736 (1950, as amended), in order that law enforcement services of each County better serve their citizens, this Mutual Aid and Cooperation Agreement for Law Enforcement Services ("Agreement") is made this the \_\_\_\_ day of \_\_\_\_\_, 2012, by and between the County of Smyth, Virginia, the County of Washington, Virginia, the Sheriff of Smyth County, Virginia, and the Sheriff of Washington County, Virginia.

WHEREAS, the County of Smyth, Virginia and the County of Washington, Virginia (together referred to as "Counties") are contiguous political subdivisions of the Commonwealth of Virginia, and the governing bodies for each are the Board of Supervisors;

WHEREAS, the position of Sheriff is an elected position required for each city and county in the Commonwealth and established by the Constitution of Virginia, in Article VII, Section 4;

WHEREAS, neither Smyth County nor Washington County established a county police force as allowed pursuant to Virginia Code § 15.2-1702 and the Sheriff of each respective County is the principal law enforcement officer;

WHEREAS, the parties have determined that providing emergency police aid across jurisdictional boundaries will increase the ability of the local law enforcement agencies to promote the public safety and protect the general welfare of the citizens, and intend by this accord to enter into a reciprocal agreement for cooperation in furnishing police services and for use of their joint police forces, their equipment, and materials for their mutual protection, defense, and maintenance of peace and good order;

WHEREAS, the Counties are members of the Southwest Virginia Regional Jail Authority, and use the jail facilities of the Southwest Virginia Regional Jail located in Washington County, Virginia ("Jail"), to house prisoners from the Counties;

WHEREAS, criminal investigations often cross jurisdictional lines in the boundary areas of the Counties and the demands of emergencies and disasters, as addressed in Virginia Code § 15.2-1730.1, may require interjurisdictional law enforcement support among the Counties;

WHEREAS, in light of the foregoing, the Counties are so located in relation to each other and to the Jail, that it is to the advantage of each, under the circumstances herein specified, to permit law enforcement officers of the neighboring jurisdictions to provide service of civil summons, service of criminal warrants, process of arrest, and emergency support in the neighboring jurisdictions of the parties to this Agreement as if they were officers in such jurisdictions; and

WHEREAS, the Board of Supervisors for both Counties and the Sheriffs of both Counties have determined that it is in the best interests of the public health, safety, and welfare that the law enforcement personnel of the Counties should have the authority pursuant to Virginia Code §§ 15.2-1724, 15.2-1726, 15.2-1730.1, and 15.2-1736 to cooperate and to request and render assistance as provided herein.

NOW THEREFORE, BE IT KNOWN AND AGREED that the Board of Supervisors of the respective Counties by proper resolutions adopted at a regular meeting, at the request of, and with the agreement of the Sheriffs of both Counties, hereby approve and enter into this Agreement, and the parties hereto jointly resolve and agree with one another as follows:

**Assistance in Event of Emergency, Disaster, or Other Need**

1. The principal law enforcement officer of the respective parties, or the officer commanding in his or her absence, is authorized to determine the need for additional law enforcement assistance, without the necessity of deputizing officers from the other cooperating jurisdictions, when such officer determines that an emergency or other need exists. In such cases, they may participate in law enforcement activities beyond their respective jurisdiction to the extent authorized by the general laws of the Commonwealth of Virginia.
2. In the event that a determination is made that law enforcement assistance is required, the law enforcement officer authorized to act shall communicate the determination to the principal law enforcement officer or his/her then officer in command of the law enforcement agency from which assistance is requested. In the event where immediate response is required for the requesting agency said request may be made through general dispatch at the direction of the requesting officer. Such request will include the following:
  - a) Name and title of the officer making the request;
  - b) A summary of the circumstances initiating the action and a description of the assistance needed; and
  - c) The name, title, and location of the officer to whom assisting personnel shall report.
3. Upon receipt of a request for assistance, the law enforcement officer authorized to act will provide such assistance as is consistent with the circumstances within the requesting jurisdiction and the availability of his or her own agency's forces.
4. Nothing contained in this Agreement shall compel any party hereto to respond to a request for law enforcement assistance nor shall any party providing assistance pursuant to this Agreement be compelled to continue with such assistance after such assistance was initiated.

5. During the period assistance is provided, personnel of the assisting agency shall operate in the requesting jurisdiction with the same powers, rights, benefits, privileges and immunities as are enjoyed by members of the requesting agency. Each officer who enters the jurisdiction of the requesting agency pursuant to this Agreement is authorized to exercise the full police powers of the requesting agency's law enforcement personnel. For purposes of this Agreement it is understood that the assisting party is considered to be rendering aid once it has entered the jurisdictional boundaries of the party receiving assistance. This specifically includes, but is not limited to, the following: the authority to serve civil summons; the authority to serve criminal warrants; and the authority to make arrests.

### **Interjurisdictional Actions**

6. Further, pursuant to this Agreement, (1.) the law enforcement officers of the Smyth County Sheriff's Office may serve civil summons, serve criminal warrants, and make arrests within the territorial limits of Washington County when the alleged offense or civil cause of action occurred in the territorial limits of Smyth County, including the Towns of Marion and Chilhowie, and (2.) the officers of the Washington County Sheriff's Office may serve civil summons, serve criminal warrants, and make arrests in the territorial limits of Smyth County including the Towns of Chilhowie and Marion, when the alleged offense or civil cause of action occurred within the territorial limits of Washington County, including the Towns of Glade, Abingdon, Damascus, and the portion of Saltville located within Washington County,

### **Formation of Task Force**

7. Pursuant to Virginia Code § 15.2-1726, in the event that a determination is made by the principal law enforcement officers of two or more participating jurisdictions, or either of their then acting second in command, that cooperation between both agencies would be necessary or beneficial to the enforcement of laws and maintenance of peace in their respective jurisdictions, then they may form a task force of officers from two or more jurisdictions until such time as the agency of that participating jurisdiction determines that the need for such a task force no longer exists. The purpose for which the agency of two or more participating jurisdictions may form a task force include, but is not limited to, the following:

- a) The investigation of any sexual offense or prostitution as contained in Article 3 of Chapter 8 of Title 18.2;
- b) The investigation of laws assigned to control or prohibit the use or sale of controlled drugs as defined by Virginia Code § 54.1-3401;
- c) The investigation of serial rapes, murders, armed robberies, or other felonies;
- d) Law enforcement and crowd control at special events and athletic events, such as parades, sporting events, rallies, gatherings, or such other occurrences; or
- e) The occurrence of any other event which in the opinion of both principal law enforcement officers makes cooperation between their respective agencies necessary.

## **General Terms and Conditions**

8. In the event of arrest or service of process by law enforcement outside their regular jurisdiction pursuant to this Agreement, the law enforcement agency of the jurisdiction where the case is to be adjudicated will be responsible for satisfaction of the requirements under Virginia Code § 19.2-390.
9. The principal law enforcement officer of any agency receiving assistance under this Agreement shall be responsible for directing the activities of other officers, agents, or employees coming into his or her jurisdiction. The principal law enforcement officer of the agency receiving assistance shall notify the principal law enforcement officer of the assisting agency of any complaints, reports, or other instances of inappropriate, criminal, or otherwise improper conduct or act of any assisting officer promptly after receipt of such complaint, report, or other instance.
10. Each agency shall bear any liability arising from acts undertaken by the personnel of that office pursuant to this Agreement. All of the privileges and immunities from liability, exemption from laws, ordinances, and rules, and all pension, insurance, relief, disability, worker's compensation, salary, death and other benefits, which apply to the activity of such officers, agents, or employees of either agency, when performing their respective functions within the territorial limits of their respective public agencies shall apply to them to the same degree, manner, and extent as if they were within their territorial limits while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this Agreement.
11. Each agency shall provide satisfactory proof of law enforcement professional liability insurance, including public liability insurance in the minimum amount of ONE MILLION DOLLARS (\$1,000,000.00). Each agency shall maintain worker's compensation insurance in the statutorily required amount for any person acting under and covered by this Agreement. Should the coverage of such insurance required by this Agreement of either agency be canceled or materially changed, then that agency shall notify the other agency of such cancellation or change in writing within fifteen (15) calendar days of that agency's receipt of notice of such cancellation or material change. Each party shall notify its insurance carriers of this Agreement.
12. Whenever the law enforcement officer, agent, or other employee acts pursuant to this Agreement outside of their normal jurisdiction, pursuant to the authority contained herein, or under any other written agreement subsequent to signing of this Agreement, or any supplement or addition hereto, such persons shall have the same authorities, powers, rights, benefits, privileges, and immunities as if they were performing their duties in the territorial jurisdiction of which they are employed, appointed, or elected.
13. It is the intent and purpose of this Agreement that there be the fullest cooperation among the agencies to ensure the maintenance of good order and law enforcement during an emergency situation or other law enforcement matter which requires interjurisdictional law enforcement activity pursuant to this Agreement.
14. If any part, section, sub-section, sentence, clause or phrase of this Agreement is for any reason declared invalid, such decision shall not affect the validity of the remaining portions of this Agreement.
15. This Agreement shall be in effect from January 1, 2012 through and including December 31, 2015. This Agreement shall be renewed or extended only by written agreement signed by authorized representatives of all parties hereto. Either party may withdraw from this Agreement upon fifteen (15) days advance written notice to the other party.



16. This Agreement is subject to modification only by written agreement signed by all parties hereto. Any such modification shall be made a part of this Agreement as an addendum.

17. This Agreement may be signed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

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

AYES: 7  
NAYS: 0

**(d) Update on Prior Nuisance complaint** – Ms. Pritts updated the Board on the history and current status of the nuisance complaint of the property owned by Mr. Jay Overbey. The Board deemed this property a nuisance at their October 13, 2009 Board meeting. Ms. Pritts explained the nuisance still exists and reviewed with the Board the options they may take. After discussion, Supervisor Dishner motioned to proceed with legal action on this nuisance. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

**Mike Carter –**

**(a) Workforce Investment Area Key Economic Indicators** – Mr. Carter updated the Board on unemployment in Smyth County with Workforce Investment Area key Economic Indicators. He reported Smyth County was 115 out of 134 counties with the highest unemployment in Virginia.

**(b) Abandon segment(s) D-C and adopt segment(s) B-C of Phillippi Road into the Secondary Road System** – Mr. Carter informed the Board he requested a request to abandon and add a segment of Phillippi Road. He explained the process of abandoning roads for VDOT and adding roads into the Secondary Road System. Mr. Carter discussed the map showing the segment to abandon and the segment VDOT wanted to add into the Secondary Road System on Phillippi Road. After discussion, Supervisor Ron Blevins motioned to adopt the following Resolution to abandon segment D-C and add segment B-C of Phillippi Road along with authorizing Mr. Carter to sign the VDOT Form AM-4.3:



The Board of Supervisors of Smyth County, in regular meeting on the 14th day of February, 2012, adopted the following:

**RESOLUTION**

WHEREAS, the Virginia Department of Transportation has constructed Route 683 (Phillippi Hollow Road) on a new alignment under Project 0011-086-715, C501, and

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

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

NOW, THEREFORE, BE IT RESOLVED, the Smyth County Board of Supervisors hereby abandons segment(s) D-C from the secondary system of state highways, pursuant to §33.1-155 of the Code of Virginia, and

BE IT FURTHER RESOLVED, the Smyth County Board of Supervisors requests the Virginia Department of Transportation to add segment(s) B-C to the secondary system of state highways, pursuant to §33.1-229 of the Code of Virginia, for which sections this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills and drainage, and

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

In the County of Smyth

By resolution of the governing body adopted February 14, 2012

*The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.*

*A Copy Testee*

*Signed (County Official):*

---

**Report of Changes in the Secondary System of State Highways**

---

Project/Subdivision 0011-086-715, C501

Type Change to the Secondary System of State Highways:

**Abandonment**

The following facilities of the Secondary System of State Highways are hereby ordered abandoned, pursuant to the statutory authority cited:

Reason for Change:

VDOT Project - Section 33.1-155

Pursuant to Code of Virginia Statute:

§33.1-155

---

**Street Name and/or Route Number**

Section D-C, State Route Number 683

Old Route Number: 0

From: Route 11

To: 0.05 mi. S. Route 11, a distance of: 0.05 miles.

---

## Report of Changes in the Secondary System of State Highways

---

Project/Subdivision 0011-086-715, C501

Type Change to the Secondary System of State Highways:

**Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change:

VDOT Project

Pursuant to Code of Virginia Statute:

§33.1-229

---

### Street Name and/or Route Number

Section B-C, State Route Number 683

Old Route Number: 0

-----  
From: Route 11

To: 0.05 mi. S. Route 11, a distance of: 0.05 miles.

Recordation Reference: N/A

Right of Way width (feet) = Variable)

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

### **SUPERVISORS:**

### **VOTE:**

**Wade H. Blevins, Jr., Chairperson, Chilhowie District**

**Aye**

**Rick K. Blevins, Rye Valley District**

**Aye**

**Ron C. Blevins, Northfork District**

**Aye**

**J. Howard Burton, Atkins District**

**Aye**

**Roscoe D. Call, Saltville District**

**Aye**

**Regina Davidson, Royal Oak District**

**Aye**

**M. Todd Dishner, Vice Chairperson, Park District**

**Aye**

### **Committee Recommendations:**

Budget

(a) With the Budget Committee recommendation, the Board approved awarding Marion Automotive the low bid for a ½ ton extended cab truck in the amount of \$25,338 and appropriated \$24,291 from 035010-9003 and \$1,047 from 035010-5420. The vote is as follows:

AYES: 7

NAYS: 0

**(b)** With the Budget Committee recommendation and explanation from Mr. Roland Kooch of Davenport and Company, the County's financial advisors, the Board approved the refinancing of the 2005 Water/Sewer Bond for a potential \$358,000 savings. The vote is as follows:

AYES: 7  
NAYS: 0

Mr. Kooch reported to the Board that the refinancing proposal should be before them at their March 13, 2012 meeting.

**(c)** With the Budget Committee recommendation, the Board approved the Personal Property tax refund to Toyota Motor Credit Corp. in the amount of \$286.13 plus interest. The vote is as follows:

AYES: 7  
NAYS: 0

**(d)** With the Budget Committee recommendation the Board approved the following Disabled Veteran's Tax Exemption for Real Property tax:

Account #98337 for 2011 - \$587.19  
Account #19798 for 2011 - \$758.31  
Account #45420 for 2011 - \$475.41

The vote is as follows:

AYES: 7  
NAYS: 0

**(e)** With the Budget Committee recommendation, the Board adopted the following resolution authorizing the Treasurer to issue tax refunds up to \$1,000:

### **RESOLUTION**

**At a regular meeting of the Board of Supervisors for Smyth County, Virginia (the "Board") held in the Board meeting room at the County Office Building at 121 Bagley Circle, Marion, Virginia 24354, on February 14, 2012:**

**SUPERVISORS:**

**Wade H. Blevins, Jr., Chairperson, Chilhowie District**  
**Rick K. Blevins, Rye Valley District**  
**Ron C. Blevins, Northfork District**  
**J. Howard Burton, Atkins District**  
**Roscoe D. Call, Saltville District**  
**Regina Davidson, Royal Oak District**  
**M. Todd Dishner, Vice Chairperson, Park District**

**Vote:**

**Aye**  
**Aye**  
**Aye**  
**Aye**  
**Aye**  
**Aye**  
**Aye**

**A RESOLUTION TO AUTHORIZE THE TREASURER TO APPROVE AND ISSUE ANY REFUNDS OF ERRONEOUSLY ASSESSED TAXES APPROVED BY THE COMMISSIONER OF REVENUE IN ANY AMOUNT NOT TO EXCEED \$1,000.00, WITHOUT PRIOR APPROVAL BY THE BOARD OF SUPERVISORS.**

**WHEREAS, Section 58.1-3981 of the Code of Virginia (1950, as amended) allows the governing body to authorize the Treasurer for the locality to approve issue any refunds of erroneously assessed taxes up to \$2,500.00 upon the application of the Commissioner of Revenue and without the prior approval of the governing body; and**

**WHEREAS, the Smyth County Board of Supervisors at its regular meeting on February 8, 2011 adopted a resolution allowing the Treasurer to approve and issue any refunds for erroneously assessed taxes in an amount up to \$250.00;**

**NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors on this the 14<sup>th</sup> day of February, 2012, that the Treasurer is authorized to approve and issue any refunds of erroneously assessed taxes as approved by the Commissioner of Revenue in an amount not to exceed \$1,000.00, without the prior approval by the Board of Supervisors.**

The vote is as follows:

AYES: 7  
NAYS: 0

**(f)** With the Budget Committee recommendation, the Board approved the following Certificate of Satisfaction on a Special Assessment:

The Circuit Court of Smyth County, Virginia is the location of the following lien record referenced by this certificate:

**SPECIAL TAX ASSESSMENT**

Date of lien: **July 30, 2004**

Name of taxpayers on lien: **Roy G. Layne  
Francis M. Layne**

Deed Book: **503** Page: **389**

**Lot # 31, Tax Map ID No. 64C-1-31**

Amount and total of lien: **\$3,658.53**

Brief description of the property covered by lien: that certain lot of parcel of land lying and being in the Colecrest (Clarkcrest) Subdivision, located south of the Town of Chillhowie, in the Chillhowie Election District, Smyth County, Virginia, and being described in a deed recorded in Deed Book 503, Page 389 in the Smyth County Circuit Court Clerk's Office. This land is known as Lot 31 of the plat of the Clarkcrest Subdivision, which plat is recorded in Plat Book 8, Page 114 in the records of the aforementioned clerk's office.

I CERTIFY that the lien created and applicable to the property described above is fully released, which tax lien was imposed by a special assessment of Smyth County, Virginia. The taxpayers have now fully satisfied the entire lien with respect to the above property by the payment of the amount of the special assessment imposed on the taxpayers. This special assessment was imposed on the land of the taxpayers referenced above by action of the Smyth County Board of Supervisors in a regular meeting on July 13, 2004.

This is a certificate in full satisfaction of the tax lien and special assessment tax debt to Smyth County, Virginia which was created by improvements to streets in Clarkcrest Subdivision and on which improved streets the taxpayers owns property abutting on the same.

The person making this release on behalf of Smyth County, Virginia has been properly authorized by appropriate action of the Board of Supervisors of Smyth County to make this release. Done at Marion, Virginia on this 14<sup>th</sup> day of February, 2012.

The vote is as follows:

AYES: 7  
NAYS: 0

#### Surplus

**(a)** With the Surplus Committee recommendation, the Board approved declaring 10 Sheriff cars and three County trucks surplus. The vote is as follows:

AYES: 7  
NAYS: 0

These vehicles will be advertised for seal bids.

**(b)** With the Surplus Committee recommendation, the Board approved declaring radios no longer used by the Sheriffs Department, EMS and other County Departments surplus and installing the radios in buses for school bus areas where cell phones have no service. The vote is as follows:

AYES: 7  
NAYS: 0

The Sheriffs Department has committed to supplying the funds up to \$19,000 for the installation of the radios.

#### Emergency Communication

**(a)** With the Emergency Communications Committee recommendation, the Board approved awarding the low bid of \$84,582.60 from RCS Communications for the 100' self supporting tower at the new 911 Center/Sheriffs Office. The vote is as follows:

AYES: 6 Wade Blevins, Howard Burton, Todd Dishner, Roscoe Call,  
Ron Blevins, Regina Davidson  
NAYS: 1 Rick Blevins



(b) With the Emergency Communications Committee recommendation, Supervisor Burton motioned to approve the written determination identifying CenturyLink as the sole source provider for the diverse facilities service at the new 911 Center/Sheriffs Office:

**NOTICE PURSUANT TO VA. CODE § 2.2-4303(E) SOLE SOURCE**

CenturyLink is a company that provides telephone and telecommunication services in Smyth County, Virginia. CenturyLink is the only service provider of diverse facilities for emergency communications.

Smyth County desires to diverse facilities for the new Smyth County E-911 communications center and requires a service provider to install and service diverse facilities.

Due to the limited number of diverse facilities service provides in Smyth County, Virginia, CenturyLink is the only source practicably available for this diverse facilities project, no other source is practicably available, and neither competitive sealed bidding and competitive negotiation is not practicable available.

Further, upon this written finding that CenturyLink is the sole source available for this projects, a contract will be negotiated with and awarded to the sole source; CenturyLink is the sole source; the project is for diverse facilities for the new 784 Matson Dr. E-911 communications center; and the contract is awarded this the 14<sup>th</sup> day of February, 2012.

This notice should be posted on the Department of General Services' central electronic procurement website and the website for Smyth County and may be published in the newspaper.

Done at Marion, Virginia, at the regular meeting of the Smyth County Board of Supervisors on February 14, 2012.

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

AYES: 7  
NAYS: 0

With the Emergency Communications Committees recommendation, the Board awarded the contract for a one-time installation fee of \$29,500 (Courthouse Project Funds) to CenturyLink to install the diverse facilities service. The vote is as follows:

AYES: 7  
NAYS: 0

### Economic Development

With the Economic Development Committee recommendation, the Board approved the \$55,500 amendment to Anderson & Associates' agreement on the Mega-Site Project. The vote is as follows:

AYES: 7  
NAYS: 0

The funding of the amendment is through the Phase 1 Tobacco Commission Mega-Site Planning Grant. The \$55,500 amendment breakdown is as follows:

Topographic Survey	\$10,000
Geotechnical Investigation	\$ 6,000
Preliminary Engineering Report	\$32,000
Phase 1 Environmental	\$ 7,500

### Ordinance

With the Ordinance Committee recommendation, the Board approved referring the Subdivision Ordinance back to the Planning Commission and requested the Planning Commission return the Ordinance recommendations to the Board within 90 days. The vote is as follows:

AYES: 7  
NAYS: 0

This item was added to Old Business.

### Water and Sewer

**(a)** With the Water/Sewer Committee recommendation, the Board approved the following leak adjustment for Mr. Alvin Jones, 310 Dry Run, Marion, VA:

Remove penalty of **\$193.01**

With no water reaching the sewer lines; remove sewer charge of **\$1,974.81**

Apply a leak adjustment of **\$960.16**

For a balance due on this account of **\$960.16**

The vote is as follows:

AYES: 7  
NAYS: 0

**(b)** With the Water/Sewer Committee recommendation, the Board awarded the low bid to Branson Construction in the amount of \$56,811 for the Porter Valley Water Project. The vote is as follows:

AYES: 7  
NAYS: 0

The funding is available with remaining grant money from the Pioneer/Fox Valley Water Project.

**(c)** With the Water/Sewer Committee recommendation, the Board approved the County's contribution, a projected amount, of \$250,000 to the Chilhowie Sewer Plan Project. These funds will come out of the Water/Sewer Budget either one lump sum or in payments. The vote is as follows:

AYES: 7  
NAYS: 0

Mr. Simpson explained the County has a 25% responsibility to any capital projects with the Chilhowie treatment plant.

## **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.*

*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.*

*At the January 26, 2012 meeting; Supervisor Call inquired about securing the Sheriffs Department to deliver letters to the delinquent tax payers.*

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.*

*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.*

*At the February 14, 2012 meeting; Ms. Pritts informed the Board that the Court had entered a letter opinion but the case was pending a final order and she and Mr. Williams would update the Board at their next meeting.*

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)

*At the February 14, 2012 meeting; With the Board approving the agreement, Supervisor Call motioned to remove this item from Old Business. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:*

AYES: 7  
NAYS: 0

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. Rules of Procedures (9-13-11)

8. 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. Pritts 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.*

9. 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.*

10. 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.*



*At the January 10, 2012 meeting; Supervisor Dishner motioned to appoint Mrs. Regina Davidson to serve as the Board of Supervisor representative on the Department of Social Service Board. Mrs. Davidson will serve a four (4) year term to expire February 6, 2016. Supervisor Call seconded the motion, and the motion passed with the following vote:*

*AYES: 7  
NAYS: 0*

*Supervisor Burton motioned to reappoint Ms. Karen Gillespie to serve an additional 1-year term on the Area Beautification Board. Ms. Gillespie's term will expire December 31, 2012. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:*

*AYES: 7  
NAYS: 0*

*Supervisor Call motioned to reappoint Ms. Carol Nutter to serve an additional 1-year term on the Area Beautification Board. Ms. Nutter's term will expire December 31, 2012. Supervisor Dishner seconded the motion, and the motion passed with the following vote:*

*AYES: 7  
NAYS: 0*

*The following nominations were continued:*

*Chilhowie District  
North Fork District*

*Royal Oak District*

*Supervisor Dishner motioned to appoint Mr. J. Howard Burton (725 Mitchell Valley Road, Marion, VA 24354, 276-783-8821) to the District Three Governmental Cooperative Board. Mr. Burton will serve a one (1) year term that will expire December 31, 2012. Supervisor Call seconded the motion, and the motion passed with the following vote:*

*AYES: 7  
NAYS: 0*

*Supervisor Burton motioned to reappoint Mr. Todd Dishner as Alternate to the District Three Governmental Cooperative Board. Mr. Todd Dishner will serve a one (1) year term that will expire December 31, 2012. Supervisor Davidson seconded the motion, and the motion passed with the following vote:*

*AYES: 7  
NAYS: 0*

*Supervisor Davidson motioned to appoint Mr. Wade Blevins (522 Town Spring Road, Chilhowie, VA 24319, 276-646-5312) to serve as the Smyth County Board of Supervisor representative on the Smyth-Washington Regional Industrial Facilities Authority. Mr. Blevins will serve a four (4) year term to expire December 31, 2015. The vote is as follows:*

*AYES: 7  
NAYS: 0*

*Supervisor Burton motioned to appoint Dr. Charles Wassum III, 200 Larch Street, Marion, VA 24354, 276-783-3707, to serve as the Atkins District representative to the Planning Commission. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:*

AYES: 6 J. Howard Burton, Ron Blevins, Roscoe Call, Todd Dishner, Wade Blevins, Rick Blevins  
NAYS: 1 Regina Davidson

Dr. Wassum will serve a four (4) year that will expire December 31, 2015.

Atkins District – Supervisor Burton motioned to appoint Ms. Erwin Rowland, 739 Park Blvd, Marion, VA 24354, 276-781-0811, to serve a five (5) year term on the Board of Zoning Appeals Board to expire December 31, 2016. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

North Fork District – Supervisor Ron Blevins motioned to appoint Mr. Rodney Blevins, 340 Venice Drive, Marion, VA 24354, 276-646-2041, to serve a five (5) year term on the Board of Zoning Appeals Board to expire December 31, 2016. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Elected to Chairman, Mr. Wade Blevins, (522 Town Spring Road, Chilhowie, VA 24319, 276-646-5312), will represent Smyth County on the Virginia a Corridor, Mt. Rogers Partnership Board. He will serve a one (1) year term expiring December 31, 2012.

Supervisor Ron Blevins motioned to appoint Ms. Deanie Dimick (526 Meadows Path, Chilhowie, VA 24319, 276-646-8439, dimickd@gmail.com) to serve as the Chilhowie District representative on the Smyth-Bland Regional Library Board. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Ms. Dimick will serve a four (4) year term that will expire December 31, 2015.

At the January 26, 2012 meeting; Supervisor Dishner motioned to reappoint Sherian Medley as Park District representative to the Area Beautification Committee Judges. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Ms. Medley will serve a one (1) year term that will expire December 31, 2012.

At the February 14, 2012 meeting;

Supervisor Dishner motioned to appoint Ms. Rachel Rush, 1547 High Meadows Lane, Chilhowie, VA 24319, 646-3279, as Chilhowie District representative to the Area Beautification Committee Judges. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Ms. Rush will serve a one (1) year term that will expire December 31, 2012.

*The following nominations were continued: NorthFork & Royal Oak Districts*

*Supervisor Davidson motioned to appoint Mr. Ron Blevins (157 Porter Valley Road, Marion, VA 24354, 276-646-5012) to replace Mrs. Darlene Neitch on the Mount Rogers Community Service Board. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:*

AYES: 7  
NAYS: 0

*Mr. Blevins will serve the remaining term of Mrs. Darlene Neitch, which will expire December 31, 2012.*

*With the Commonwealth Attorney's opinion of finding no conflict of interest with Mr. Joe Blankenship being a relative of Mrs. Beth Fleshman, an employee of Rye Valley Water Authority; Supervisor Davidson motioned to appoint Mr. Joe Glen Blankenship, 642 Slomp Creek Road, Sugar Grove, VA 24375, 677-0564, to serve on the Rye Valley Water Authority. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:*

AYES: 7  
NAYS: 0

*Mr. Blankenship will serve a four (4) term to expire June 30, 2016.*

11. Mutual Aid Agreements (1-10-12)

### **Supervisor Comments**

Supervisor Rick Blevins wished everyone a Happy Valentine's Day.

### **ADJOURN MEETING**

At 9:06 p.m. Supervisor Call motioned to adjourn meeting. Supervisor Dishner 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 4:00 p.m., **Tuesday, March 13, 2012**. 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:**

Wade H. Blevins, Jr., Chairman  
M. Todd Dishner, Vice-Chair  
Richard K. Blevins  
Ronald C. Blevins

J. Howard Burton  
Roscoe D. Call  
Regina H. Davidson

**STAFF PRESENT:**

Michael Carter, County Administrator  
Scott Simpson, Assistant County Administrator  
Heather Pitts, County Attorney  
Pam Testerman, Office Service Assistant  
Charlie Atkins, Director of Finance  
Sally Morgan, Community/Economic Development  
Deputy Surber

**OTHERS PRESENT:**

Dan Kegley, Smyth County News & Messenger

**At 4:00 p.m.** Chairman Wade Blevins called meeting to order.

**CLOSED SESSION**

At 4:03 p.m. Supervisor Rick Blevins motioned to enter into Closed Session under Code of Virginia, Section 2.2-3711 – **A.1 Personnel, A.5 Industrial/Business Prospects** – 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 and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

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

AYES: 7  
NAYS: 0

Upon returning to the open session at 4:55 p.m., 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

At 4:56 p.m. the Chairman recessed the meeting until 5:00 p.m.

**Call To Order, Invocation & Pledge of Allegiance:**

With a quorum present, Chairman Wade Blevins called the meeting to order at 5:00 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 and the additional agenda. Supervisor Dishner 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, February 14, 2012

Supervisor Call motioned to approve the minutes for the February meeting. Supervisor Dishner seconded the motion, and the vote is as follows:

AYES: 7  
NAYS: 0

**Financial Report:**

**Mr. Charlie Atkins** reported, per the Treasurer's Office, the County has a balance of \$10,219,071 in the bank. He stated this is sufficient for the requested appropriations for today's meeting.

**Payment of County Invoices:**

Supervisor Call motioned to approve \$5,560,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,300,000.00
Social Services (March 14 - 31, 2012)	\$ 200,000.00
(April 1 - 10, 2012)	\$ 60,000.00
Schools - Operating Fund	\$4,000,000.00

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



AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$226.50 for the Animal Damage Fund appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$120,000.00 for the School TextBook Fund appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$50,000.00 for the School Debt and Capital Outlay Fund appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$1,000,000.00 for the School Construction Fund appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$400,503.51 for the Courthouse Project appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES:	6	Roscoe Call, Todd Dishner, Howard Burton, Wade Blevins, Rick Blevins, Regina Davidson
NAYS:	1	Ron Blevins

Supervisor Call motioned to approve the accounts payable listing in the amount of \$522,981.49. Supervisor Dishner seconded the motion and the vote is as follows:

AYES: 7  
NAYS: 0

**Scott Simpson**

Mr. Simpson updated the Board on awarding Branson Construction the low bid for Porter Valley Water Project. He requested the Board to accept and execute the agreement with Branson Construction to begin the project. Supervisor Davidson motioned to accept and authorize the Chairman to sign the agreement with Branson Construction for the Porter Valley Water Project. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

**CITIZEN'S TIME**

Chairman Blevins opened Citizen's Time at 5:15 p.m.

There were 7 citizens present, with the following wishing to speak:

**Bruce Kravitz, CEO, Southwest Virginia Alliance for Manufacturing,** He updated the Board on the successfulness of Southwest Virginia Alliance for Manufacturing in getting employees skilled-ready for manufacturers in Smyth and Washington Counties. He informed the Board that Southwest Virginia Alliance for Manufacturing has been a non-profit institution since 2008.

**Dawn Archer, General Dynamics,** She spoke in favor of the Southwest Virginia Alliance for Manufacturing, and stated Mr. Kravitz has assisted in getting some of their training costs reimbursed. Ms. Archer requested the Board to continue to support and fund the Southwest Virginia Alliance for Manufacturing.

Chairman Blevins closed citizen's time at 5:18 p.m.

### **Introduction of Businesses in Smyth County:**

Mrs. Sally Morgan introduced Mr. Gil Graham, Plant Manager from Scholle Corporation in Chilhowie. Mr. Graham gave a PowerPoint presentation on the history of Scholle, the products Scholle produces, and where you may find their products.

At 5:27 p.m. **Mr. Tom Graham** presented a PowerPoint presentation concerning the Old Rye Valley Rail Road. He would like the Board to consider supporting a project to make Rye Valley Rail Road a trail. Mr. Ron Thomason, Tourism Director, commented he is working with Wythe and Washington Counties on trails in the area. Mr. Thomason felt converting rails-to-trails is a move for tourism to generate traffic and to generate tax dollars in the county. Supervisor Burton stated he has hiked part of the Rye Valley Rail Road and it is beautiful area. Supervisor Ron Blevins inquired about right-of-ways. Supervisor Call stated to make sure you get landowners' permission. Supervisor Davidson inquired about the usage of the trail during hunting season and the safety of people hiking or riding the trail. Supervisor Dishner motioned to send this matter to the Building and Grounds Committee. Supervisor Burton seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

### **At 6:01 p.m. PUBLIC HEARING – Community Development Block Grant – Friendly Circle**

Mr. Carter read the following advertisement as published in the Smyth County News and Messenger as well as the rules for public hearings:

#### Public Hearing Notice

The Smyth County Board of Supervisors will hold a public hearing to solicit public input on a proposed Community Development Block Grant (CDBG) application to the Virginia Department of Housing and Community Development for the proposed Friendly Circle (Brown Subdivision) Sewer Project. The public hearing will be held on Tuesday, March 13, 2012 at 6:00 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](mailto:ptesterman@smythcounty.org) by March 13. If you plan to attend the public hearing and have any special needs requirements, please call 276-783-7000, Ext. 223.

There were six (6) citizens present with no one wishing to speak.

Chairman Blevins closed the public hearing at 6:05 p.m.

Mrs. Sally Morgan explained to the Board that Mt. Rogers Planning District conducted a door-to-door survey of 23 households. She updated the Board on the project and gave an outline of the process. Mrs. Morgan informed the Board of the required \$199,490 grant local match. She requested approval to submit an application for the grant and informed that Mt. Rogers Planning District would assist with the application. Mrs. Morgan also informed the Board the deadline for the application would be March 28, 2012. She reported if this project is not a success, the County will only have to pay Mt. Rogers Planning District a fee of \$2,500 for their assistance. Mrs. Morgan explained there is no cost for the low-to-moderate income households and households above the low-to-moderate threshold will pay a \$50 project fee and will have to hire their own contractor to install the pipe for connection. Supervisor Ron Blevins stated he didn't realize the match coming from the County would be such a large amount. Mr. Scott Simpson informed the Board it would be at least two months before finding out if the County is awarded the grant, and in the meantime he will work on other funding sources.

After discussion, Supervisor Call motioned to waive the rules and consider this request based on the deadline for the application being March 28, 2012. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to adopt the following resolution:

**DRAFT RESOLUTION**

WHEREAS, the Virginia Department of Housing and Community Development is soliciting applications for 2012 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 for and interest in public sewer to serve the Friendly Circle (or Brown Subdivision) area located west of Marion based on information from community residents, 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 **\$345,000** in Virginia Community Development Block Grant funds for the proposed ***Friendly Circle Sewer Project*** under the Community Facilities project type, and

BE IT FURTHER RESOLVED that an estimated **\$199,490** in other funds will be spent on this project for the sewer collection system, and that the project will benefit a projected **23 households (59 persons)**, of which **15 (40 persons)** are low-to-moderate income, 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 13, 2012

Michael L. Carter

---

**SUPERVISORS:**

**Wade H. Blevins, Jr., Chairperson, Chilhowie District**  
**Rick K. Blevins, Rye Valley District**  
**Ron C. Blevins, Northfork District**  
**J. Howard Burton, Atkins District**  
**Roscoe D. Call, Saltville District**  
**Regina Davidson, Royal Oak District**  
**M. Todd Dishner, Vice Chairperson, Park District**

**VOTE:**

**Aye**  
**Aye**  
**Aye**  
**Aye**  
**Aye**  
**Aye**  
**Aye**

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

AYES: 7  
NAYS: 0



At 6:25 p.m., **Mr. John Neel, Gay & Neel**, updated the Board on the Groseclose Sewer project. He informed the Board this project would provide public sewer service to the Exit 54 interchange and surrounding area. Mr. Neel reviewed the evaluation of costs and revenue. He reported to the Board that existing businesses are interested in the expansion of the sewer. Supervisor Dishner felt having sewer available would provide potential growth for the exit. Mr. Neel stated that development of vacant acreage within the project area would assist in the cost of the project. Mrs. Sally Morgan stated it would help with commercial, industrial, and tourism development to have sewer at Exit 54. Mr. Simpson reported he has applied for funding from DEQ and was awarded a \$730,000 loan and will apply for a grant from the Tobacco Commission. Mr. Simpson stated the project is to the point where the County is able to go out for bids on construction of the sewer lines. After discussion and with the new information received, the Board referred this matter back to the Water/Sewer Committee.

At 6:47 p.m., **Mr. Roland Kooch, Davenport & Company**, updated the Board on the refinancing of the 2005 General Obligation Bonds and the 2002, 2005, 2007, and 2009 Rural Development Loans. Mr. Kooch reviewed the Potential Refinancing Opportunities with the Board. He advised the Board that Carter Bank & Trust would be the better opportunity for refinancing. Ms. Heather Pritts informed the Board that Hunton & Williams has been the Bond Counsel on prior bonds, but have not submitted a letter of engagement for the refinancing bond. The Board will need to consider a Bond Counsel along with considering refinancing the 2005 General Obligation Bonds and the 2002, 2005, 2007, and 2009 Rural Development loans. The Board requested Mr. Kooch to see if Carter Bank & Trust would give an extension on the interest rate to allow the Board to obtain a Bond Counsel.

**Sally Morgan –**

**(a)** Mrs. Morgan requested the Board appoint a Housing Rehab Board for the Lick Skilling project. She reviewed the responsibilities of the Housing Rehab Board. Supervisor Dishner motioned to appoint the following to the Lick Skillet Housing Rehab Board:

Mike Carter, Smyth County Administrator  
Roscoe Call, Smyth County Board of Supervisor  
Pat Arnold, Director, Smyth Department of Social Services  
Lisa Porter, Marion Redevelopment and Housing Authority  
Sally Morgan, Community/Economic Development Director



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

AYES: 6  
NAYS: 0  
ABSTAIN: Roscoe Call

**(b)** Mrs. Morgan omitted the review of the service contract with Mt. Rogers Planning District Commission. She informed the Board, the County could not consider the contract at this time.

**Committee Recommendations:**

Budget

**(a)** With the Budget Committee recommendation, the Board approved the contract with Anderson & Associates to survey the Smyth County line, in the Saltville area, in the amount of \$2,000 (012090-9005). The vote is as follows:

AYES: 7  
NAYS: 0

**(b)** With the Budget Committee recommendation, the Board approved implementing updates to the Smyth County Code for an amount not to exceed \$2,000 (11010-6007). The vote is as follows:

AYES: 7  
NAYS: 0

\$500 will be transferred from line-item 11010-5501 (Travel) to line-item 11010-6007 (Codifying County Code) to cover the cost not to exceed \$2,000.

**(c)** With the Budget Committee recommendation, the Board approved the projects under the Secure Rural Schools Act Title II in the amount of \$48,849.00 and approved the Forest Service handling the projects. The vote was as follows:

AYES: 7  
NAYS: 0

**(d)** With the Budget Committee recommendation, Supervisor Davidson motioned to set a public hearing for a \$5 million Line-of-Credit for April 10, 2012 at 6:00 p.m. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

(e) With the Budget Committee recommendation, the Board approved using the Board Supplemental line-item (11010-8888) to cover the repair cost, in the amount of \$3,800, to the Library roof over the housing of the Book Mobile. The vote is as follows:

AYES: 7  
NAYS: 0

(f) With the Budget Committee recommendation, the Board approved joining NACO for \$720 annually, to benefit from the various services that NACO offers both the County and its residents. The vote is as follows:

AYES: 7  
NAYS: 0

(g) With the Budget Committee recommendation, Supervisor Davidson motioned to set a public hearing for April 10, 2012 at 6:15 p.m. for the following Budget Amendments:

<u>2011-2012 Budget</u>	<u>Proposed Budget Amendment:</u>	<u>Difference:</u>	
		<u>Debit:</u>	<u>Credit:</u>
\$ -	4-004-012010-9003 Megasite Expenses	\$5,450,000	-
\$ -	3-004-010000-0003 TICRC Grant Income	-	\$4,905,000
\$ -	3-004-010000-0004 Revenue from Local	-	\$ 545,000
To set up the accounts to receive TICRC funds and pay expenses for the Megasite project for the IDA.		<b>\$5,450,000</b>	<b>\$5,450,000</b>

\$ -	4-001-081020-8888-30 CDBG expenses	\$ 626,579	-
\$ -	3-001-022010-0030 CDBG grant funds	-	\$ 611,579
\$ -	3-001-010000-1000 Revenue from Local	-	\$ 15,000

To set up accounts to receive CDBG funds and pay expenses for the Allison Gap Lick Skillet Housing Rehabilitation project.	<b>\$ 626,579</b>	<b>\$ 626,579</b>
--	-------------------	-------------------

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

AYES: 7  
NAYS: 0

**(h)** With the Budget Committee recommendation, the Board approved and appropriated \$7,405 for Mr. Charlie Harrington, Emergency Coordinator, to purchase additional equipment for the new emergency vehicle using his Machinery and Equipment line-item (35050-7001). The vote is as follows:

AYES: 7  
NAYS: 0

#### Animal

With the Animal Control Committee recommendation, the Board approved and appropriated the following animal damage claims total \$2,210 (003-91060-5802):

Charles Smith	\$1,200
Ruth Powell	\$ 100
Rick Hamm	\$ 150
Opal Davis	\$ 160
David Salks	\$ 600

The vote is as follows:

AYES: 7  
NAYS: 0

#### Building and Grounds

With the Building and Grounds Committee recommendation, the Board accepted Cook's Mechanical Services' proposal for the HVAC Maintenance contract for the Smyth County Office Building, Courthouse, Jail, 911 Center, and Health Department in the amount of \$28,275.

#### Ordinance

With the Ordinance Committee recommendation, the Board approved an extension to the Planning Commission until July 27, 2012, on the Subdivision Ordinance revision. 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.*

*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.*

*At the January 26, 2012 meeting; Supervisor Call inquired about securing the Sheriffs Department to deliver letters to the delinquent tax payers.*

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.*

*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.*

*At the February 14, 2012 meeting; Ms. Pripps informed the Board that the Court had entered a letter opinion but the case was pending a final order and she and Mr. Williams would update the Board at their next meeting.*

*At the March 13, 2012 meeting; Mr. Carter informed the Board he spoke with Mr. Clegg Williams and there was no new update to give the Board*

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. 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.*

6. Rules of Procedures (9-13-11)

7. 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. Pripps 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.*

8. 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.*

9. 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.*

*At the January 10, 2012 meeting; Supervisor Dishner motioned to appoint Mrs. Regina Davidson to serve as the Board of Supervisor representative on the Department of Social Service Board. Mrs. Davidson will serve a four (4) year term to expire February 6, 2016. Supervisor Call seconded the motion, and the motion passed with the following vote:*

**AYES:**           7  
**NAYS:**           0

*Supervisor Burton motioned to reappoint Ms. Karen Gillespie to serve an additional 1-year term on the Area Beautification Board. Ms. Gillespie's term will expire December 31, 2012. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:*

**AYES:**           7  
**NAYS:**           0

*Supervisor Call motioned to reappoint Ms. Carol Nutter to serve an additional 1-year term on the Area Beautification Board. Ms. Nutter's term will expire December 31, 2012. Supervisor Dishner seconded the motion, and the motion passed with the following vote:*

**AYES:**           7  
**NAYS:**           0

The following nominations were continued:

Chilhowie District  
North Fork District

Royal Oak District

*Supervisor Dishner motioned to appoint Mr. J. Howard Burton (725 Mitchell Valley Road, Marion, VA 24354, 276-783-8821) to the District Three Governmental Cooperative Board. Mr. Burton will serve a one (1) year term that will expire December 31, 2012. Supervisor Call seconded the motion, and the motion passed with the following vote:*

**AYES:**           7  
**NAYS:**           0

*Supervisor Burton motioned to reappoint Mr. Todd Dishner as Alternate to the District Three Governmental Cooperative Board. Mr. Todd Dishner will serve a one (1) year term that will expire December 31, 2012. Supervisor Davidson seconded the motion, and the motion passed with the following vote:*

**AYES:**           7  
**NAYS:**           0

Supervisor Davidson motioned to appoint Mr. Wade Blevins (522 Town Spring Road, Chilhowie, VA 24319, 276-646-5312) to serve as the Smyth County Board of Supervisor representative on the Smyth-Washington Regional Industrial Facilities Authority. Mr. Blevins will serve a four (4) year term to expire December 31, 2015. The vote is as follows:

AYES: 7  
NAYS: 0

Supervisor Burton motioned to appoint Dr. Charles Wassum III, 200 Larch Street, Marion, VA 24354, 276-783-3707, to serve as the Atkins District representative to the Planning Commission. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:

AYES: 6 J. Howard Burton, Ron Blevins, Roscoe Call, Todd Dishner, Wade Blevins, Rick Blevins  
NAYS: 1 Regina Davidson

Dr. Wassum will serve a four (4) year that will expire December 31, 2015.

Atkins District – Supervisor Burton motioned to appoint Ms. Erwin Rowland, 739 Park Blvd, Marion, VA 24354, 276-781-0811, to serve a five (5) year term on the Board of Zoning Appeals Board to expire December 31, 2016. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

North Fork District – Supervisor Ron Blevins motioned to appoint Mr. Rodney Blevins, 340 Venice Drive, Marion, VA 24354, 276-646-2041, to serve a five (5) year term on the Board of Zoning Appeals Board to expire December 31, 2016. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Elected to Chairman, Mr. Wade Blevins, (522 Town Spring Road, Chilhowie, VA 24319, 276-646-5312), will represent Smyth County on the Virginia a Corridor, Mt. Rogers Partnership Board. He will serve a one (1) year term expiring December 31, 2012.

Supervisor Ron Blevins motioned to appoint Ms. Deanie Dimick (526 Meadows Path, Chilhowie, VA 24319, 276-646-8439, dimickd@gmail.com) to serve as the Chilhowie District representative on the Smyth-Bland Regional Library Board. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Ms. Dimick will serve a four (4) year term that will expire December 31, 2015.

At the January 26, 2012 meeting; Supervisor Dishner motioned to reappoint Sherian Medley as Park District representative to the Area Beautification Committee Judges. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Ms. Medley will serve a one (1) year term that will expire December 31, 2012.

*At the February 14, 2012 meeting:*

*Supervisor Dishner motioned to appoint Ms. Rachel Rush, 1547 High Meadows Lane, Chilhowie, VA 24319, 646-3279, as Chilhowie District representative to the Area Beautification Committee Judges. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:*

*AYES: 7  
NAYS: 0*

*Ms. Rush will serve a one (1) year term that will expire December 31, 2012.*

*The following nominations were continued: NorthFork & Royal Oak Districts*

*Supervisor Davidson motioned to appoint Mr. Ron Blevins (157 Porter Valley Road, Marion, VA 24354, 276-646-5012) to replace Mrs. Darlene Neitch on the Mount Rogers Community Service Board. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:*

*AYES: 7  
NAYS: 0*

*Mr. Blevins will serve the remaining term of Mrs. Darlene Neitch, which will expire December 31, 2012.*

*With the Commonwealth Attorney's opinion of finding no conflict of interest with Mr. Joe Blankenship being a relative of Mrs. Beth Fleshman, an employee of Rye Valley Water Authority; Supervisor Davidson motioned to appoint Mr. Joe Glen Blankenship, 642 Slemp Creek Road, Sugar Grove, VA 24375, 677-0564, to serve on the Rye Valley Water Authority. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:*

*AYES: 7  
NAYS: 0*

*Mr. Blankenship will serve a four (4) term to expire June 30, 2016.*

*At the March 13, 2012 meeting:*

*Supervisor Ron Blevins inquired if a citizen is serving on the Board of Zoning Appeals would he be eligible to serve on the Social Service Board. Ms. Pritts informed the Board since the Judge appoints the members to the Board of Zoning Appeals he would not be eligible to serve on another Board.*

*Supervisor Todd Dishner currently serves on the Chamber of Commerce Board, and his term has expired. He wished to continue this appointment. Ms. Pritts informed the Board Mr. Dishner may continue to serve until being reappointed or new appointment is made.*

10. Mutual Aid Agreements (1-10-12)

11. Subdivision Ordinance (2-14-12)

### **Supervisor Comments**

Supervisor Davidson – no comments

Supervisor Ron Blevins motioned to dismiss Ms. Heather Pritts, from County Attorney, for being unable to fulfill her requirements of her employment. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Rick Blevins asked Mr. Carter for clarification on information he was given concerning The Virginia Department of Fire Programs. Mr. Carter stated the information given was informational and would be discussed at the next Ordinance Committee meeting.

Supervisor Burton stated he was on the Budget Committee and the committee was trying their best to cut the 2012/2013 budget.

Supervisor Dishner thanked Ms. Pritts for her time served.

Supervisor Call – no comments

### **ADJOURN MEETING**

At 7:19 p.m. Supervisor Call motioned to adjourn meeting. Supervisor Ron 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 March meeting at 4:00 p.m., **Tuesday, April 10, 2012**. 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:**

Wade H. Blevins, Jr., Chairman  
M. Todd Dishner, Vice-Chair  
Richard K. Blevins  
Ronald C. Blevins

J. Howard Burton  
Roscoe D. Call  
Regina H. Davidson

**STAFF PRESENT:**

Michael Carter, County Administrator  
Scott Simpson, Assistant County Administrator  
Pam Testerman, Office Service Assistant  
Charlie Atkins, Director of Finance  
Sally Morgan, Community/Economic Development  
John Tate, Acting County Attorney  
Deputy Surber

**OTHERS PRESENT:**

Dan Kegley, Smyth County News & Messenger

**At 4:00 p.m.** Chairman Wade Blevins called meeting to order.

**CLOSED SESSION**

At 4:04 p.m. Supervisor Ron 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, **A.3 Land Acquisition**; discussion on Mega-Site Project, **A.5 Industrial/Business Prospects** – 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 and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

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

AYES: 7  
NAYS: 0

Upon returning to the open session at 4:25 p.m., Supervisor Rick 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:        7  
NAYS:        0

At 4:26 p.m. the Chairman recessed the meeting until 5:00 p.m.

**Call To Order, Invocation & Pledge of Allegiance:**

With a quorum present, Chairman Wade Blevins called the meeting to order at 5:00 p.m.; Mrs. Pam Testerman gave the invocation and Mrs. Sally Morgan led the pledge of allegiance.



**Adoption of Agenda:**

Supervisor Davidson motioned to adopt the agenda and the additional agenda. 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, March 13, 2012

Supervisor Call motioned to approve the minutes for the March meeting. Supervisor Burton seconded the motion, and the vote is as follows:

AYES: 7  
NAYS: 0

**Financial Report:**

**Mr. Charlie Atkins** reported, per the Treasurer's Office, the County has a balance of \$11,782,212.50 in the bank. He stated this is sufficient for the requested appropriations for today's meeting.

**Payment of County Invoices:**

Supervisor Davidson motioned to approve \$5,915,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,980,000.00
Social Services (April 11 - 30, 2012)	\$ 275,000.00
(May 1 - 10, 2012)	\$ 60,000.00
Schools - Operating Fund	\$3,600,000.00

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

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$133.50 for the Animal Damage Fund appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$100,000.00 for the School TextBook Fund appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$150,000.00 for the School Debt and Capital Outlay Fund appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Ron Blevins motioned to approve \$1,000,000.00 for the School Construction Fund appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$484,509.66 for the Courthouse Project appropriation. Supervisor Burton seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve the accounts payable listing in the amount of \$1,346,215.82. Supervisor Dishner seconded the motion and the vote is as follows:

AYES: 7  
NAYS: 0

**Scott Simpson – New School Sewer Pump Station Site Purchase**

Mr. Scott Simpson informed the Board the site for the new school sewer pump station is ready to be purchased. He explained the total cost will be \$4,179, which will be distributed by check in the amount of \$3,917.22 to Mr. Charles R. and Mrs. Margaret Gilbert for the site purchase and a check in the amount of \$261.78 to Gwyn & Tate for recording fees. After discussion, Supervisor Call motioned to approve the appropriation in the amount of \$4,179 (306-091100-0005) for the purchase of the new school sewer pump station site and authorize Chairman Wade Blevins to sign the deed. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

**Mike Carter – Smyth-Wythe Airport Commission's final payment for the 2011/2012 Budget**

Mr. Mike Carter explained the second and final payment for the 2011/2012 County Budget was due for the Smyth-Wythe Airport Commission. He requested the Board appropriate the remaining payment in the amount \$24,155.13. Supervisor Davidson motioned to approve and appropriate the final payment for the 2011/2012 Budget Year for Smyth-Wythe Airport Commission in the amount of \$24,155.13. (011010-8888-4). Supervisor Burton seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

**CITIZEN'S TIME**

Chairman Wade Blevins opened Citizen's Time at 5:08 p.m.

There were an estimated 60 citizens present, with the following wishing to speak:

**J.W. Cumbo**, Atkins, Mr. Cumbo wanted to let the Board know he was in favor the Groseclose Sewer Project and hoped the Board would consider the project. Chairman Wade Blevins informed him this matter was on the agenda. \*\*

**Heather Branch**, Marion, Ms. Branch was present representing The Sprouting Hope Garden, a community project providing organic produce to citizens of Smyth County. She informed the Board the garden will be located at the Hungry Mother Park. She inquired about the Board donating a water meter for the garden to where the organization would be able to reimburse the Park for their water use. Ms. Branch informed the Board, The Sprouting Hope is a subsidiary of Project Crossroads, which is a 501(c) 3. Mr. Tate informed the Board they could give an in-kind donation to a 501(c) 3. Mr. Simpson informed Ms. Branch she needed to request this from the Water/Sewer Committee and the committee would make consider making a recommendation to the Board. Chairman Wade Blevins referred this matter to the Water/Sewer Committee, and additional Supervisor Burton advised Ms. Branch to send a letter requesting the water meter donation to the Board of Supervisors.

**Ms. Betty Keith**, Marion, Ms. Keith stated she was very upset and angry with the Town of Marion and Smyth County officials concerning the Mt. Rogers Community Service Board. Chairman Wade Blevins informed Ms. Keith this matter was on the agenda.\*\*

\*\*per the Rules and Regulations of the Board of Supervisors, any matter that is on the agenda, will not be allowed for discussion during citizen's time.

**5.3 Citizens' Time.** There shall be an agenda item known as "Citizens' Time", which shall be scheduled from 5:15 p.m. to 5:30 p.m. to allow citizens to address the Board regarding any matter that is not an agenda item. This shall consist of a fifteen (15) minute period and shall be divided among the citizens who desire to speak. This period is scheduled for matters not on the agenda, not required to be on the agenda, and not involving matters involving agency business or other matters germane to the normal operations of the county.

Chairman Wade Blevins closed citizen's time at 5:20 p.m.

#### **Introduction of Businesses in Smyth County:**

**Mrs. Sally Morgan** introduced Mrs. Debbie VanDyke, President of the Lakeside Ready-Mix Inc. located in Atkins. Mrs. VanDyke thanked the Board for allowing the business into Smyth County. She explained Lakeside Ready-Mix Inc., family owned business, started in Abingdon, Virginia in 1999 and expanded their business to Atkins, Virginia in March 2011. Mrs. VanDyke informed the Board the Atkins facility has four mixer trucks, four full-time employees and two part-time employees. She reported to the Board the following projects that Lakeside Ready-Mix Inc. has been involved with:

- The new Dollar General Store
- Smyth-Wythe Airport, water projects
- Bridge construction on interstate 81
- The Parking Structure
- The new sidewalk project for the Town of Marion
- Several general concrete deliveries through out the County

**Henry Snodgrass** – Washington County IDA Chairman presented the SWIFA 2011 Annual Report to the Board. Among other issues, Mr. Snodgrass informed the Board that Highlands Business Park lost one business to the tornado last April.

**Mike Carter –**

(a) With the Surplus Committee recommendation, the Board approved the following Surplus Vehicle bids totaling \$14,507:

Michael Hash

2004 Ford Explorer for \$3,651.00

Cana Motors

1995 Ford Truck for \$ 971.00  
2000 Ford Truck for \$1,071.00  
2000 Ford Crown Vic for \$547.00  
2001 Chevrolet Truck for \$1,461.00  
2005 Ford Crown Vic for \$1,071.00  
2006 Ford Crown Vic for \$1,375.00

J & S Auto

2000 Ford Crown Vic for \$650.00  
2001 Ford Crown Vic for \$625.00  
2001 Ford Crown Vic for \$650.00  
2002 Ford Crown Vic for \$700.00  
2004 Ford Crown Vic for \$825.00  
2005 Ford Crown Vic for \$910.00

The vote is as follows:

AYES: 7  
NAYS: 0

(b) Mr. Carter reviewed with the Board the Pre-Disaster Hazard Mitigation Plan Resolution and informed the Board Mt. Rogers Planning District is requesting the Board of Supervisors adopt the following resolution. After discussion, Supervisor Davidson motioned to adopt the Pre-Disaster Hazard Mitigation Plan Resolution as follows:

## **RESOLUTION PRE-DISASTER HAZARD MITIGATION PLAN**

**WHEREAS**, the Federal Emergency Management Agency, the Commonwealth of Virginia's Department of Emergency Management, and the Mount Rogers Planning District Commission agree that a regional Pre-Disaster Hazard Mitigation Plan shall be developed for the Mount Rogers Planning District; and

**WHEREAS**, the Mount Rogers Planning District Commission has completed the necessary tasks required by the agreement between the Virginia's Department of Emergency Management and the Mount Rogers Planning District Commission; and

**WHEREAS**, the Pre-Disaster Hazard Mitigation Plan contains risk assessments and potential losses of each of the identified hazards, a mitigation strategy to reduce or eliminate the risk of damage from future incidents, and a process to update the plan every five (5) years, thereby making the County of Smyth of Virginia, a jurisdiction of the Mount Rogers Planning District, eligible for hazard mitigation grant assistance.

**NOW THEREFORE, BE IT RESOLVED**, that the Smyth County Board of Supervisors adopts the Pre-Disaster Hazard Mitigation Plan.

Adopted Date April 10, 2012

On a motion by Supervisor Regina Davidson and seconded by Supervisor Rick Blevins the foregoing resolution was adopted.

<u>Supervisor</u>	<u>VOTE</u>
Wade H. Blevins, Jr., Chairperson, Chilhowie District	Aye
Rick K. Blevins, Rye Valley District	Aye
Ron C. Blevins, Northfork District	Aye
J. Howard Burton, Atkins District	Aye
Roscoe D. Call, Saltville District	Aye
Regina Davidson, Royal Oak District	Aye
M. Todd Dishner, Vice Chairperson, Park District	Aye

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

AYES: 7  
NAYS: 0

(c) Mr. Carter informed the Board of the Planning Commission's recommendation to set a public hearing for the 2010 Comprehensive Plan. Upon the request from the Planning Commission to set a public hearing for the 2010 Comprehensive Plan, Supervisor Dishner motioned to set a public hearing at 6:00 p.m. on May 8, 2012. Supervisor Call seconded the motion, and the motion passed with the following vote:



AYES: 7  
NAYS: 0

(d) Mr. Carter explained a line-item transfer from the School Board to forego paying late fees on their interest pay due May 1, 2012 for the General Obligation Public Improvement Bonds, series 2011B. He reported the Category line-item transfer will be in the amount of \$151,041.67 from 66000: Capital Outlay to Category 67000: Debt Service. Mr. Tate advised the Board to request the School Board restore the funds in the proper category. After discussion, Supervisor Burton motioned to approve the General Fund line-item transfer of \$151,041.67 from Category 66000: Capital Outlay to Category 67000: Debt Service contingent upon restoring the General Fund with this amount once receiving the Bond Funds. This line-item transfer is for the purpose of paying the interest payment of \$151,041.67 on the Smyth County General Obligation Public Improvement Bonds, Series 2011B. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

**Committee Recommendations:**

**Budget**

With the Budget Committee recommendation, the board unanimously adopted the following resolution:

**RESOLUTION**

**Naming the bridge on Route 645 in Smyth County as the  
"Edward "Bud" Ashby Memorial Bridge"**

At the April 10, 2012 meeting of the Smyth County Board of Supervisors, the Board adopted the following:

**SUPERVISORS:**

**VOTE:**

Wade H. Blevins, Jr., Chairperson, Chilhowie District  
Rick K. Blevins, Rye Valley District  
Ron C. Blevins, Northfork District  
J. Howard Burton, Atkins District  
Roscoe D. Call, Saltville District  
Regina Davidson, Royal Oak District  
M. Todd Dishner, Vice Chairperson, Park District

Aye  
Aye  
Aye  
Aye  
Aye  
Aye  
Aye

**WHEREAS**, the Smyth County Board of Supervisors has received a request from the family of Edward "Bud" Ashby to assist in naming a bridge in his honor, and

**WHEREAS**, the Smyth County Board of Supervisors adopts this resolution for the Commonwealth Transportation Board to consider the approval of naming the bridge on Route 645 in Smyth County as the Edward "Bud" Ashby Memorial Bridge; and

**WHEREAS**, Mr. Edward "Bud" Ashby was involved and proud of his contribution in the construction of said bridge; and

**WHEREAS**, Mr. Ashby lived a mile and half from the bridge and traveled over the bridge for many years; and

**WHEREAS**, a private individual has agreed to pay the cost for the signs; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Smyth County Board of Supervisors, does hereby request the Commonwealth Transportation Board consider approval to name the bridge on Route 645 in Smyth County the Edward "Bud" Ashby Memorial Bridge; and

**BE IT FURTHER RESOLVED**, the Smyth County Board of Supervisors request that the appropriate signs, as directed by the Department, be placed calling attention to this designation.

### **Building and Grounds**

With the Building and Grounds Committee recommendation, the Board accepted and appropriated The Lane Group's proposal in the amount of \$29,960 for the ADA Improvements as required in the ADA Agreement with the Department of Justice. The vote is as follows:

AYES: 7  
NAYS: 0

### **Emergency Communications**

Supervisor Burton, Chairman of the Emergency Communications Committee, informed the Board after receiving and reviewing all bids for the 4 Station Dispatcher Console for the new 911 Center, with legal advice, all bids need to be rejected and the project needs to be rebid. The vote to reject all bids and rebid the 4 Station Dispatcher Console project is as follows:

AYES: 7  
NAYS: 0

### **Ordinance**

(a) Upon the request from the Ordinance committee to set a public hearing for the Flood Plain Ordinance, Supervisor Ron Blevins motioned to set a public hearing at 6:15 p.m. on May 8, 2012. Supervisor Roscoe Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

(b) With the Ordinance Committee recommendation, the Board set a public hearing at 6:30 p.m. on May 8, 2012, for an Ordinance to charge offenders of DUI and related incidents, including terrorism hoax, restitution in the amount of \$350. The vote is as follows:

AYES: 7  
NAYS: 0

Chairman Wade Blevins informed the Board of the Commonwealth Transportation Board's public hearing for the 2013 – 2018 Six-Year Improvement Program, for this area, on Tuesday, April 24, 2012 at 6:00 p.m. at the Northside High School in Salem, Virginia. Mr. Carter stated if any Board member wished to attend to let him know and he would advise the Commonwealth Transportation Board.

### **At 6:00 p.m. PUBLIC HEARING – \$5 Million Line-of-Credit**

Chairman Wade Blevins opened the public hearing. Mr. Carter read the following advertisement as published in the Smyth County News and Messenger as well as the rules 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 of Supervisors, 121 Bagley Circle, Suite 100, Marion, Virginia, on April 10, 2012, at 6:00 PM, or as soon thereafter on that date as it may commence, to

consider the issuance of a note or notes of the County, under § 15.2-2629 of the Code of Virginia, in anticipation of County revenue in the maximum amount of Five Million Dollars (\$5,000,000.00) for use by the County in anticipation of revenues, and to fund the operations of the County.

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

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

At this public hearing, which, as stated above, will be held at the office of the Board, 121 Bagley Circle, Suite 100, Marion, Virginia, on April 10, 2012 at 6:00 PM, or a soon thereafter as it may begin on that date, and subject to the rules of procedure of the Board of Supervisors of Smyth County, Virginia, any person may appear and state their views thereon.

Mr. Charlie Atkins, Finance Director for the County, gave a presentation to the Board of Supervisors on the timing of when the County receives funding from various agencies through out the Commonwealth. He stated the County, at any point during the month, has to have at least \$4.5 million in the bank to operate and with the way the revenue comes into the County, the line-of-credit would be available if needed. Mr. Atkins reminded the Board that the prior line-of-credit the County established in 2010 never had to be used and he hoped it would be that way this year.

There were an estimated 60 citizens present with no one wishing to speak.

Chairman Wade Blevins closed the public hearing at 6:06 p.m.

### **Committee Recommendations** (continued)

#### **Water/Sewer**

(a) With the Water/Sewer Committee recommendation, the Board accepted the lowest bid from Tipton Construction Co. Inc. in the amount of \$192,430 for the Highway 107 Sewer Extension Project. The vote is as follows:

AYES: 7  
NAYS: 0

(b) With the Water/Sewer Committee recommendation, the Board accepted the lowest bid from Valley Contractors Inc. in the amount of \$37,000 for the Burgess Hollow Road Water Main Extension. The vote is as follows:

AYES: 7  
NAYS: 0

(c) With the Water/Sewer Committee recommendation, the Board accepted the lowest bid from Valley Contractors Inc. in the amount of \$44,290 for Goodpasture Hollow Road Water Extension. The vote is as follows:

AYES: 7  
NAYS: 0

Supervisor Davidson reminded the Board the County received grants from Mount Rogers Planning District Commission for the above projects.

(d) With the Water/Sewer Committee recommendation, the Board approved to move forward with the Groseclose/Exit 54 Sewer Project including awarding and the authorization to execute the Engineering Agreement with Gay and Neel Inc. in the amount of \$58,800. Mr. Simpson explained the project and the agreement with Gay and Neel Inc. would be for only design and bidding and once receiving this information and the cost, the Board will consider to either continue with the project or not. Supervisor Davidson informed the Board Mr. Simpson will continue to apply for grants and move any remaining funds from other water/sewer projects to help fund this Sewer Project.

As a note; Mr. Carter informed the Board that before any execution of agreements or contracts, the contractors and sub-contractors will be cross-referenced with the delinquent tax list.

At 6:15 p.m. **PUBLIC HEARING – 2011/2012 Budget Amendments**

Chairman Wade Blevins opened the public hearing. Mr. Carter read the following advertisement as published in the Smyth County News and Messenger as well as the rules for public hearings:

**Notice of Public Hearing  
On Amending the Smyth County Budget  
For the Fiscal Year  
July 1, 2011 through June 30, 2012  
On April 10, 2012 at 6:15 p.m.**

Pursuant to § 15.2-2507 of the Code of Virginia, the Smyth County Board of Supervisors will conduct a public hearing on April 10, 2012 at 6:15 P.M., or as soon thereafter, in the Board of Supervisors meeting room at 121 Bagley Circle, Marion, Virginia 24354.

At this public hearing, subject to the rules of the Board of Supervisors, any citizen may appear and give his or her comments in favor or in opposition. A full text version of this proposed amendment 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 public hearing.

The purpose of the public hearing will be to receive public comment on proposed amendments to the Smyth County budget for fiscal year 2011-2012. The amendments relate to the Smyth County IDA's receipt of grant funds from the Virginia Tobacco Indemnification and Community Revitalization Commission for the Megasite Project and the County's receipt of grant funds from the Virginia Department of Housing and Community Development to rehabilitate homes in the Allison Gap/Lick Skillet Housing Rehabilitation Project.

A brief synopsis of the proposed budget amendments follows:

<u>2011-2012 Budget</u>	<u>Proposed Budget Amendment:</u>	<u>Difference:</u>	
		<u>Debit:</u>	<u>Credit:</u>
\$ -	4-004-012010-9003 Megasite Expenses	\$5,450,000	-
\$ -	3-004-010000-0003 TICRC Grant Income	-	\$4,905,000
\$ -	3-004-010000-0004 Revenue from Local	-	\$ 545,000
To set up the accounts to receive TICRC funds and pay expenses for the Megasite project for the IDA.		<b>\$5,450,000</b>	<b>\$5,450,000</b>
\$ -	4-001-081020-8888-30 CDBG expenses	\$ 626,579	-
\$ -	3-001-022010-0030 CDBG grant funds	-	\$ 611,579
\$ -	3-001-010000-1000 Revenue from Local	-	\$ 15,000
To set up accounts to receive CDBG funds and pay expenses for the Allison Gap/Lick Skillet Housing Rehabilitation project.		<b>\$ 626,579</b>	<b>\$ 626,579</b>

There were an estimated 60 citizens present with no one wishing to speak.

Chairman Wade Blevins closed the public hearing at 6:23 p.m.



**Lisa Moore**, Executive Director, Mt. Rogers Community Service Board –

Ms. Moore came before the Board to address some concerns and update them on information concerning Mt. Rogers Community Service Board moving into the former Garzon Medical Building. She informed the Board of Supervisors that the Code of Virginia in 1968 required the establishment of a Community Service Board in localities. Ms. Moore reported Mt. Rogers Community Service Board was established in the area in 1972. Ms. Moore reviewed the different services the Community Service Board provides the community. She also informed the Board and citizens present that Mt. Rogers Community Services Board does not provide services to sex offenders or prescribe methadone. Ms. Moore introduced Ms. Patty Musser the President of Finance for Mt. Rogers Community Service Board. Ms. Musser discussed the funds associated with Mt. Rogers Community Service Board, the return of investment to Smyth County, and the economic impact to Smyth County.

**Sally Morgan** –

*DD. Conflict of Interest*

1. *All applicants, contractors, and sub-contractors, agents, and representatives of the County, including members of the Housing Rehabilitation Board, shall be bound by and adhere to Chapter 22 of the Virginia State Code regarding Conflict of Interest, Section 2.1-348 through Section 2.1-352 and by Code Section 13.1-39.1.*
2. *More specifically, no member of the Smyth County Board of Supervisors at the time of signing the CDBG contract between the Commonwealth of Virginia and the County of Smyth nor any member of the Housing Rehabilitation Board shall be eligible for any financial assistance or other direct benefits arising out of the implementation of the Lick Skillet Housing Rehabilitation Project.*

*EE. Complaints and Appeals*

1. *Informal complaints regarding construction work should be handled on-site through consultation with the Rehabilitation Specialist and Project Administrator. If the complaint cannot be resolved in this manner or is considered a formal complaint, it shall be reported immediately and in writing to the Grant Administrator.*
2. *The Grant Administrator, upon receiving notification of a dispute, shall take appropriate action to resolve that dispute with assistance and action, if appropriate, by the Housing Rehabilitation Board. Response shall be provided within fifteen (15) days of receipt of the formal complaint.*
3. *Any unsuccessful applicant shall be notified that he/she has the right to appeal the decision regarding eligibility for the program. Such an appeal should be made in writing to the Grant Administrator who will forward the appeal to the Housing Rehabilitation Board for their consideration. Response to an appeal shall be made in writing within fifteen (15) days of receipt.*

4. *The Housing Rehabilitation Board shall document all complaints and appeals and related deliberations, and report its ruling in writing to the complainant or appellant, Project Administrator, Grant Administrator, and the Smyth County Board of Supervisors.*
5. *Initially, the Project Administrator and Rehabilitation Specialist will try to resolve any complaints by the homeowner the contractor, or anyone else, If these individuals are unsuccessful, all unresolved issues will be handled and resolved by the Housing Board. Any and all issues can be appealed if so desired. Anyone that wishes to appeal any issue(s) must do so in the presence of the Lick Skillet Housing Board. Those appealing will have a chance to speak their minds (in a respectful manner) present their issue in front of the Board members. The Board members will then (not necessarily on the day of the appeal) discuss and try to resolve any and all issues. The County Board of Supervisors would overtake any unresolved issue from the Housing Board. If none of the aforesaid parties have successfully resolved all issues, then Virginia Department of Housing and Community Development, as a last resort, would make the final determinations and decisions on any and all activities using Community Development Block (CDBG) Grant funding.*

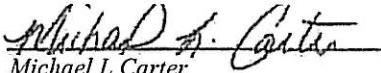
*FF. Program Design Adoption and Amendments*

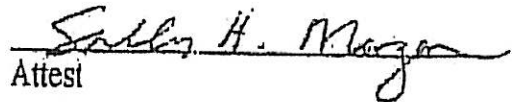
*This Program Design shall be adopted by the Smyth County Board of Supervisors and any amendments to this program design may be made by action of the Smyth County Board of Supervisors.*

*CERTIFICATION OF ADOPTION OR A/VIENDM:ENT*

*The foregoing Program Design for housing rehabilitation along Lick Skillet Road was adopted by the Smyth County Board of Supervisors at a regularly held meeting:*

Amended, this 10<sup>th</sup> the day of April 2012.

  
Michael L Carter  
County Administrator

  
Attest

- |     |  |                               |
|-----|--|-------------------------------|
| 3.  | <i>Application Review Process - (Mount Rogers PDC)</i>                         | <i>Ongoing</i>                |
| 4.  | <i>Home Inspection - (Rehab Specialist &amp; Mount Rogers PDC)</i>             | <i>April 20, 2012</i>         |
| 5.  | <i>Work Write-ups - (Rehab Specialist)</i>                                     | <i>May 1, 2012</i>            |
| 6.  | <i>Approval of Application - (Housing Board)</i>                               | <i>May 4, 2012</i>            |
| 7.  | <i>Bidders Conference/Request for Bids/Bid Opening - (Rehab Specialist) by</i> | <i>May 30, 2012</i>           |
| 8.  | <i>Review of Bids - (MRPDC/ Rehab Specialist)</i>                              | <i>June 1, 2012</i>           |
| 10. | <i>Acceptance of Low Bidder - (Housing Board)</i>                              | <i>June 8, 2012</i>           |
| 11. | <i>Notice to Proceed - (Mount Rogers PDC)</i>                                  | <i>June 11, 2012 -Ongoing</i> |
| 12. | <i>Issuance of Permits - (Contractor)</i>                                      | <i>June 11, 2012- Ongoing</i> |

- |     |   |                        |
|-----|---|------------------------|
| 13. | Construction - (Contractor)                                       | June 11, 2012- ongoing |
| 14. | Final Inspection - (Rehab Specialist & County Building Inspector) | Ongoing                |
| 15. | Close Out & Owner Acceptance - (Mount Rogers PDC)                 | Ongoing                |

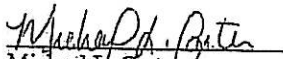
*The above process shall be repeated with 1 to 7 houses per bidding cycle until the housing rehabilitation activity is complete.*

*C. GRANT CLOSEOUT*

*TARGET DATE*

- |    |   |            |
|----|---|------------|
| 1. | Project Completion - (Mount Rogers PDC) | 10/19/2013 |
| 2. | Contract Expiration                     | 04/19/2014 |

*The above Management Plan for the Lick Skillet Housing Rehabilitation Project was adopted this 10<sup>th</sup> day of April 2012.*

  
Michael L. Carter

*County Administrator  
Smyth County*

4-16-12  
*Date*

\_\_\_\_\_

*Department of Housing & Community Development*

\_\_\_\_\_

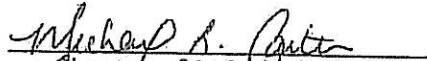
*Date*

Analyst regarding receipt and expenditure.

Records will be kept on a twelve-month contract year basis. Records must show the amounts due and received monthly and the income expended annually. Copies of source documentation will be placed in the appropriate client file.

Smyth County will implement the activities in accordance with the Project Management Plan, the Program Design and the Grant Management Manual. The VA Procurement Act will be followed. Smyth County will ensure compliance.

I certify that this is the plan of this locality for use of income derived from the Community Improvement Grant Program after the current contract expires. I further certify that the governing body Board fully intends to carry out this plan, to oversee its implementation and assures that no other use of these funds will be allowed. I certify that this locality will budget program income funds in a separate, distinct account and will maintain records documenting the use of those under the *Home Investment Partnerships Act*, as amended and Title I of the *Housing and Community Development Act of 1974*, as amended. I understand that the Virginia Department of Housing and Community Development may review the receipt and expenditure of program income funds.

  
Signature of Authorized Official

4-16-12

Date

Supervisor Call motioned to adopt the Lick Skillet Rehabilitation Project program design and authorize Mr. Carter to sign the necessary documents. Supervisor Ron Blevins seconded the motion, the motion passed with the following vote:

AYES: 7  
NAYS: 0

### **Mike Carter**

(a) Mr. Carter informed the Board he spoke with Mr. Matthew Cox with VDOT and has received the Secondary Six-Year Plan for Smyth County. Mr. Carter requested the Board of Supervisors to set a public hearing for the plan. Supervisor Ron Blevins motioned to set a public hearing on May 8, 2012 at 6:45 p.m. for the Secondary Six-Year Plan for Smyth County. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

(b) Mr. Carter explained he had received a request from Dr. Mike Robinson, School Superintendent; to set a public hearing for the School Board's 2012/2013 Budget. Supervisor Call motioned to set a public hearing on May 8, 2012 at 7:00 p.m. for the School Board 2012/2013 Budget. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

(c) Mr. Carter requested the Board of Supervisors to set a public hearing for the New River/Mt. Rogers Workforce Investment Board Ordinance. He reminded the Board they adopted an Emergency Ordinance at their March 13, 2012 meeting, and now needed to adopt the Original Ordinance. Supervisor Call motioned to set a public hearing on May 8, 2012 at 7:15 p.m. for the New River/Mt. Rogers Workforce Investment Consortium Board Ordinance. Supervisor Dishner 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.***

***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.***

***At the January 26, 2012 meeting; Supervisor Call inquired about securing the Sheriffs Department to deliver letters to the delinquent tax payers.***

***At the April 10, 2012 meeting; Supervisor Ron Blevins updated the Board on the Delinquent Tax Committee meeting on April 3, 2012. He informed the Board that the Treasurer, Mr. Tom Burkett, would be signing an agreement with TACS, a 3<sup>rd</sup> party collection company, on April 23, 2012 to start the process of collecting delinquent taxes. Mr. Carter informed the Board he presented the Treasurer with a list of County employees and requested Mr. Burkett to cross reference the employee list with the delinquent tax list. Mr. Carter also requested Mr. Burkett to notify him of any employees on the delinquent tax list.***

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.***

***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.**

**At the February 14, 2012 meeting; Ms. Pritts informed the Board that the Court had entered a letter opinion but the case was pending a final order and she and Mr. Williams would update the Board at their next meeting.**

**At the March 13, 2012 meeting; Mr. Carter informed the Board he spoke with Mr. Clegg Williams and there was no new update to give the Board**

**At the April 10, 2012 meeting; Mr. John Tate informed the Board the Judge had provided a ruling but no order had been entered yet. Mr. Tate reported Mrs. Hearrell was not required to move her mobile home and Mr. and Mrs. Ellis was directed to tear down a building.**

**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. 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.**

**6. Rules of Procedures (9-13-11)**

**7. 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.***

**8. 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.***

**9. 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:***

<b>AYES:</b>	<b>5</b>	<b>Blevins, Waddell, Call, Dishner, Davidson</b>
<b>NAYS:</b>	<b>1</b>	<b>Clark</b>
<b>ABSENT:</b>		<b>Neitch</b>

***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:***

<b>AYES:</b>	<b>5</b>	<b>Blevins, Waddell, Call, Dishner, Davidson</b>
<b>NAYS:</b>	<b>1</b>	<b>Clark</b>
<b>ABSENT:</b>		<b>Neitch</b>

***Supervisor Clark mentioned he believed the newly elected officials should appoint the expiring terms.***

***At the January 10, 2012 meeting; Supervisor Dishner motioned to appoint Mrs. Regina Davidson to serve as the Board of Supervisor representative on the Department of Social Service Board. Mrs. Davidson will serve a four (4) year term to expire February 6, 2016. Supervisor Call seconded the motion, and the motion passed with the following vote:***

<b>AYES:</b>	<b>7</b>
<b>NAYS:</b>	<b>0</b>

***Supervisor Burton motioned to reappoint Ms. Karen Gillespie to serve an additional 1-year term on the Area Beautification Board. Ms. Gillespie's term will expire December 31, 2012. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:***

<b>AYES:</b>	<b>7</b>
<b>NAYS:</b>	<b>0</b>

**Supervisor Call motioned to reappoint Ms. Carol Nutter to serve an additional 1-year term on the Area Beautification Board. Ms. Nutter's term will expire December 31, 2012. Supervisor Dishner seconded the motion, and the motion passed with the following vote:**

**AYES: 7**  
**NAYS: 0**

**The following nominations were continued:**

**Chilhowie District**  
**North Fork District**

**Royal Oak District**

**Supervisor Dishner motioned to appoint Mr. J. Howard Burton (725 Mitchell Valley Road, Marion, VA 24354, 276-783-8821) to the District Three Governmental Cooperative Board. Mr. Burton will serve a one (1) year term that will expire December 31, 2012. Supervisor Call seconded the motion, and the motion passed with the following vote:**

**AYES: 7**  
**NAYS: 0**

**Supervisor Burton motioned to reappoint Mr. Todd Dishner as Alternate to the District Three Governmental Cooperative Board. Mr. Todd Dishner will serve a one (1) year term that will expire December 31, 2012. Supervisor Davidson seconded the motion, and the motion passed with the following vote:**

**AYES: 7**  
**NAYS: 0**

**Supervisor Davidson motioned to appoint Mr. Wade Blevins (522 Town Spring Road, Chilhowie, VA 24319, 276-646-5312) to serve as the Smyth County Board of Supervisor representative on the Smyth-Washington Regional Industrial Facilities Authority. Mr. Blevins will serve a four (4) year term to expire December 31, 2015. The vote is as follows:**

**AYES: 7**  
**NAYS: 0**

**Supervisor Burton motioned to appoint Dr. Charles Wassum III, 200 Larch Street, Marion, VA 24354, 276-783-3707, to serve as the Atkins District representative to the Planning Commission. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:**

**AYES: 6 J. Howard Burton, Ron Blevins, Roscoe Call, Todd Dishner, Wade Blevins, Rick Blevins**  
**NAYS: 1 Regina Davidson**

**Dr. Wassum will serve a four (4) year that will expire December 31, 2015.**

**Atkins District – Supervisor Burton motioned to appoint Ms. Erwin Rowland, 739 Park Blvd, Marion, VA 24354, 276-781-0811, to serve a five (5) year term on the Board of Zoning Appeals Board to expire December 31, 2016. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:**

**AYES: 7**  
**NAYS: 0**

**North Fork District** – Supervisor Ron Blevins motioned to appoint Mr. Rodney Blevins, 340 Venice Drive, Marion, VA 24354, 276-646-2041, to serve a five (5) year term on the Board of Zoning Appeals Board to expire December 31, 2016. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Elected to Chairman, Mr. Wade Blevins, (522 Town Spring Road, Chilhowie, VA 24319, 276-646-5312), will represent Smyth County on the Virginia a Corridor, Mt. Rogers Partnership Board. He will serve a one (1) year term expiring December 31, 2012.

Supervisor Ron Blevins motioned to appoint Ms. Deanie Dimick (526 Meadows Path, Chilhowie, VA 24319, 276-646-8439, dimickd@gmail.com) to serve as the Chilhowie District representative on the Smyth-Bland Regional Library Board. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Ms. Dimick will serve a four (4) year term that will expire December 31, 2015.

At the January 26, 2012 meeting; Supervisor Dishner motioned to reappoint Sherian Medley as Park District representative to the Area Beautification Committee Judges. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Ms. Medley will serve a one (1) year term that will expire December 31, 2012.

At the February 14, 2012 meeting;

Supervisor Dishner motioned to appoint Ms. Rachel Rush, 1547 High Meadows Lane, Chilhowie, VA 24319, 646-3279, as Chilhowie District representative to the Area Beautification Committee Judges. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Ms. Rush will serve a one (1) year term that will expire December 31, 2012.

The following nominations were continued: NorthFork & Royal Oak Districts

Supervisor Davidson motioned to appoint Mr. Ron Blevins (157 Porter Valley Road, Marion, VA 24354, 276-646-5012) to replace Mrs. Darlene Neitch on the Mount Rogers Community Service Board. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Mr. Blevins will serve the remaining term of Mrs. Darlene Neitch, which will expire December 31, 2012.

***With the Commonwealth Attorney's opinion of finding no conflict of interest with Mr. Joe Blankenship being a relative of Mrs. Beth Fleshman, an employee of Rye Valley Water Authority; Supervisor Davidson motioned to appoint Mr. Joe Glen Blankenship, 642 Slemp Creek Road, Sugar Grove, VA 24375, 677-0564, to serve on the Rye Valley Water Authority. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:***

**AYES: 7  
NAYS: 0**

***Mr. Blankenship will serve a four (4) term to expire June 30, 2016.***

***At the March 13, 2012 meeting;***

***Supervisor Ron Blevins inquired if a citizen is serving on the Board of Zoning Appeals would he be eligible to serve on the Social Service Board. Ms. Pritts informed the Board since the Judge appoints the members to the Board of Zoning Appeals he would not be eligible to serve on another Board.***

***Supervisor Todd Dishner currently serves on the Chamber of Commerce Board, and his term has expired. He wished to continue this appointment. Ms. Pritts informed the Board Mr. Dishner may continue to serve until being reappointed or new appointment is made.***

***At the April 10, 2012 meeting; Supervisor Todd Dishner informed the Board he would serve an additional three (3) year term on the Chamber of Commerce Board.***

***Mr. Carter informed the Board he received notice from the Judge appointing the nominated individuals to the Board of Zoning Appeals must be landowners. He reported the nomination for NorthFork District was withdrawn and the nominations for the Atkins and Rye Valley Districts are not listed as landowners with the Commissioner of Revenue. With this, there will need to be new nomination for the NorthFork, Atkins, and Rye Valley Districts for the Board of Zoning Appeals.***

***Supervisor Ron Blevins motioned to appoint Mr. Rodney Blevins, (340 Venice Drive, Marion, VA 24354, 646-2041) as the NorthFork District representative to the Department of Social Services Board. Supervisor Call seconded the motion, and the motion passed with the following vote:***

**AYES: 7  
NAYS: 0**

***Mr. Rodney Blevins will serve a four (4) year term to expire April 8, 2016.***

10. Mutual Aid Agreements (1-10-12)
11. Subdivision Ordinance (2-14-12)
12. Refinancing of the 2005 GO Bond and 2002, 2005, 2007, and 2009 Rural Development loans (2-13-12)

***At the April 10, 2012 meeting; Mr. Carter updated the Board for the continuation of this matter due to securing Bond Counsel for the refinancing. Mr. Carter and Mr. Tate spoke on the Board considering the Darby Firm as Bond Counsel. Mr. Roland Kooch, Davenport & Company, stated the amount of the refinancing bond will not exceed \$6.4 million and the County will be savings \$936,000 with refinancing. After Discussion, Supervisor Call motioned to approve the Darby Firm as Bond Counsel and advise Mr. Roland Kooch to move forward with the refinancing. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:***

**AYES:**           7  
**NAYS:**           0

**John Tate** informed the Board of Supervisors of the Hungry Mother Convenience Station Lease renewal and the land owner's desire to no longer renew the lease. Mr. Tate stated he sent a letter to the land owners today. He requested the lease be approved as to form without the amount of lease included. Mr. Tate explained he would advise the Board once he heard back from the land owner of the lease amount. After discussion, Supervisor Ron Blevins motioned to approve the lease as to form as advised by Mr. Tate. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

**AYES:**           7  
**NAYS:**           0

### **Supervisor Comments**

**Supervisor Call** informed the Board he spoke with Ms. Chris Gilley with Mt. Rogers Planning District concerning the Salt Trail. Ms. Gilley requested the Board of Supervisors to consider a letter of support on the Tin Bridge Trestle Project. After discussion, Supervisor Call motioned to approve the following letter of support on the Salt Trail – Tin Bridge Trestle Project:

April 11, 2012

Department of Conservation and  
Recreation Division of Planning and  
Recreational Resources 203 Governor  
Street, Suite 326  
Richmond, Virginia 23219-2010

RE: SALT TRAIL—TIN BRIDGE TRESTLE PROJECT

Dear Department of Conservation and Recreation:

Smyth County fully supports the application to the Department of Conservation and Recreation's Recreational Trail Program for funding to construct a bridge on the Salt Trail. With the conclusion of the Downtown Revitalization Project, this is an opportune time for a tourism enhancement project.



The proposed project consists of the construction of a bridge that will connect the north end of the Tin Bridge Trestle to the trail. This addition will eliminate a critical gap in the Salt Trail and greatly reduce a safety hazard. The Salt Trail is an important outdoor recreational attraction for Smyth County that will also complement the historical and cultural attractions in Saltville.

Again, Smyth County fully supports the Salt Trail—Tin Bridge Trestle project in the Town of Saltville. The grant funds being requested from the Department of Conservation and Recreation are vital for the successful completion of this project and the economic future of Saltville.

Sincerely,  
Michael Carter  
Smyth County Administrator

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

AYES: 7  
NAYS: 0

**Supervisor Dishner** informed the Board of Supervisors the Extension Office is requesting a full-time Secretary, which will be funded by the State, and will need a resolution similar to the one done for the Extension Agent position. He stated he will obtain more information on this for the next meeting.

**Supervisor Burton** stated he had reservations about the law enforcement mutual aid agreements; in particular outside law enforcement agencies coming into Smyth County.

**Supervisor Dishner** commented on the Regional Jail Budget that was discussed at a meeting that he and Mr. Carter attended this morning. Mr. Carter reviewed the Regional Jail Budget with the Board and advised them of the estimated \$200,000 increase from last year.

Chairman Wade Blevins informed the Budget Committee of the meeting scheduled for Thursday, April 18, 2012 at 3:00 p.m. was cancelled.

## **ADJOURN MEETING**

At 7:32 p.m. Supervisor Davidson motioned to adjourn meeting. Supervisor Rick 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 March meeting at 4:00 p.m., **Tuesday, May 8, 2012**. 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:**

Wade H. Blevins, Jr., Chairman  
M. Todd Dishner, Vice-Chair  
Richard K. Blevins  
Ronald C. Blevins

J. Howard Burton  
Roscoe D. Call  
Regina H. Davidson

**STAFF PRESENT:**

Michael Carter, County Administrator  
Scott Simpson, Assistant County Administrator  
Pam Testerman, Office Service Assistant  
Charlie Atkins, Director of Finance  
Sally Morgan, Community/Economic Development  
John Tate, Acting County Attorney  
Sheriff Bradley

**OTHERS PRESENT:**

Stephanie Porter-Nichols, Smyth County News & Messenger

**At 4:00 p.m.** Chairman Wade Blevins called the meeting to order.

**CLOSED SESSION**

At 4:02 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.3 Land Acquisition**; discussion on Mega-Site Project, **A.5 Industrial/Business Prospects** – 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 and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

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

AYES: 7  
NAYS: 0

Upon returning to the open session at 5:03 p.m., Supervisor Rick 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 Ron Blevins seconded the motion, and the motion passed with the following vote:

AYES:        7  
NAYS:        0

**Call To Order, Invocation & Pledge of Allegiance:**

With a quorum present, Chairman Wade Blevins called the meeting to order at 5:05 p.m.; Mr. Andy Overbay gave the invocation and Mrs. Angi Wyatt led the pledge of allegiance.

**Adoption of Agenda:**

Supervisor Call motioned to adopt the agenda and the additional agenda. Supervisor Davidson 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, April 10, 2012

Supervisor Call motioned to approve the minutes for the April meeting with Mr. Tate's correction. Supervisor Ron Blevins seconded the motion, and the vote is as follows:

AYES: 7  
NAYS: 0

**Financial Report:**

**Mr. Charlie Atkins** reported, per the Treasurer's Office, as of the beginning of business today, May 8, 2012; the County had \$10,195,293. in the bank. He stated this is sufficient for the requested appropriations for today's meeting.

**Payment of County Invoices:**

Supervisor Call motioned to approve \$5,660,831.67 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,525,831.67
Social Services (May 11 – 31, 2012)	\$ 275,000.00
(June 1 - 12, 2012)	\$ 60,000.00
Schools - Operating Fund	\$3,800,000.00

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

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$1,500,000.00 for the School Construction Fund appropriation. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Burton motioned to approve \$1,080.46 for the IDA-Fund 4 appropriation. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Rick Blevins motioned to approve \$480,739.75 for the Courthouse Project appropriation. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 6 Rick Blevins, Roscoe Call, Todd Dishner, Howard Burton,  
Wade Blevins, Regina Davidson  
NAYS: 1 Ron Blevins

Supervisor Call motioned to approve \$6,279.00 for the On-Site Wastewater Project appropriation. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve \$185,831.67 for the Series 2012 Refinancing Bond Wire Transfers. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Supervisor Call motioned to approve the accounts payable listing in the amount of \$606,350.89. Supervisor Ron Blevins seconded the motion and the vote is as follows:

AYES: 7  
NAYS: 0

## **CITIZEN'S TIME**

Chairman Wade Blevins opened Citizen's Time at 5:15 p.m.

There were five (5) citizens present, with the following wishing to speak:

**Kenneth Smith**, Chilhowie, Mr. Smith requested the Board to bring his subdivision into the VDOT Secondary Road Plan. He presented Mr. Carter a petition with 24 out of the 29 residents' signatures. Mr. Carter informed Mr. Smith he would forward the information to VDOT.

**Kristen Unitedt-Barnett**, Chamber of Commerce, Marion, Mrs. Unitedt-Barnett updated the Board on the up coming events of the Chamber. She also read and requested the Board adopt the following resolution for Business Appreciation Week:



## **BUSINESS APPRECIATION WEEK 2012**

**WHEREAS**, Governor Robert F. McDonnell has recognized June 4-8 as **BUSINESS APPRECIATION WEEK** in the **COMMONWEALTH OF VIRGINIA**, and called this observance to the attention of all citizens; and,

**WHEREAS**, Virginia and its localities recognize that the health, prosperity, and vitality of our Commonwealth's economy is tied directly to the leadership motivation, and inspiration of entrepreneurs; and

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

**WHEREAS**, it is incumbent on our Commonwealth to provide an economic climate in which entrepreneurs can grow and thrive and create good paying jobs for our citizens; and

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

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

**NOW, THEREFORE**, we, the Smyth County Board of Supervisors, do hereby recognize June 4-8 as **BUSINESS APPRECIATION WEEK** in Smyth County, and call this observance to the attention of all our citizens.



Adopted Date May 8, 2012

On a motion by Supervisor Regina Davidson and seconded by Supervisor Roscoe Call the foregoing resolution was adopted with a 7 – 0 vote.

<u>Supervisor</u>	<u>VOTE</u>
Wade H. Blevins, Jr., Chairperson, Chilhowie District	Aye
Rick K. Blevins, Rye Valley District	Aye
Ron C. Blevins, Northfork District	Aye
J. Howard Burton, Atkins District	Aye
Roscoe D. Call, Saltville District	Aye
Regina Davidson, Royal Oak District	Aye
M. Todd Dishner, Vice Chairperson, Park District	Aye

---

Michael L. Carter, Clerk of the Board of Supervisors

Chairman Wade Blevins closed citizen's time at 5:26 p.m.

**Shannon Williams –**

**(a) Distribution of the Four-for-Life funds**

With a motion from Supervisor Ron Blevins and seconded by Supervisor Call, the Board approved and appropriated the distribution of the following Four-For-Life checks totaling \$27,887.60:

Marion Life Saving Crew \$ 6,971.90  
Chilhowie FD/EMS \$ 6,971.90  
Sugar Grove Life Saving \$ 6,971.90

The motion included holding the Saltville Rescue Squad's \$ 6,971.90 check to obtain further information concerning which funds are being held by the Federal Court Case involving the Squad. Once information is obtained and reviewed, the check will be released to the Saltville Rescue Squad.

The vote is as follows:

AYES: 7  
NAYS: 0

**(b) Emergency Communications Committee Recommendation**

With the Emergency Communications Committee recommendation, the Board accepted the low bid from Eaton/Corporate Interiors for the Four (4) Station Dispatcher Console with option 2 furniture design and three (3) personal environment controls in the amount of \$60,202.35 (\$49,849.78 will come from the 2011A Bond Proceeds and \$10,352.57 will come out of line-item 39-011010-7000) to be placed in the new 911 Center. The vote is as follows:

AYES: 7  
NAYS: 0

**Introduction of Businesses in Smyth County:**

**Mrs. Sally Morgan** introduced Mr. Keith Hungate, Owner of Hungate Business Services. Mr. Hungate informed the Board he started his business in 1985 and has turned it into a family business with his sons Eric and Kyle. He stated the business currently has 20 employees and he is expecting to hire a few more. Mr. Hungate explained he is partnered with Xerox and provides the following services:

- Xerox office machines and service
- Information Technology service
- Network and PC services
- Phone Systems
- Scanning

He spoke on having an opportunity to begin a work study program for students.

AT 5:45 p.m. **Mr. David Haynes**, Fire Chief, Town of Chilhowie, gave the Board a presentation a Live Fire Training Building. Mr. Haynes presented a plan of the live fire training building with additional facilities they would like to incorporate for a Training Center. The local fire department volunteers have to travel to receive this training and it would save the fire departments money by having the Training Center locally. Mr. Haynes mentioned with this Training Center it would bring into the county other fire, rescue, and even law enforcement departments. He stated he has received letters of support from other fire chiefs. Mr. Haynes stated the tentative location is behind the VDOT Shop in Chilhowie. He reported the Town Council accepted a grant from the VA Department of Fire Programs. The grant only funds the Live Fire Training Building and for the other facilities the Fire Department has to provide the funding for. With that the Fire Department is requesting funding assistance to fund the other facilities. Mr. Haynes explained the Live Fire Training Building, per the grant, has to be up and operating by March 31, 2014. The Board unanimously agreed to send the funding matter to the Budget Committee.

At 6:00 p.m. **PUBLIC HEARING – Proposed 2010 Comprehensive Plan**

Chairman Wade Blevins opened the public hearing at 6:00 p.m.

Mr. Carter read the following advertisement as published in the Smyth County News and Messenger along with the Board's rules for public hearings:

**PUBLIC HEARING NOTICE  
TO CONSIDER AMENDMENTS TO SECTIONS OF  
THE SMYTH COUNTY COMPREHENSIVE PLAN**

The Smyth County Board of Supervisors will conduct a public hearing on Tuesday, May 8, 2012, at 6:00 p.m., or as soon thereafter, to receive public input on a comprehensive update of the Smyth County Comprehensive Plan ("Plan"). The public hearing will be held at the Board of Supervisors Meeting Room in the Smyth County Office Building located at 121 Bagley Circle, Marion, Virginia 24354. This update is undertaken to assure compliance with Code of Virginia Section 15.2-2230 which requires that comprehensive plans be reviewed and updated on a regular basis. The Plan serves as a general guide for decisions about future land development and facility development. It contains goals for long range development as well as objectives for implementing the goals. Draft changes have been made to the text, policies, and maps.

Copies of the proposed plan and maps are available for inspection in the Smyth County Administrator's Office at the address given above, Monday – Friday, from 8:00 a.m. to 5:00 p.m., and online at Smyth County's website: [www.smythcounty.org](http://www.smythcounty.org). All are encouraged to view the proposed plan and maps and attend the public hearing. At the hearing, persons may make comments regarding the proposed Comprehensive Plan amendment, subject to the rules of procedure of the Planning Commission of Smyth County. If you have any questions, please contact Clegg Williams, Zoning Administrator, by telephone at (276) 783-3298 x227 or by e-mail at [zoning@smythcounty.org](mailto:zoning@smythcounty.org).

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County ADA Coordinator at (276) 783-3298 x227 at least forty eight (48) hours prior to the hearing.

Mr. Clegg Williams updated the Board on the process of the proposed plan and the Comprehensive Plan Committee recommendation to adopt this plan.

There were eight (8) citizens present with no one wishing to speak.

Chairman Wade Blevins closed the public hearing at 6:05 p.m.

Chairman Wade Blevins recessed the meeting until 6:20 p.m.

At 6:15 p.m. **PUBLIC HEARING – Proposed Floodplain Ordinance**

Chairman Wade Blevins opened the public hearing at 6:21 p.m.

Mr. Carter read the following advertisement as published in the Smyth County News and Messenger along with the Board's rules for public hearings:

**Public Hearing Notice**

The Smyth County Board of Supervisors will conduct a public hearing on Tuesday, May 8, 2012 at 6:15 p.m., or soon thereafter, in the Board of Supervisors Meeting Room at the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia.

The purpose of the hearing is to receive comments on the proposed revisions to Chapter 29: FloodPlain Management of the Smyth County Code. Included in the proposed revisions is the adoption of the revised Federal Insurance Rate Maps (FIRMs).

The full text of the proposed ordinance is on file and can be viewed at the County Administrator's Office at 121 Bagley Circle, Marion, Virginia, Monday - Friday, from 8:00 a.m. to 5:00 p.m. Additionally, copies of both ordinances may be viewed at our website [http://www.smythcounty.org/building\\_and\\_zoning/bldg\\_and\\_zoning\\_ord.htm](http://www.smythcounty.org/building_and_zoning/bldg_and_zoning_ord.htm) and copies of the FIRMs may be viewed at <http://arcims.webgis.net/va/smyth/default.asp>. Any questions regarding the proposed changes or assistance navigating the website can be directed to Clegg Williams, Floodplain Ordinance Administrator at 276-783-3298, x227.

An informational meeting has been scheduled on May 3, 2012, from 1:00 p.m. to 7:00 p.m. in the Smyth County Office Building at 121 Bagley Circle, Marion, Virginia. At this meeting a copy of the FIRMs will be available for viewing and staff will be available to answer any questions you may have.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in the informational meeting and/or the public hearing should contact Clegg Williams, ADA Coordinator for Smyth County, at (276) 783-3298 x227 at least forty eight (48) hours prior to the meeting and/or public hearing.

Mr. Clegg Williams informed the Board of FEMA's decision to digitize the flood map. By digitizing the map the flood lines have moved and have taken current citizens out of the floodplain and placed others in. FEMA is requiring localities to adopt a State Model Ordinance for the Floodplain as well as the new map. Mr. Williams explained the meaning of the informational meeting and informed the Board he had received several calls in opposition of the new map.

There were ten (10) citizens present with the following speaking in opposition of the new map and request the Board appeal:

Kenny Alexander, Marion  
Joe Alexander, Marion  
Charles Wassum, Marion

Mark Chaney, Chilhowie, He stated the GIS map is supposed to be a true assessment



Supervisor Ron Blevins stated FEMA created the problem and why is the County being held responsible for the moved floodplain lines. Supervisor Burton inquired about a class action suit. Mr. Clegg Williams suggested the Board contact FEMA Officials. He stated individual citizens could appeal. Supervisor Rick Blevins inquired if the County had any idea of the line changes. Mr. Williams stated he had no idea until he received the map.

Chairman Wade Blevins closed the public hearing at 7:01 p.m.

At 6:30 p.m. **PUBLIC HEARING – Proposed Restitution fee**

Chairman Wade Blevins opened the public hearing at 7:01 p.m.

Mr. Carter read the following advertisement as published in the Smyth County News and Messenger:

## **Public Hearing Notice**

The Smyth County Board of Supervisors will conduct a public hearing on Tuesday, May 8, 2012 at 6:30 p.m., or as soon thereafter, in the Board of Supervisors Meeting Room at the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia.

Pursuant to section 15.2-1716 and 15.2-1716.1 of the Code of Virginia, the hearing will take public comment on imposing a restitution fee in the amount \$350 to any person of DUI and related incidents, including a terrorism hoax, to reimburse first responders who dutifully respond to those calls. .

At the public hearing, any citizen of Smyth County, subject to the rules of procedure of the Board of Supervisors, may appear to express an opinion on this proposed ordinance. A full copy of the Code of Virginia is on file at the above address in the County Administrator's Office and may be reviewed Monday – Friday, from 8:00 a.m. to 5:00 p.m.

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.

Supervisor Dishner motioned to waive the reading of the rules for public hearings. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

There were seven (7) citizens present with no one wishing to speak.

Chairman Wade Blevins closed the public hearing at 7:03 p.m.

At 6:45 p.m. **PUBLIC HEARING – Proposed VDOT Secondary Six-Year Road Plan**

Chairman Wade Blevins opened the public hearing at 7:03 p.m.

Mr. Carter read the following advertisement as published in the Smyth County News and Messenger:

***Public Hearing Notice***

The Virginia Department of Transportation and the Board of Supervisors of Smyth County, in accordance with Section 33.1-70.01 of the Code of Virginia, will conduct a joint public hearing in the Board of Supervisors Meeting Room of the Smyth County Administration Office, 121 Bagley Circle, Suite 100, Marion, Virginia 24354 at **6:45 p.m. on May 8, 2012**. The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 20012/13 through 2017/18 in Smyth County and on the Secondary System Construction Budget for Fiscal Year 2012/13. Copies of the proposed Plan and Budget may be reviewed at the Wytheville Residency Office of the Virginia Department of Transportation, located at 2843 *Chapman Road, Wytheville, Virginia 24382* or at the Smyth County Administration Office located at 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.

Persons requiring special assistance to attend and participate in this hearing should contact the Virginia Department of Transportation at (276) 228-2153. Persons wishing to speak at this public hearing should contact the Smyth County Board of Supervisors at (276) 783-3298.

Supervisor Dishner motioned to waive the reading of the rules for public hearings. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

Mr. Steve Buston and Mr. James Schwartz with VDOT were present and Mr. Buston updated the Board on the Six-year Plan and the estimated allocations.



He informed the Board of a change to Tilson Hollow Road. The residents on this road do not wish to widen it for resurfacing. Supervisor Rick Blevins stated he does not object to another area receiving the funds since the residents do not wish to widen the road. Mr. Buston stated once he has the plan revised he will send back before the board.

There were 13 citizens present with the following wishing to speak.

Page Coulthard – Cave Ridge Road, Sugar Grove, She requested the Board and VDOT consider her road in the Six-Year Plan.

Chairman Wade Blevins closed the public hearing at 7:15 p.m.

At 7:00 p.m. **PUBLIC HEARING – Proposed 2012/2013 School Board Budget**

Chairman Wade Blevins opened the public hearing at 7:21 p.m.

Dr. Mike Robinson, School Superintendent, discussed highlights to the budget; what the General Assembly passed down, Debt Service, \$1 million less in federal funds received, last of the stimulus money, 5% pay increase mandated by the General Assembly to off set the VRS contribution, Health Insurance, and reduction in staff.

Mr. Carter read the following advertisement as published in the Smyth County News and Messenger:

**NOTICE OF PUBLIC HEARING  
ON THE SMYTH COUNTY SCHOOL BUDGET  
FOR FISCAL YEAR COMMENCING  
July 1, 2012– June 30, 2013  
On May 8, 2012 at 7:00 p.m.**

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

The Smyth County Board of Supervisors will conduct a hearing for the purpose of receiving public comment on the proposed School Board budget for fiscal year beginning July 1, 2012. The public hearing will be held in the **Board of Supervisors meeting room, 121 Bagley Circle, Smyth County Office Building on May 8, 2012 at 7:00 p.m.**

Subject to the rules and procedures of the Board of Supervisors, at the above-mentioned day,

time, and place any citizen of Smyth County may appear and express their opinion(s).

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

By order of the Smyth County Board of Supervisors  
Michael Carter, County Administrator

<b>Smyth County School Board</b>			
<b>Operations Budget For the Year Ending June 30, 2013</b>			
<b>Revenue Summary for Operations Budget</b>			
	<b>2011-2012</b>	<b>2012-2013</b>	<b>Difference</b>
State Revenue	\$ 25,195,547	\$ 25,720,608	\$ 525,061
Local Revenue	\$ 7,405,577	\$ 7,833,216	\$ 427,639
Federal Revenue	\$ 7,376,322	\$ 6,377,860	\$ (998,462)
State Sales Tax	\$ 4,245,215	\$ 4,332,117	\$ 86,902
Other Revenue	\$ 1,895,100	\$ 2,035,482	\$ 140,382
<b>TOTAL OPERATIONS</b>	<b>\$ 46,117,761</b>	<b>\$ 46,299,283</b>	<b>\$ 181,522</b>
<b>Expenditure Summary for Operations Budget</b>			
	<b>2011-2012</b>	<b>2012-2013</b>	<b>Difference</b>
Instruction	\$ 33,907,304	\$ 34,024,361	\$ 117,057
Administration	\$ 1,598,989	\$ 1,571,564	\$ (27,425)
Transportation	\$ 2,261,300	\$ 2,241,571	\$ (19,729)
Facilities	\$ 4,136,009	\$ 4,277,698	\$ 141,689
Food Service	\$ 2,859,194	\$ 2,912,393	\$ 53,199
Technology	\$ 1,354,965	\$ 1,271,696	\$ (83,269)
<b>TOTAL OPERATIONS</b>	<b>\$ 46,117,761</b>	<b>\$ 46,299,283</b>	<b>\$ 181,522</b>
<b>Smyth County School Board</b>			
<b>Capital Outlay and Debt Service Budget For the Year Ending June 30, 2013</b>			
<b>Revenue Summary for Capital Outlay and Debt Service Budget</b>			
	<b>2011-2012</b>	<b>2012-2013</b>	<b>Difference</b>
Local Funds - Capital Outlay	\$ 614,874	\$ 185,138	\$ (429,736)
Local Funds - Debt Service	\$ 1,271,567	\$ 1,797,296	\$ 525,729
<b>TOTAL CAPITAL OUTLAY</b>	<b>\$ 1,886,441</b>	<b>\$ 1,982,434</b>	<b>\$ 95,993</b>
<b>Expenditure Summary for Capital Outlay and Debt Service Budget</b>			
	<b>2011-2012</b>	<b>2012-2013</b>	<b>Difference</b>
Capital Outlay – Facilities	\$ 614,874	\$ 185,138	\$ (429,736)
Capital Outlay - Debt Service	\$ 1,271,567	\$ 1,797,296	\$ 525,729
<b>TOTAL CAPITAL OUTLAY</b>	<b>\$ 1,886,441</b>	<b>\$ 1,982,434</b>	<b>\$ 95,993</b>

Supervisor Davidson motioned to waive the reading of the rules for public hearings. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

There were 13 citizens present with the following requesting the Board adopt the School Board Budget at 115%:

Betty Webb, Northwood Middle School  
Cathy Smith, Chilhowie Middle School  
Charles Buchanan, Northfork representative on the School Board

Rod Blevins, Marion, He spoke on the budget percentage by student and stated the School Board budget could be reduced without hurting the students or teachers.

Charles Wassum, Marion, He spoke on the Bond for the new school and renovation of the Primary School. He stated the County currently funds the School Board budget 15% more than mandated by the State. He mentioned the School Board needs to consider reviewing their benefits.

Chairman Wade Blevins closed the public hearing at 7:39 p.m.

At 7:15 p.m. **PUBLIC HEARING – Proposed Workforce Investment Ordinance**

Chairman Wade Blevins opened the public hearing at 7:39 p.m.

Mr. Carter read the following advertisement as published in the Smyth County News and Messenger:

**PUBLIC HEARING NOTICE**

On May 8, 2012 at 7:15p.m., or as soon thereafter, in the Board of Supervisors Meeting Room at the Smyth County Office Building, 121 Bagley Circle, Marion, VA; the Board of Supervisors of Smyth County will hold a public hearing on its intent to propose an Ordinance authorizing the exercise of joint owners under an Agreement between the Counties of Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Smyth, Washington, and Wythe and the Cities of Bristol, Galax, and Radford, Virginia. The purpose of the Agreement would be to fulfill its responsibilities under the federal Workforce Investment Act of 1998. This Ordinance will rescind the "Charter Chief Local Elected Officials Agreement" entered into by the governing bodies in February 15, 2000. The Ordinance is available for viewing at the County Administrator's Office, 121 Bagley Circle, Suite 100,

Marion, Virginia, Monday – Friday, 8:00 a.m. to 5:00 p.m.

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.

Supervisor Call motioned to waive 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

There were five (5) citizens present with no one wishing to speak.

Chairman Wade Blevins closed the public hearing at 7:41 p.m.

Chairman Wade Blevins recessed at 7:42 p.m. and at 7:56 p.m. reconvened the meeting.

Supervisor Ron Blevins addressed Dr. Robinson concerning the School Board Budget. He stated the number of students has decreased but the budget has increased. Supervisor Ron Blevins mentioned the School Board Office is turning into a retirement village. He requested Dr. Robinson to consider using Lean Six Sigma to help reduce the School Board Budget. Dr. Robinson stated from 10 years ago the School Board Office has 4 ½ less staff. He stated the School Board does cut their own staff and the cuts are across the board. Dr. Robinson also stated everything is done to protect the students. He informed the Board he is not afraid to not fill a vacancy and to close a school is still an option. Dr. Robinson stressed he takes his job seriously.

### **Sally Morgan**

(a) With a recommendation from the Industrial Development Authority, Supervisor Call motioned to approve and appropriate the following building permits fee rebates:

Mt. View Properties	\$795.52
Ernie Sullens	\$707.76

Supervisor Davidson seconded the motion, and the motion passed with the

following vote:

AYES: 7  
NAYS: 0

**(b)** Mrs. Morgan explained included in the IDA's farm lease is a portion of Scholle and Surewood's property. When the farm lease is paid to the IDA, the IDA then allocates payment to Scholle and Surewood. Mrs. Morgan informed the Board the IDA approved payment for two years to Scholle in the amount of \$514.85 and Surewood in the amount of \$565.61, which were approved with the Appropriation Requests in the Fund 4 IDA appropriation.

**(c)** With the Economic Development Committee recommendation, the Board approved and appropriated \$2,146.67 (081030-3002) for the local match on the Workforce Feasibility Study. The vote is as follows:

AYES: 7  
NAYS: 0

#### **Charlie Atkins – Consider a \$5 million Line-of-Credit**

Mr. Charlie Atkins explained as with past history June and October are the months when funds received are slow. The County would borrow money for no more than two weeks. Mr. Carter informed the Board the County currently has \$1 million in the bank more than this time last year. After a brief discussion, Supervisor Burton motioned to move forward with applying for a \$5 million Line-of-Credit for the General Fund for the FY 2012/2013. Supervisor Davidson seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

#### **Mike Carter**

**(a)** Mr. Michael Carter updated the full Board on the budget process. He requested the Board set a public hearing of the Proposed 2012/2013 County Budget. Supervisor Ron Blevins motioned to set a public hearing for the proposed 2012/2013 County Budget for June 12, 2012 at 6:30p.m. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7

NAYS: 0

**(b)** Mr. Carter requested the Board continue this meeting until May 17, 2012 at 6:00 p.m. to consider the proposed 2012/2013 School Board Budget. Supervisor Ron Blevins motioned to continue this meeting until May 17, 2012 at 6:00 p.m. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 7

NAYS: 0

**(c)** Mr. Carter informed the Board the Budget Committee calculated into the proposed 2012/2013 County Budget a proposed \$.05 tax increase on real estate and personal property. This would increase real estate from \$.69 to \$.74 per \$100 assessed value, and personal property from \$2.25 to \$2.30 per \$100 assessed value. Supervisor Call motioned to set a public hearing for a Proposed \$.05 Tax Increase on Real Estate and Personal Property on June 12, 2012 at 6:30 p.m. Supervisor Dishner seconded the motion, and the motion passed with the following vote:

AYES: 6 Roscoe Call, Todd Dishner, Howard Burton, Wade Blevins,  
Rick Blevins, Regina Davidson

NAYS: 1 Ron Blevins

**(d)** Mr. Carter informed the Board the Budget Committee calculated into the proposed 2012/2013 County Budget proposed a 5% Water and Sewer rate increase and requested a public hearing be set. Supervisor Rick Blevins and Supervisor Davidson inquired why this matter did not come before the Water/Sewer Committee. Mr. Carter informed them it came before the Budget Committee during the budget process. Mr. Simpson informed the Water/Sewer Committee he would get a meeting set to discuss this matter. Supervisor Ron Blevins motioned to set a public hearing for a Proposed 5% Water and Sewer Rate Increase on June 12, 2012 at 7:00 p.m. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7

NAYS: 0

### **Scott Simpson**

**(a)** Mr. Scott Simpson explained to receive and track the grant money for the Mega-Site Project and Lick Skillet Housing Rehab Project there needs to be a budget amendment to the current Budget. He requested the Board to approve the Budget Amendments as following:



Project	Debit	Credit
Mega Site Expense	\$5,450,000	
Tobacco Commission Grant		\$4,905,000
Revenue from Local Source		\$ 545,000
Lick Skillet Rehab Expense	\$ 626,579	
Comm. Development Block Grant		\$ 611,579
Revenue from Local Source		\$ 15,000

Supervisor Davidson motioned to approve the budget amendments. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

**(b)** Mr. Simpson requested the Board execute the following contracts on Water and Sewer Projects:

Tipton Construction Co., Inc – Highway 107 Sewer Extension  
Valley Contractors Inc. – Burgess Hollow Road Water Main Extension  
Valley Contractors Inc. – Goodpasture Hollow Road Water Extension

Mr. Simpson informed the Board Mr. Tate had reviewed the contracts. Mr. Tate mentioned the Seal was not on the Valley Contractors Inc. contracts and he advised the contracts need the official seal. Supervisor Davidson motioned to execute the contracts upon the completion of receiving the official seal on the Valley Contractors Inc.'s contracts. Supervisor Call seconded the motion, and the motion passed with the following vote:

AYES: 7  
NAYS: 0

### **Committee Recommendations:**

#### **Budget**

With the Budget Committee recommendation, the Board approved and appropriated \$15,000 for a new air unit for the Smyth-Bland Regional Library. The vote is as follows:

AYES: 7  
NAYS: 0

\$10,000 – 011010-8888

\$ 5,000 – 056000-5827

### **Ordinance**

With the Ordinance Committee recommendation, the Board set a public hearing for increasing the price of animal tags and offering a 3-year tag. The vote is as follows:

AYES: 7  
NAYS: 0

### **Delinquent Tax**

With the Delinquent Tax Committee recommendation, the Board authorized Mr. John Tate to send a letter to employees of all Smyth County Departments with delinquent taxes. 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.*

*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.*

*At the January 26, 2012 meeting; Supervisor Call inquired about securing the Sheriffs Department to deliver letters to the delinquent tax payers.*

*At the April 10, 2012 meeting; Supervisor Ron Blevins updated the Board on the Delinquent Tax Committee meeting on April 3, 2012. He informed the Board that the Treasurer, Mr. Tom Burkett, would be signing an agreement with TACS, a 3<sup>rd</sup> party collection company, on April 23, 2012 to start the process of collecting delinquent taxes. Mr. Carter informed the Board he presented the Treasurer with a list of County employees and requested Mr. Burkett to cross reference the employee list with the delinquent tax list. Mr. Carter also requested Mr. Burkett to notify him of any employees on the delinquent tax list.*

*At the May 8, 2012 meeting; Mr. Carter updated the Board as to speaking with the Treasurer on the delinquent taxes. The Treasurer has implemented the DMV Stop and 400 citizens have been notified. Also, the Treasurer signed an agreement with TACS a 3<sup>rd</sup> party collection firm and the Treasurer is in the process of sending them the data.*

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.***

***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.***

***At the February 14, 2012 meeting; Ms. Pritts informed the Board that the Court had entered a letter opinion but the case was pending a final order and she and Mr. Williams would update the Board at their next meeting.***

***At the March 13, 2012 meeting; Mr. Carter informed the Board he spoke with Mr. Clegg Williams and there was no new update to give the Board***

***At the April 10, 2012 meeting; Mr. John Tate informed the Board the Judge had provided a ruling but no order had been entered yet. Mr. Tate reported Mrs. Hearrell was not required to move her mobile home and Mr. and Mrs. Ellis was directed to tear down a building.***

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. 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.***

***At the May 8, 2012 meeting; Supervisor Call informed the Board the Ordinance Committee felt the move to place "No Smoking" signs in the building was working well and could be discussed in the future, if needed. Supervisor Call motioned to remove this item from the Old Business list. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:***

**AYES: 7  
NAYS: 0**

6. Rules of Procedures (9-13-11)

7. 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. Pritts 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.***

8. 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.***

***At the May 8, 2012 meeting; Mrs. Sally Morgan gave a brief update on the project. She informed the Board of a meeting tomorrow with the Tobacco Commission, VA a corridor, and VA Economic Development Partnership.***

9. 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.**

**At the January 10, 2012 meeting; Supervisor Dishner motioned to appoint Mrs. Regina Davidson to serve as the Board of Supervisor representative on the Department of Social Service Board. Mrs. Davidson will serve a four (4) year term to expire February 6, 2016. Supervisor Call seconded the motion, and the motion passed with the following vote:**

**AYES:**            **7**  
**NAYS:**           **0**

**Supervisor Burton motioned to reappoint Ms. Karen Gillespie to serve an additional 1-year term on the Area Beautification Board. Ms. Gillespie's term will expire December 31, 2012. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:**

**AYES:**            **7**  
**NAYS:**           **0**

**Supervisor Call motioned to reappoint Ms. Carol Nutter to serve an additional 1-year term on the Area Beautification Board. Ms. Nutter's term will expire December 31, 2012. Supervisor Dishner seconded the motion, and the motion passed with the following vote:**

**AYES:**            **7**  
**NAYS:**           **0**

**The following nominations were continued:**

**Chilhowie District**  
**North Fork District**

**Royal Oak District**

**Supervisor Dishner motioned to appoint Mr. J. Howard Burton (725 Mitchell Valley Road, Marion, VA 24354, 276-783-8821) to the District Three Governmental Cooperative Board. Mr. Burton will serve a one (1) year term that will expire December 31, 2012. Supervisor Call seconded the motion, and the motion passed with the following vote:**

**AYES:**            **7**  
**NAYS:**           **0**

**Supervisor Burton motioned to reappoint Mr. Todd Dishner as Alternate to the District Three Governmental Cooperative Board. Mr. Todd Dishner will serve a one (1) year term that will expire December 31, 2012. Supervisor Davidson seconded the motion, and the motion passed with the following vote:**

**AYES:**            **7**  
**NAYS:**           **0**



**Supervisor Davidson motioned to appoint Mr. Wade Blevins (522 Town Spring Road, Chilhowie, VA 24319, 276-646-5312) to serve as the Smyth County Board of Supervisor representative on the Smyth-Washington Regional Industrial Facilities Authority. Mr. Blevins will serve a four (4) year term to expire December 31, 2015. The vote is as follows:**

**AYES: 7**  
**NAYS: 0**

**Supervisor Burton motioned to appoint Dr. Charles Wassum III, 200 Larch Street, Marion, VA 24354, 276-783-3707, to serve as the Atkins District representative to the Planning Commission. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:**

**AYES: 6 J. Howard Burton, Ron Blevins, Roscoe Call, Todd Dishner, Wade Blevins, Rick Blevins**  
**NAYS: 1 Regina Davidson**

**Dr. Wassum will serve a four (4) year that will expire December 31, 2015.**

**Atkins District – Supervisor Burton motioned to appoint Ms. Erwin Rowland, 739 Park Blvd, Marion, VA 24354, 276-781-0811, to serve a five (5) year term on the Board of Zoning Appeals Board to expire December 31, 2016. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:**

**AYES: 7**  
**NAYS: 0**

**North Fork District – Supervisor Ron Blevins motioned to appoint Mr. Rodney Blevins, 340 Venice Drive, Marion, VA 24354, 276-646-2041, to serve a five (5) year term on the Board of Zoning Appeals Board to expire December 31, 2016. Supervisor Call seconded the motion, and the motion passed with the following vote:**

**AYES: 7**  
**NAYS: 0**

**Elected to Chairman, Mr. Wade Blevins, (522 Town Spring Road, Chilhowie, VA 24319, 276-646-5312), will represent Smyth County on the Virginia a Corridor, Mt. Rogers Partnership Board. He will serve a one (1) year term expiring December 31, 2012.**

**Supervisor Ron Blevins motioned to appoint Ms. Deanie Dimick (526 Meadows Path, Chilhowie, VA 24319, 276-646-8439, dimickd@gmail.com) to serve as the Chilhowie District representative on the Smyth-Bland Regional Library Board. Supervisor Call seconded the motion, and the motion passed with the following vote:**

**AYES: 7**  
**NAYS: 0**

**Ms. Dimick will serve a four (4) year term that will expire December 31, 2015.**

**At the January 26, 2012 meeting; Supervisor Dishner motioned to reappoint Sherian Medley as Park District representative to the Area Beautification Committee Judges. Supervisor Call seconded the motion, and the motion passed with the following vote:**

**AYES: 7**  
**NAYS: 0**

**Ms. Medley will serve a one (1) year term that will expire December 31, 2012.**

**At the February 14, 2012 meeting;**

**Supervisor Dishner motioned to appoint Ms. Rachel Rush, 1547 High Meadows Lane, Chilhowie, VA 24319, 646-3279, as Chilhowie District representative to the Area Beautification Committee Judges. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:**

**AYES: 7  
NAYS: 0**

**Ms. Rush will serve a one (1) year term that will expire December 31, 2012.**

**The following nominations were continued: NorthFork & Royal Oak Districts**

**Supervisor Davidson motioned to appoint Mr. Ron Blevins (157 Porter Valley Road, Marion, VA 24354, 276-646-5012) to replace Mrs. Darlene Neitch on the Mount Rogers Community Service Board. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:**

**AYES: 7  
NAYS: 0**

**Mr. Blevins will serve the remaining term of Mrs. Darlene Neitch, which will expire December 31, 2012.**

**With the Commonwealth Attorney's opinion of finding no conflict of interest with Mr. Joe Blankenship being a relative of Mrs. Beth Fleshman, an employee of Rye Valley Water Authority; Supervisor Davidson motioned to appoint Mr. Joe Glen Blankenship, 642 Slomp Creek Road, Sugar Grove, VA 24375, 677-0564, to serve on the Rye Valley Water Authority. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:**

**AYES: 7  
NAYS: 0**

**Mr. Blankenship will serve a four (4) term to expire June 30, 2016.**

**At the March 13, 2012 meeting;**

**Supervisor Ron Blevins inquired if a citizen is serving on the Board of Zoning Appeals would he be eligible to serve on the Social Service Board. Ms. Pritts informed the Board since the Judge appoints the members to the Board of Zoning Appeals he would not be eligible to serve on another Board.**

**Supervisor Todd Dishner currently serves on the Chamber of Commerce Board, and his term has expired. He wished to continue this appointment. Ms. Pritts informed the Board Mr. Dishner may continue to serve until being reappointed or new appointment is made.**

**At the April 10, 2012 meeting; Supervisor Todd Dishner informed the Board he would serve an additional three (3) year term on the Chamber of Commerce Board.**

**Mr. Carter informed the Board he received notice from the Judge appointing the nominated individuals to the Board of Zoning Appeals must be landowners. He reported the nomination for NorthFork District was withdrawn and the nominations for the Atkins and Rye Valley Districts are not listed as landowners with the Commissioner of Revenue. With this, there will need to be new**

***nomination for the NorthFork, Atkins, and Rye Valley Districts for the Board of Zoning Appeals.***

***Supervisor Ron Blevins motioned to appoint Mr. Rodney Blevins, (340 Venice Drive, Marion, VA 24354, 646-2041) as the NorthFork District representative to the Department of Social Services Board. Supervisor Call seconded the motion, and the motion passed with the following vote:***

***AYES: 7  
NAYS: 0***

***Mr. Rodney Blevins will serve a four (4) year term to expire April 8, 2016.***

***At the May 8, 2012 meeting:***

***Supervisor Call motioned to reappoint Ms. Judy Hess, (201 Upper Poore Valley Road, Saltville, VA 24370, 496-7210) as the Saltville District representative to the Department of Social Services Board. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:***

***AYES: 7  
NAYS: 0***

***Ms. Judy Hess will serve a four (4) year term to expire June 30, 2016.***

***Supervisor Davidson motioned to reappoint Ms. Tina Henderson (1981 Scratch Gravel Road, Marion VA 24354, 780-4946) as the Royal Oak District representative to the Area Beautification Committee Judges. Supervisor Rick Blevins seconded the motion, and the motion passed with the following vote:***

***AYES: 7  
NAYS: 0***

***Ms. Henderson will serve a one (1) year term that will expire December 31, 2012.***

***Supervisor Ron Blevins motioned to appoint Ms. Nellie Harmon as the NorthFork District representative to the Area Beautification Committee Judges. Supervisor Call seconded the motion, and the motion passed with the following vote:***

***AYES: 7  
NAYS: 0***

***Ms. Harmon will serve a one (1) year term to expire December 31, 2012.***

***Supervisor Ron Blevins nominated Mr. Tim Widener as the NorthFork District representative to the Board of Zoning Appeals. Supervisor Call seconded the motion, and the motion passed with the following vote:***

***AYES: 7  
NAYS: 0***

***10. Mutual Aid Agreements (1-10-12)***

***11. Subdivision Ordinance (2-14-12)***

***12. Refinancing of the 2005 GO Bond and 2002, 2005, 2007, and 2009 Rural Development loans (2-13-12)***

*At the April 10, 2012 meeting: Mr. Carter updated the Board for the continuation of this matter due to securing Bond Counsel for the refinancing. Mr. Carter and Mr. Tate spoke on the Board considering the Darby Firm as Bond Counsel. Mr. Roland Kooch, Davenport & Company, stated the amount of the refinancing bond will not exceed \$6.4 million and the County will be savings \$936,000 with refinancing. After Discussion, Supervisor Call motioned to approve the Darby Firm as Bond Counsel and advise Mr. Roland Kooch to move forward with the refinancing. Supervisor Ron Blevins seconded the motion, and the motion passed with the following vote:*

AYES: 7  
NAYS: 0

*At the May 8, 2012 meeting: Supervisor Ron Blevins motioned to remove this item from Old Business. Supervisor Call seconded the motion, and the motion passed with the following vote:*

AYES: 7  
NAYS: 0

13. Hungry Mother Convenience Station Lease (4-10-12)

**Supervisor Comments**

Supervisor Todd Dishner stated a citizen spoke with him on flying model airplanes. Mr. Carter stated he had spoken with a gentleman wanting to use the old landfill property and Mr. Carter told him this was prohibited. Supervisor Dishner stated the citizen had mentioned the use of property in Highlands Glade Park. Mr. Carter stated the citizen would have to go before the SWIFA Board to request the use of that property.

Supervisor Todd Dishner also had a request for the Board to adopt a resolution for support of an Administrative Assistant in the Extension Office. He stated there would be no cost to the County. Supervisor Dishner requested to have this added to the next agenda.

Mr. Carter reminded the Supervisors of Youth Government Day on Friday, May 11, 2012 from 10:00 a.m. until 11:30 a.m.

Mr. Carter reminded the Supervisors and staff of the Quarterly Meeting hosted by Chilhowie on Monday, May 14, 2012 at 6:00 p.m. at Riverfront Café.

**CONTINUED MEETING**

At 8:59 p.m. Chairman Wade Blevins continued the meeting until Thursday, May

17, 2012 at 6:00 p.m.



The Smyth County Board of Supervisors held a continued meeting at 6:00 p.m., **Thursday, May 17, 2012**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

**PRESENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.; Vice Chair, Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K Blevins; North Fork District Supervisor Ron C Blevins; Atkins District Supervisor J. Howard Burton; Saltville District Supervisor Roscoe D Call; Royal Oak District Supervisor Regina H Davidson (7)

**ABSENT:** None (0)

**STAFF:** County Administrator Michael Carter; Assistant County Administrator Scott Simpson; Director of Finance Charlie Atkins; Administrative Assistant Becca Kirk; Economic Development Director Sally Morgan; Acting County Attorney John H Tate, Jr.; Human Resource Director, Lisa Richardson; and Deputy Michael Lowe (8)

**OTHER:** Stephanie Porter-Nichols, Smyth County News & Messenger (1)

Approximately 9 citizens

6:07:17 PM Called to Order by Chairman Wade Blevins

6:07:27 PM **School Board Budget:** Dr. Mike Robinson, School Board Superintendent, spoke on the School Board Budget and stated he had previously provided additional budget information to Mr. Carter.

6:08:16 PM Mr. Carter, Dr. Robinson and Mr. Tate discussed voting on the proposed budget, change to the proposed budget as Dr. Robinson identified, "a construction fund", to be considered in upcoming County Budget and presented a drawdown schedule.

6:15:24 PM Mr. Tate discussed the drawdown schedule concerns. He stated the budget needs to reflect "capital receipts" and "capital expenditures". Mr. Tate stated the budget appears to be in good order and the school board budget is in place to be adopted even though the County Budget is not.

6:18:44 PM It was moved by Saltville District Supervisor Roscoe D Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to adopt the 2012/2013 School Board budget at 113%, which equals \$9,679,420 in local effort.

6:20:29 PM Supervisor Ron Blevins discuss losing AARA funding. He stated he spoke with Congressman Griffiths' office and the AARA is a stimulus funding opportunity and should not be counted as a loss. The AARA was an education job fund for one time availability and should not have been included in the budget (\$592,000 loss).



6:21:50 PM Dr Robinson addressed Ron Blevins' concerns on the education job fund and explained it was used to pay teacher salaries.

6:24:25 PM Supervisor Ron Blevins stated the medium household income is sometimes three times less than some school board salaries. Supervisor Ron Blevins said "he was thinking about the children and saw no reason why salaries couldn't take a 10% cut".

6:26:48 PM Supervisor Howard Burton stated the cost per pupil is higher here than elsewhere.

6:27:05 PM Dr. Robinson explained there is a \$300-\$400 difference with Washington County last year and Smyth County is the lowest of the three compared.

6:28:16 PM Supervisor Rick Blevins stated he has be employed by the School Board and has worked the last 7 years as a "recruiter" for teachers and it is important to keep in mind we are operating in SWVA not just Smyth County. Being the lowest paying County makes it difficult to recruit quality employees to better education.

6:29:57 PM Supervisor Regina Davidson stated "teachers and administrators can not be paid enough. Quality is such a necessity and we can not get that unless we are comparative to other areas".

6:30:54 PM Mr. Carter requested board members with ties to the School Board to please identify that they can vote impartially.

6:31:22 PM Supervisor Rick Blevins stated he is employed and discloses that he can render a fair and impartial (self and immediate family member)

6:31:47 PM Supervisor Todd Dishner stated his wife is employed by the School Board and can render a fair and impartial vote.

6:31:53 PM Roscoe Call stated his daughter is employed by the School Board and can render a fair and impartial vote.

6:32:23 PM After consideration, the motion **PASSED** by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**Closed Session:** (Mr. Tate stepped out during Closed Session) It was moved by Rye Valley District Supervisor Rick K Blevins, seconded by Royal Oak District Supervisor Regina H Davidson 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** – consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

After consideration, the motion **PASSED** by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

Upon return to open session at 7:42 p.m., It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D 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.

After consideration, the motion **PASSED** by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**Extension Office Administrative Assistant:** It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Atkins District Supervisor J. Howard Burton to adopt the following resolution:

#### BOARD RESOLUTION

At the continued meeting of The Smyth County Board of Supervisors on May 17, 2012 the following resolution was proposed and adopted by the board:

WHEREAS, the mission of the Smyth County Unit Office of Virginia Cooperative Extension (VCE) is to serve the citizens of Smyth County in the areas of 4-H Youth Development, Agriculture and Natural Resources and Family and Consumer Sciences;

WHEREAS, the Smyth County VCE Office serves our county with quality programming;

WHEREAS, The Smyth County VCE Office currently has a vacancy in the role of Unit Administrative Assistant (UAA);

WHEREAS, Smyth County, in comparison to counties in the Southwest District of VCE, ranks fifth in both 4-H enrollment and dollars of agricultural sales and among counties without UAA support ranks second and third respectively;

WHEREAS, Smyth County, both in the past and currently, supports the Smyth County VCE office at a high level financially;

NOW, THEREFORE, the Smyth County Board of Supervisors requests the state leadership of the Virginia Cooperative Extension to fill the opening of Unit Administrative Assistant in the Smyth County Office immediately.

On a motion by Supervisor Todd Dishner and seconded by Supervisor Howard Burton the foregoing resolution was adopted with a 7 to 0 vote.



**SUPERVISORS:**

**Wade H. Blevins, Jr., Chairperson, Chilhowie District**  
**Rick K. Blevins, Rye Valley District**  
**Ron C. Blevins, Northfork District**  
**J. Howard Burton, Atkins District**  
**Roscoe D. Call, Saltville District**  
**Regina Davidson, Royal Oak District**  
**M. Todd Dishner, Vice Chairperson, Park District**

**VOTE:**

**Aye**  
**Aye**  
**Aye**  
**Aye**  
**Aye**  
**Aye**  
**Aye**

After consideration, the motion **PASSED** by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**7:44:35 PM Big Walker Century Ride:** Mr. Carter informed the Board that Mr. Andy Kegley, Executive Director, Helping Overcome Poverty's Existence Inc.,(HOPE) requested approval to ride through Smyth County during a Big Walker Century Ride fund raiser. Mr. Carter reminded the Board of their approval for the ride last year.

**7:46:36 PM** It was moved by Saltville District Supervisor Roscoe D Call, seconded by Royal Oak District Supervisor Regina H Davidson to approve Helping Overcome Poverty's Existence Inc. (HOPE) riding through Smyth County during their Big Walker Century Ride on June 16, 2012.

After consideration, the motion **PASSED** by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**7:47:47 PM Rich Valley Fair:** Mr. Carter informed the Board a festival application was received from the Rich Valley Fair Association and request the Board set public hearing for the June meeting. The Fair Association will have all information together by June 12<sup>th</sup>.

7:49:24 PM It was moved by North Fork District Supervisor Ron C Blevins, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to set a public hearing for the Rich Valley Fair Association on June 12, 2012 at 7:30 p.m.

After consideration, the motion **PASSED** by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

7:49:43 PM **Work Session:** Mr. Carter informed the Board to use the following meetings of May 24<sup>th</sup>, and June 12<sup>th</sup> to review and discuss any changes to the proposed budget.

7:51:02 PM Supervisor Regina Davison inquired "What is the total of removing the organization and recreations?" "With removing SWVA Alliance of Manufacturing does that remove the County's entire involvement?" Mr. Carter answered "No" and he will send further detailed information to her along with answers to her other questions.

7:52:43 PM Supervisor Rick Blevins inquired "how Smyth County compares to surrounding counties 5% Water and Sewer rate increase"?

7:53:08 PM Supervisor Ron Blevins inquired on why tax increases. What about the percentages of poverty levels in the County? He stated he disagrees with tax increases. Has the County considered two installments for paying taxes; maybe April and October so it doesn't hit citizens right before Christmas and easier to pay taxes?

7:55:35 PM Mr. Carter stated "he will provide a new employee delinquent list to Mr. Tate within the next few days". As far as making two installments for taxes, the costs incurred and the tax books with the Commissioner's Office may take some time to get in order to further evaluate.

7:58:59 PM Supervisor Regina Davidson stated "citizens don't have to wait to get their tax ticket to pay taxes, and citizens can pay monthly or however".

7:59:36 PM Supervisor Todd Dishner reported that in 2002 Real Estate tax rate was \$.70 until 2004, then in 2005 the tax rate was lowered to \$.63 until 2009, and in 2010 the tax rate increased to \$.69. Mr. Carter stated the \$.69 was the current rate for real estate.

8:05:44 PM Supervisor Howard Burton stated "Washington and Wythe Counties have a much larger tax base than Smyth County".



8:06:13 PM Mr. Carter stated "Washington County's tax increase went primarily to the Washington County School Board".

8:09:00 PM Supervisor Rick Blevins inquired "how long had it been since Smyth County had a surplus". Mr. Tate believed it had been 5 to 6 years ago.

A brief discussion took place about the \$7 million mistake and budgeting system.

8:13:33 PM Mr. Carter informed the Board that Carroll County, Giles County, Montgomery County, Radford City, Pulaski, Washington County has proposed a tax rate increase for real estate.

8:14:49 PM Supervisor Regina Davidson stated "the house income base is probably considerably higher in Washington and Wythe Counties".

8:15:59 PM Supervisor Todd Dishner inquired about the revenue generated in those areas were from construction or new businesses.

8:17:23 PM Supervisor Todd Dishner stated "the income from businesses may have paid for the renovation of the courthouse, if Exit 47 would have come about".

8:17:51 PM Supervisor Rick Blevins inquired "what the amount of unpaid taxes for employees was". Mr. Carter informed the amount was under \$200,000. A brief discussion took place on garnishing wages.

8:19:08 PM Supervisor Ron Blevins inquired about the procedure to collect taxes.

8:19:49 PM John Tate reported a lot of money was collected when citizen receive notices that their properties were to be sold following lawsuits several years ago (1998 or so).

8:21:31 PM John Tate stated "it will be difficult to collect on personal property but may be able to collect close to 50% of real estate delinquent taxes".

8:24:53 PM A lengthy discussion about the law of collecting taxes took place.

8:34:30 PM Chairman Wade Blevins reminded the Board of the meeting next Thursday, May 24<sup>th</sup> and the County Budget can be discussed more next week.

8:35:07 PM Supervisor Ron Blevins stated "there is a lot to consider".

8:35:18 PM Mr. Carter discussed the matter of the legislation about the change in the VA Code regarding the Courthouse.

8:38:39 PM Mr. Carter reminded the Board that Delegate Starks' open door meeting will be on May 22<sup>nd</sup>

**Continue Meeting:**

8:39:02 PM It was moved by Chairman, Chilhowie District Supervisor Wade H Blevins, Jr., to continue meeting.



The Smyth County Board of Supervisors held a joint public hearing with the Planning Commission followed by a continued meeting at 7:00 p.m., **Thursday, May 24, 2012**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

**Public Hearing:** At 7:00 p.m. Mr. Wade Blevins, Chairman of the Board of Supervisors, and Mr. Norman Sparks, 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.

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

*The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, May 24, 2012, 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 Cooper Jones for a Special Use Permit to establish an Automotive Sales and Service business. The property is owned by Lyle Musser and located at 7959 Lee Hwy in Rural Retreat. It is identified as Tax Map No. 38B-1-10 through 38B-1-14 and is zoned Agricultural/Rural.*

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

*Copies of the application(s) along with their maps/drawings are on file in the Office of the County Administrator of Smyth County. Copies are also maintained by the County Zoning Administrator at the address given above, and may be viewed during regular business hours Monday through Friday.*

*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.*

*Done by order of the Board of Supervisors and the Planning Commission.*

*Michael L. Carter, County Administrator  
Norman K. Sparks, Chairman of the Planning Commission*

**MEMBERS PRESENT:**

Chairman, Chilhowie District Supervisor Wade H Blevins, Jr., Vice Chair, Park District Supervisor M. Todd Dishner, Rye Valley District Supervisor Rick K Blevins, North Fork District Supervisor Ron C Blevins, Atkins District Supervisor J. Howard Burton, Saltville District Supervisor Roscoe D Call, Chilhowie District Planning Commissioner Graham Davidson Sr., Royal Oak District Supervisor Regina H Davidson, Royal Oak District Planning Commissioner G. Blake Frazier, Vice Chair, Rye Valley Dist Planning Commissioner L.V. Pokey Harris, Park District Planning Commissioner Joel Pugh, Chairman, North Fork Dist. Planning Commissioner Norman Sparks, Saltville District Planning Commissioner Wayne Venable and Atkins District Planning Commissioner Charles Wassum III (14)

**MEMBERS ABSENT:**

None (0)

**STAFF:**

County Administrator Michael Carter, Assistant County Administrator Scott Simpson, Director of Finance Charlie Atkins, Administrative Assistant Becca Kirk, Economic Development Director Sally Morgan, Acting County Attorney John H Tate, Jr., Office Service Assistant Pam Testerman and Building & Zoning Administrator Clegg Williams (8)

**Cooper Jones – Special Use Permit – Automotive Sale and Service Business:** Mr. Williams explained Mr. Jones' interest in establishing an Automotive Service business. Mr. Jones is negotiating to lease a garage owned by Lyle Musser in Rural Retreat. The structure is located at 7959 Lee Highway, identified as tax map numbers 38B-1-10 through 38B-1-14 and is zoned Agricultural/Rural. Mr. Williams stated the garage was once used as a commercial repair garage but has been closed for several years. Considering the property is zoned A/R, Mr. Musser's vested right to operate an automotive sales/service was lost when the garage was closed for a period of twenty-four (24) months. Mr. Williams stated he advertised notice of this public hearing in the Smyth County News on May 12 and 19. In addition, he sent letters to all of the adjoining property owners for which an affidavit is on file. He did not receive any comments regarding this application but read into record two letters of support from Pleasant Hill Lutheran Church and Roy Owens. Mr. Williams highlighted Section 3-2.2 e) which allows the proposed use by issuance of a SUP, Section 10-8 which defines Automotive Sales & Service, and Article 6 which contains the provisions for Special Use Permits. He also noted the 2005 Comprehensive Plan identifies this property as Commercial/Industrial on the Future Land Use Map.

Cooper Jones was present and explained he is retiring from the public school system as a mechanic and wants to operate a small mechanical business at 7959 Lee Highway in Rural Retreat. He stated his hours of operation would probably be around 7 a.m. to 6:00 p.m. He stated he lives in close vicinity and would operate Monday through Friday and on Saturdays once he is qualified to conduct automotive inspections.

Chairman Wade Blevins and Chairman Norman Sparks closed the public hearing at approximately 7:07 p.m.

**The Board of Supervisors recessed until the Planning Commission completed their meeting.**

7:14:01 PM Chairman Wade Blevins called to order the continued meeting of the Board of Supervisors.

**PRESENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.; Vice Chair, Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K Blevins; North Fork District Supervisor Ron C Blevins; Atkins District Supervisor J. Howard Burton; Saltville District Supervisor Roscoe D Call; Royal Oak District Supervisor Regina H Davidson (7)

**ABSENT:** None (0)

**STAFF:** County Administrator Michael Carter; Assistant County Administrator Scott Simpson; Director of Finance Charlie Atkins; Office Service Assistant Pam Testerman; Economic Development Director Sally Morgan; Intern Corey Osborne; Acting County Attorney John H Tate, Jr., 911 Coordinator Shannon Williams (8)

#### **Citizen's Time**

7:14:30 PM Chairman Wade Blevins opened Citizen's Time.

7:14:31 PM With no one wishing to speak, Chairman Wade Blevins Closed Citizens Time.

#### **Interest Payments**

7:14:58 PM (a) Mr. Michael Carter informed the Board of an interest payment due June 1, 2012 to Carter Bank for the refinancing of the Water and Sewer Bonds and Loans. He explained the payments for the refinancing would be due the first of June and December of each year.

7:17:55 PM It was moved by Saltville District Supervisor Roscoe D Call, seconded by North Fork District Supervisor Ron C Blevins to approve and appropriate the interest payment in the amount of \$11,769.13 (501-085040-0006) to Carter Bank for refinancing the Water and Sewer Bond.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None



7:18:24 PM Mr. John Tate stated to place the appropriation request on November and May agendas to allow time to make the payments.

7:18:59 PM (b) Mr. Carter informed the Board of an additional interest payment due June 1, 2012 by the School Board. He explained this amount is not in the current School Board budget. Mr. Charlie Atkins explained the Board would amend the revenue and expenditures by the \$186,173.61 through the Courthouse Renovation line-item. The County would have to upfront the money and once US Bank received the payment, the bank will reimburse the County. Mr. Atkins explained how the bank will reimburse the County before the end of the fiscal year. Supervisor Ron Blevins questioned why this was not taken care of when the bond was issued. Mr. Atkins stated the thought was that it would be handled internally through the bank. Supervisor Dishner questioned how future payments will be handled. Mr. Carter informed the Board that the understanding was that the School would be back before the Board to request the amendment to the School Board's 2012/2013 budget.

7:31:52 PM It was moved by Saltville District Supervisor Roscoe D Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to approve and appropriate the wire transfer for the interest payment in the amount of \$186,173.61 (070000-8888-60) to US Bank for the GO School Bond Series 2011-2.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

#### **Atkins Volunteer Fire Department – Festival Application**

7:32:13 PM Mr. Carter informed the Board of a festival application from Atkins Volunteer Fire Department for Crowe Fest 2012. Mr. Carter stated all information had been received. He requested the Board to set a public hearing for the June 12, 2012 Board meeting.

7:32:48 PM It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by North Fork District Supervisor Ron C Blevins to set public hearing for June 12, 2012 at 7:45 p.m. for the Atkins Volunteer Fire Department's Crowe Fest 2012.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**Lick Skillet Housing Rehab Project**

7:33:15 PM Mrs. Sally Morgan updated the Board on the Lick Skillet Rehab Project. She explained she had two contracts for execution;

(a) Department of Housing and Community Development for the Community Housing Block Grant in the amount of \$611,579.

(b) Mt Rogers Planning District Commission for administrative services in the amount of \$56,962.

Mrs. Morgan stated Mr. Tate had reviewed the contracts and made a few changes, which are included in the presented contracts.

She reported the project would also receive \$15,000 from remaining funds of a prior rehab project. Supervisor Dishner inquired who would be reviewing the applications from contractors. Mrs. Morgan replied the Lick Skillet Rehab Board would review the applications. Supervisor Burton inquired would \$611,579 plus the \$15,000 be the total amount for the project. Mrs. Morgan informed the Board there were 13 homes and the total project cost per house included more than just construction cost. Mr. Carter reported on average each house would be around \$48,000.

7:37:29 PM It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by Saltville District Supervisor Roscoe D Call to execute the Department of Housing and Community Development contract and the Mt. Rogers Planning District Commission contract for the Lick Skillet Housing Rehab Project.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

7:38:01 PM Mrs. Morgan introduced Intern, Mr. Corey Osborne. She stated he would be helping her throughout the summer.



**Emergency Communication Committee**

7:38:21 PM Supervisor Burton informed the Board of the Emergency Communication Committee recommendation to accept the low bid in the amount of \$235,575.45 from CenturyLink for communication equipment for the new 911 Center and utilize the \$145,000 grant funds and the remaining from the bond proceeds for the Emergency Communications System. Supervisor Davidson inquired what grant the funds would be coming from \$145,000. Mr. Carter stated Mr. Charlie Harrington, Emergency Coordinator, received a \$30,000 no match grant for Emergency Operation Center.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**Closed Session**

7:40:14 PM (Mr. Tate stepped out during closed session) It was moved by Saltville District Supervisor Roscoe D Call, seconded by North Fork District Supervisor Ron C Blevins 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.3 Land Acquisition**; discussion on Mega-Site Project.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

8:11:47 PM It was moved by Saltville District Supervisor Roscoe D Call, seconded by North Fork District Supervisor Ron C Blevins to adopt the following resolution certifying the business conducted in closed session as follows:

**RESOLUTION  
CERTIFICATION OF CLOSED SESSION**



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

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

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

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

### **Mega-Site Project**

[8:13:02 PM](#) Mrs. Morgan requested the Board approve \$1,000 for an option for property adjacent to the Mega-Site Project. It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by Saltville District Supervisor Roscoe D Call to approve and appropriate \$1,000 for property adjacent to the Mega-Site Project.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**2012/2013 Budget Work Session**

8:14:09 PM The Supervisors did not have any questions at this time.

**Delinquent Tax Letters to Smyth County Employees**

8:14:54 PM Mr. Tate informed the Board he drafted a letter to the employees of Smyth County who have delinquent taxes. Mr. Tate stated there were an estimated 150 employees and Ms. Becca Kirk was going to assistance him with the letters. Mr. Tate gave the letter to Mr. Carter to review. Mr. Tate stated he would cross-reference the list before mailing the letters to see if any employee had paid. The delinquent tax amount ranges from \$11.00 to \$1,900 (estimated). Mr. Carter requested from Mr. Tate and the Board at what amount of unpaid taxes would they want to pursue after the letter. Supervisor Davidson inquired about if a judgment was the same as a garnishment. Mr. Tate stated you can not garnish wages unless you have a judgment. Mr. Tate informed the Board that taxpayers will also have to pay the garnishment fees. Mr. Tate explained if the Board continues with the procedure all delinquent taxes from employees would be retained unless an employee quits their job. Supervisor Rick Blevins inquired if an employee does not pay can you dismiss them. Mr. Tate stated you could not dismiss an employee for not paying their taxes.

**Adjourn**

8:25:23 PM It was moved by Saltville District Supervisor Roscoe D Call, seconded by North Fork District Supervisor Ron C Blevins to adjourn meeting.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

The Smyth County Board of Supervisors held its regular June meeting at 4:00 p.m., **Tuesday, June 12, 2012**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

<b>PRESENT:</b>	Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.; Vice Chair, Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K Blevins; North Fork District Supervisor Ron C Blevins; Atkins District Supervisor J. Howard Burton; Saltville District Supervisor Roscoe D Call; Royal Oak District Supervisor Regina H Davidson (7)
<b>ABSENT:</b>	None (0)
<b>STAFF:</b>	County Administrator Michael Carter; Assistant County Administrator Scott Simpson; Director of Finance Charlie Atkins; Sheriff Bradley and Deputy Morgan, Office Service Assistant Pam Testerman; Economic Development Director Sally Morgan; Acting County Attorney John H Tate, Jr., Intern Cory Osborne (8)
Other	Smyth County News & Messenger Stephanie Porter-Nichols (1)

4:04 PM Chairman Wade Blevins called meeting to order.

[4:05:45 PM](#) **Closed Session** – It was moved by Rye Valley District Supervisor Rick K Blevins, seconded by North Fork District Supervisor Ron C Blevins to enter into closed session under Code of Virginia, Section 2.2-3711 – **A.1 Personnel**; discussion and consideration of prospective candidates for employment, **A.3 Land Acquisition**; discussion on Mega-Site Project, **A.5 Industrial/Business Prospects** – 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 and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[4:41:42 PM](#)

It was moved by Rye Valley District Supervisor Rick K Blevins, seconded by North Fork District Supervisor Ron C Blevins to return to open session and 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.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[4:42 PM](#) Chairman Wade Blevins recessed the meeting until 5:00 p.m.

[5:02:22 PM](#) Chairman Wade Blevins called meeting to order.

[5:04:08 PM](#) **Adoption of Agenda** – It was moved by North Fork District Supervisor Ron C Blevins, seconded by Atkins District Supervisor J. Howard Burton to adopt the agenda with omitting item (b) under Michael Carter on page 3.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:04:32 PM](#) **Approval of Previous Minutes**

It was moved by North Fork District Supervisor Ron C Blevins, seconded by Saltville District Supervisor Roscoe D Call to approve the minutes of May 8, May 17, and May 24 with noted corrections.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:05:11 PM](#) **Finance Status** – Mr. Charlie Atkins informed the Board, per the report from the Mrs. Debbie Schwartz, Deputy Treasurer, there were sufficient funds in the bank for the requested appropriations.

[5:05:49 PM](#) **Appropriations**

It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D Call to approve \$6,767,761.00 for the General Fund appropriation. The following is an explanation of the appropriations approved:

General County	\$1,350,000.00
Social Services (June 13 – 30, 2012)	\$ 275,000.00
Schools - Operating Fund	\$5,142,761.00

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:07:31 PM](#) It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D Call to approve \$300,000.00 for the School Textbook Fund appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:07:04 PM](#) It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Rye Valley District Supervisor Rick K Blevins to approve \$111,441.00 for the School Debt and Capital Outlay Fund appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:07:42 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins to approve \$1,000,000.00 for the School Construction Fund appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:08:04 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins to approve \$454,182.69 for the Courthouse Project appropriation.

After consideration, the motion PREVAILED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** North Fork District Supervisor Ron C Blevins

**ABSTAINERS:** None

**ABSENT:** None

[5:08:24 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins to approve \$50,071.01 for the Pioneer/Fox Valley Water Project appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:08:50 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins to approve \$654,035.93 for the Accounts Payable listing.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson



**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**5:11:25 PM New Business**

Mrs. Sally Morgan introduced Ernie Sands, Plant Manager of United Salts. Mr. Sands reported United Salts began mining salt in Saltville in 2007. He explained to the Board the different types of salt the plant produces. Mr. Sands stated United Salts employees 42 full-time employees. He informed the board United Salts mined over 200,000 tons last year. Supervisor Call commented on working for a parent company of United Salts.

**5:14:49 PM Citizen's Time**

Chairman Wade Blevins opened Citizen's Time.

**5:15:08 PM** There were 13 citizens present and with no citizen wishing to speak.

Chairman Wade Blevins closed citizen's time.

**5:15:22 PM Planning Commission recommendation**

With the Planning Commission recommendation, It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by Saltville District Supervisor Roscoe D Call to accept the Planning Commission recommendation to approve Mr. Cooper Jones' application for a Special Use Permit to operate an Automotive Sales and Service Business at 7959 Lee Hwy in Rural Retreat.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**5:16:20 PM Consider 2010 Comprehensive Plan**

It was moved by North Fork District Supervisor Ron C Blevins, seconded by Atkins District Supervisor J. Howard Burton to have further review of the Comprehensive Plan.

After consideration, the motion FAILED by the following vote:

**AYES:** North Fork District Supervisor Ron C Blevins and  
Atkins District Supervisor J. Howard Burton

**NAYS:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**ABSTAINERS:** None

**ABSENT:** None

This item will be added to Old Business.

**5:20:28 PM Floodplain Ordinance**

It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by North Fork District Supervisor Ron C Blevins to adopt the Floodplain Ordinance as presented.

CHAPTER 29  
**FLOODPLAIN MANAGEMENT**

AN ORDINANCE AMENDING CHAPTER NO.29, THE FLOODPLAIN MANAGEMENT ORDINANCE OF SMYTH COUNTY, VIRGINIA, BY ESTABLISHING FLOODPLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE County of Smyth, Virginia, as follows:

**ARTICLE I - GENERAL PROVISIONS**

Section 1.1 – Statutory Authorization and Purpose [44 CFR 59.22(a)(2)]

This ordinance is adopted pursuant to the authority granted to localities by Va. Code §-10.1-600 et seq.

The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by

- A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
- D. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

Section 1.2 - Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of Smyth County and identified as areas of special flood hazard according to the flood insurance rate map (FIRM) that is provided to the County of Smyth by FEMA.

Section 1.3 - Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- C. This ordinance shall not create liability on the part of Smyth County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 1.4 – Records [44 CFR 59.22(a)(9)(iii)]

Records of actions associated with administering this ordinance shall be kept on file and maintained by the Floodplain Administrator.

Section 1.5 - Abrogation and Greater Restrictions [44 CFR 60.1(b)]

This ordinance supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

#### Section 1.6 - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

#### Section 1.7 - Penalty for Violations [44 CFR 60.2(e)]

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the County of Smyth shall be guilty of the appropriate violation and subject to the penalties therefore.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of Smyth County are addressed in Article VIII of the Zoning Ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the County of Smyth to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

### **ARTICLE II - ADMINISTRATION**

#### Section 2.1 - Designation of the Floodplain Administrator [44 CFR 59.22(b)]

The Floodplain Ordinance Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- (A) Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the County of Smyth chief executive officer.
- (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- (C) Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

#### Section 2.2 - Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (A) Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- (B) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- (C) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.

(D) Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.

(E) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.

(F) Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).

(G) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.

(H) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.

(I) Review Elevation Certificates and require incomplete or deficient certificates to be corrected.

(J) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared for the applicant, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.

(K) Maintain and permanently keep records that are necessary for the administration of these regulations, including:

(1) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and

(2) Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

(L) Enforce the provisions of this ordinance and any regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.

(M) Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.

(N) Administer the requirements related to proposed work on existing buildings:

(1) Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.

(2) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings

except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

(O) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.

(P) Notify the Federal Emergency Management Agency when the corporate boundaries of the County of Smyth have been modified and:

(1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and

(2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

(Q) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.

(R) It is the duty of the Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

### Section 2.3 - Use and Interpretation of FIRMs [44 CFR 60.3]

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

(A) Where field surveyed topography indicates that adjacent ground elevations:

(1) Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;

(2) Are above the base flood elevation, this ordinance shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.

(B) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.

(C) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.

(D) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.

(E) If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:

(1) Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.

(2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 1.5(C) and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.

(3) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

#### Section 2.4 - Jurisdictional Boundary Changes [44 CFR 59.22, 65.3]

The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) (v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

#### Section 2.5 - District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the County of Smyth where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

#### Section 2.6 - Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or



contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

#### Section 2.7 – Submitting Technical Data [44 CFR 65.3]

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

#### Section 2.8 – Letters of Map Revision

When development in the floodplain causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision or a Letter of Map Revision.

Examples:

1. Any development that causes a rise in the base flood elevations within the floodway.
2. Any development occurring in Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
3. Alteration or relocation of a stream (including but not limited to installing culverts and bridges) *44 Code of Federal Regulations §65.3 and §65.6(a)(12)*

### **ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS**

#### Section 3.1 - Description of Special Flood Hazard Districts [44 CFR 59.1, 60.3]

##### **A. Basis of Districts**

The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for Smyth County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated August 2, 2012, and any subsequent revisions or amendments thereto.

The County of Smyth may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the Smyth County offices.

The following zones are applicable to Smyth County and are described as follows:

- |                     |   |
|---------------------|---|
| Zone A:             | No Base Flood Elevations determined;  |
| Zone AE:            | Base Flood Elevations determined;   |
| Zone X (shaded):    | Areas of 0.2% annual change flood; areas of 1% annual change flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees annual chance flood. |
| Zone X (un-shaded): | Areas determined to be outside the 0.2% annual chance floodplain.   |

1. The **Floodway District** is in an **AE Zone** and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 6 of the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the Floodway District of an AE zone [44 CFR 60.3(d)]:

a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. A no-rise certificate must accompany the analysis results. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with the Smyth County’s endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If Article III Section 3.1 A 1 a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

b. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

2. The **AE Zone** on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has **not** been delineated. The following provisions shall apply within an AE zone [44 CFR 60.3(c)]:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zone AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the County of Smyth.

Development activities in Zone AE on Smyth County’s FIRM which increases the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with the Smyth County’s endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

3. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted non-detailed technical concepts, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be

submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator shall have the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level one foot (1') above base flood elevation.

During the permitting process, the Floodplain Administrator shall obtain:

- 1) The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,
- 2) if the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

### Section 3.2 - Overlay Concept

The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

## **ARTICLE IV - DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]**

### Section 4.1 – Permit and Application Requirements

#### **A. Permit Requirement**

All uses, activities, and development occurring within any floodplain district, including placement or replacement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the Smyth County Subdivision Regulations. Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

#### **B. Site Plans and Permit Applications**

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.
2. The elevation of the lowest floor (including basement).

3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
4. Topographic information showing existing and proposed ground elevations.

#### Section 4.2 - General Standards

The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flooding and flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions A – H above, in all special flood hazard areas, the additional provisions shall apply:

- I. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency.
- J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

#### Section 4.3 - Elevation and Construction Standards [44 CFR 60.3]

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Section 3.1 A 3, the following provisions shall apply:

- A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones AE and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above one foot (1') above

base flood elevation.

B. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level one foot (1') above base flood elevation. Buildings located in all AE zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by Floodplain Ordinance Administrator.

C. Space Below the Lowest Floor

In zones A and AE, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
  - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
  - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
  - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
  - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
  - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
  - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article 4, section 4.2 and section 4.3.
2. All recreational vehicles placed on sites must either

- a. be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
- b. meet all the requirements for manufactured homes in Article 4.3(D)(1).

#### Section 4.4 - Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

#### **ARTICLE V – EXISTING STRUCTURES IN FLOODPLAIN AREAS**

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

#### **ARTICLE VI - VARIANCES: FACTORS TO BE CONSIDERED [44 CFR 60.6]**

Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the



criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- M. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

## **GLOSSARY [44 CFR 59.1]**

- A. Appurtenant or accessory structure - Accessory structures not to exceed 200 sq. ft.
- B. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.
- C. Base flood elevation - The Federal Emergency Management Agency designated one percent annual chance water surface elevation and the elevation determined per Section 4.6. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is one hundred (100) year flood or 1% annual chance flood.
- D. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- E. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- F. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- G. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).
- H. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- I. Existing construction - structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
- J. Flood or flooding -
  - 1. A general or temporary condition of partial or complete inundation of normally dry land areas from
    - a. the overflow of inland or tidal waters; or,
    - b. the unusual and rapid accumulation or runoff of surface waters from any source.
    - c. mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
  - 2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.

- K. Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- L. Flood Insurance Study (FIS) – a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
- M. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- N. Flood proofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- O. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- P. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be less expensive.
- Q. Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- R. Historic structure - Any structure that is
1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
  4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
    - a. by an approved state program as determined by the Secretary of the Interior; or,
    - b. directly by the Secretary of the Interior in states without approved programs.
- S. Hydrologic and Hydraulic Engineering Analysis – Analyses performed by a *licensed* professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the *base flood*, other frequency floods, *flood* elevations, *floodway* information and boundaries, and *flood* profiles.
- T. Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective *Flood Insurance Rate Map* or *Flood Insurance Study*. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated *special flood hazard area*. A LOMA amends the current effective *Flood Insurance Rate Map* and establishes that a Land as defined by meets and bounds or *structure* is not located in a *special flood hazard area*.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to *flood zones*, *flood elevations*, *floodplain* and *floodway* delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a *structure* or parcel of land has been elevated by fill above the *base flood elevation* and is, therefore, no longer exposed to *flooding* associated with the *base flood*. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the *community's* floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed *flood* protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of *special flood hazard areas*. A CLOMR does not revise the effective *Flood Insurance Rate Map* or *Flood Insurance Study*.

- U. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
- V. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include a recreational vehicle.
- W. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- X. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after May 15, 1980, , and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- Y. Post-FIRM structures - A structure for which construction or substantial improvement occurred on or after May 15, 1980, whichever is later.
- Z. Pre-FIRM structures - A structure for which construction or substantial improvement occurred on or before May 15, 1980.
- AA. Recreational vehicle - A vehicle which is
  1. built on a single chassis;
  2. 400 square feet or less when measured at the largest horizontal projection;
  3. designed to be self-propelled or permanently towable by a light duty truck; and,
  4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- BB. Repetitive Loss Structure - A building covered by a contract for flood insurance that

has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each flood event.

- CC. Shallow flooding area – A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- DD. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article III, Section 3.2 of this ordinance.
- EE. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- FF. Structure - for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- GG. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- HH. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *substantial damage* regardless of the actual repair work performed. The term does not, however, include either:
1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
  2. any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
  3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
- II. Violation - the failure of a structure or other development to be fully compliant with

the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 4.3 B and Section 4.4 A, is presumed to be in violation until such time as that documentation is provided.

- JJ. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**ARTICLE VII - ENACTMENT**

ENACTED AND ORDAINED THIS 12<sup>th</sup> DAY OF June, 2012. This ordinance shall become effective upon passage.

On a motion by Supervisor Region Davidson, seconded by Supervisor Ron Blevins and carried by the following vote:

<u>Supervisors</u>	<u>Vote</u>
<b>Chairman, Chilhowie District Supervisor, Wade H Blevins, Jr.</b>	<b>Aye</b>
<b>Vice Chair, Park District Supervisor, M. Todd Dishner</b>	<b>Aye</b>
<b>Rye Valley District Supervisor, Rick K Blevins</b>	<b>Aye</b>
<b>North Fork District Supervisor, Ron C Blevins</b>	<b>Aye</b>
<b>Atkins District Supervisor, J. Howard Burton</b>	<b>Aye</b>
<b>Saltville District Supervisor, Roscoe D Call</b>	<b>Aye</b>
<b>Royal Oak District Supervisor, Regina H Davidson</b>	<b>Aye</b>

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**5:21:56 PM Execute People Inc. contract for Lick Skillet - \$39,000**

Mrs. Sally Morgan explained the contract. It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins to authorize execution of the contract with People Inc. in the amount of \$39,000 for the Lick Skillet Rehab Project.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**5:24:14 PM Groseclose Sewer Project**

Mr. Scott Simpson updated the Board on the Groseclose Sewer Project and reviewed figures for the project. He informed the Board the project came in \$130,000 less than budgeted.



It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by Saltville District Supervisor Roscoe D Call to authorize Mrs. Morgan to apply for the Tobacco Commission Grant for Economic Development.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**5:29:11 PM Workforce Investment Board Ordinance**

Mr. Michael Carter informed the Board the original ordinance was adopted in 2009 but was not properly executed.

It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by Saltville District Supervisor Roscoe D Call to adopt the following Ordinance:

**ORDINANCE AUTHORIZING THE FORMATION OF A JOINT ENTITY AND  
ACCEPTANCE OF CONSORTIUM AGREEMENT BETWEEN THE COUNTIES OF  
BLAND, CARROL, FLOYD, GILES, GRAYSON, MONTGOMERY, PULASKI, SMYTH,  
WASHINGTON, AND WYTHE AND THE CITIES OF BRISTOL, GALAX, AND  
RADFORD, VIRGINIA TO BE CALLED THE WORKFORCE INVESTMENT AREA  
CONSORTIUM AND BESTOWING ON SUCH ENTITYT ALL POWERS NECESSARY  
AND PROPER FOR THE PERFORMANCE OF ITS DUTIES UNDER THE  
WORKFORCE INVESTMENT ACT.**

WHEREAS, the Workforce Investment Act of 1998, codified at 29 U.S.C.S. 2801 *et seq.* (hereinafter the "Act"), provides federal funding to states for the delivery of workforce training and other services;

WHEREAS, 29 U.S.C.S. 2831 requires that the governor of each state to designate local workforce investment areas to deliver workforce investment services within the state;

WHEREAS, the Governor of Virginia has designated the counties of Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Smyth, Washington, and Wythe and the cities of Bristol, Galax, and Radford, Virginia (hereinafter the "Member Jurisdictions") as the Area II Workforce Investment Act Area;

WHEREAS, on February 15, 2000, the Member Jurisdictions entered into an agreement to jointly administer the Workforce Investment Act programs called the "Charter Chief Local Elected Officials Agreement" (hereinafter the "Charter Agreement") and have operated continuously under this Charter Agreement;

WHEREAS, the Member Jurisdictions wish to continue to jointly perform the responsibilities prescribed for them under the Act;

WHEREAS, Virginia Code Section 15.2-1300 (1950, as amended) provides that local governments may enter into agreements for the joint or cooperative exercise of any power, privilege or authority which each is capable of exercising individually and that such agreement may be approved by a locality if approved by ordinance;

WHEREAS, the Member Jurisdictions desire to form and continue membership in a joint entity under Virginia Code Section 15.2-1300 to be designated as the New River/Mount Rogers Workforce Investment Area Consortium (hereinafter the "Consortium") and to be recognized as Virginia's Area II Local Workforce Investment Area which will perform the duties incumbent on them individually under the Workforce Investment Act;

WHEREAS, a joint entity permits the delivery and oversight of workforce services in a manner that will ensure accountability to governing bodies of the Member Jurisdictions;

WHEREAS, according to the minutes of the continued meeting of the Smyth County Board of Supervisors (hereinafter the "Board") on October 22, 2009, the Board adopted the ordinance approving the New River/Mount Rogers Workforce Investment Consortium Agreement (hereinafter the "Agreement") dated October 1, 2009 or the day that the last Member Jurisdiction entered into the

Agreement; however, the ordinance adopted by the Board on October 22, 2009 was never executed by the Chairperson of the Board or codified by the Clerk of the Board, nor contained the name of each member and how he or she voted and therefore was not valid;

**WHEREAS**, on November 12, 2009, the Chairperson of the Board executed the Agreement;

**WHEREAS**, the Board has been a member of the Consortium since its execution of the Charter Agreement, execution of the Agreement, and has continued its membership;

**WHEREAS**, as of the date of adoption of this Ordinance, the original executed ordinance adopted by the Board on October 22, 2009 was never located by the Clerk of the Board;

**WHEREAS**, to ensure compliance with Virginia law and the membership of the Consortium and to maintain the ability to enter into further agreements related to the Consortium, the Board hereby desires to adopt this ordinance.

**NOW THEREFORE**, the Smyth County Board of Supervisors hereby Rescinds the Charter Agreement; Approves entering into the New River/ Mount Rogers Workforce Investment Consortium Agreement (hereinafter the "Agreement") which is attached and hereto and made a part of this Ordinance; and authorizes the Chairperson of the Smyth County Board of Supervisors to execute any future Agreement on behalf of the Board as approved and authorized.

This Ordinance shall be effective immediately.

**On a motion by Supervisor Regina Davison, seconded by Supervisor Roscoe Call, which carried by the following vote:**

<u>Supervisors</u>	<u>Vote</u>
Chairman, Chilhowie District Supervisor, Wade H Blevins, Jr.	Aye
Vice Chair, Park District Supervisor, M. Todd Dishner	Aye
Rye Valley District Supervisor, Rick K Blevins	Aye
North Fork District Supervisor, Ron C Blevins	Aye
Atkins District Supervisor, J. Howard Burton	Aye
Saltville District Supervisor, Roscoe D Call	Aye
Royal Oak District Supervisor, Regina H Davidson	Aye

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None.

**ABSTAINERS:** None

**ABSENT:** None

**5:30:51 PM Homeland Security Grant for EOC Enhancement**

Mr. Tate had a few questions on page 72, #9 and #10

Mr. Carter informed Mr. Tate there would be no problem with the special flood hazard area or the new FEMA maps, as well as, the Town of Marion maps. Mr. Carter also informed Mr. Tate that there would be no Bacon Davis concerns.

It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by North Fork District Supervisor Ron C Blevins to adopt the following Resolution for the Homeland Security Grant for EOC Enhancement in the amount of \$29,104, with an equal amount of local match:

(To Be Completed Once Funds are Awarded)  
Governing Body Resolution

*BE IT RESOLVED THE* Board of Supervisors  
\_\_\_\_\_  
(Governing Body)  
*OF THE* County of Smyth *THAT*  
\_\_\_\_\_  
(Name of Applicant)

Michael L. Carter, County Administrator  
\_\_\_\_\_, OR  
(Name or Title of Authorized Agent)  
  
\_\_\_\_\_, OR  
(Name or Title of Authorized Agent)  
  
\_\_\_\_\_,  
(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 12<sup>th</sup> day of June, 2012.

**Certification**

I, Michael L. Carter, duly appointed and  
(Name)

Clerk of the Smyth County Board of Supervisors,  
(Title) (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)

12<sup>th</sup> day of June, 2012.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**5:34:40 PM Consider the \$350 restitution fee**

It was moved by North Fork District Supervisor Ron C Blevins, seconded by Saltville District Supervisor Roscoe D Call to approve the \$350 restitution fee for DUI and related incidents, including terrorism, to reimburse first responders.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**Committee Recommendations:**

**Appointments**

[5:36:19 PM](#) (a) It was moved by Rye Valley District Supervisor Rick K Blevins, seconded by Saltville District Supervisor Roscoe D Call to continue the nomination on Mt. Rogers Planning District, Board of Supervisors – Member-at-Large.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:37:01 PM](#) (b) With the Appointment Committee recommendation, the Board appointed Ms. Robin Meadows (514 Lee Hwy, Marion, VA 24354, 276-646-3075) to represent Smyth County on the New River/Mount Rogers Workforce Investment Board. Ms. Meadows will serve a three (3) year term to expire June 30, 2015.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:37:19 PM](#) (c) With the Appointment Committee recommendation, the Board reappointed Mr. William F. Farmer to serve on the Rye Valley Water Authority. Mr. Farmer will serve a four (4) year term to expire June 30, 2016.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None.

**ABSTAINERS:** None

**ABSENT:** None

[5:37:40 PM](#) (d) With the Appointment Committee recommendation, the Board reappointed Mr. Donald Bonham to serve on the Rye Valley Water Authority. Mr. Bonham will serve a two (2) year term to expire June 30, 2014.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:38:12 PM](#) (e) With the Appointment Committee recommendation, the Board reappointed Mr. Gary Hall to serve on the Rye Valley Water Authority. Mr. Hall will serve a one (1) year term to expire June 30, 2013.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

The Rye Valley Water Authority terms were staggered to have them back in compliance with the Rye Valley Water Authority's by-laws.

[5:38:31 PM](#) (f) With the Appointment Committee recommendation, the Board reappointed Sheriff David Bradley, Commonwealth Attorney Roy F. Evans, Jr., and Smyth County Board of Supervisor representative Michael L. Carter to serve on the Southwest VA Community Corrections Community Criminal Justice Board. Sheriff Bradley, Roy F. Evans, Jr., and Michael L. Carter will serve a two (2) year term to expire June 30, 2014.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:38:38 PM](#) (g) With the Appointment Committee recommendation, the Board appointed Mr. Bill Rush (1547 High Meadows Lane, Chilhowie, VA 24319, 276-646-3279) as a Smyth County representative to the Virginia Highlands Community College Board. Mr. Rush will serve a four (4) year term to expire June 30, 2016.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:38:56 PM](#) (h) With the Appointment Committee recommendation, the Board reappointed Ms. Anne Shults to serve on the Department of Social Service Board as the Park District representative. Ms. Shults will serve a four (4) year term to expire June 30, 2016.

After consideration, the motion PASSED by the following vote:



**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:39:40 PM](#) IDA – Royal Oak District Representative, Mr. Harry Dean - It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by Saltville District Supervisor Roscoe D Call to reappointment Mr. Harry Dean as the Royal Oak District representative to the Industrial Development Authority. Mr. Dean will serve a four (4) year term to expire June 30, 2016.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:40:16 PM](#) IDA - Rye Valley District Representative, Montie Fleshman - It was moved by Rye Valley District Supervisor Rick K Blevins, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to reappointment Mr. Montie Fleshman as the Royal Oak District representative to the Industrial Development Authority. Mr. Fleshman will serve a four (4) year term to expire June 30, 2016.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:40:41 PM](#) Keep SWVA Beautiful, Manuel Street - With the Appointment Committee recommendation, the Board appointed Mr. Manuel Street (121 Bagley Circle, Ste 100, Marion, VA 24354, 276-783-3298 x226) to serve as the Smyth County representative to the Keep SWVA Beautiful Committee for a one (1) year term to expire June 30, 2013.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None



[5:40:57 PM](#) Marion Downtown Revitalization Committee - It was moved by Rye Valley District Supervisor Rick K Blevins, seconded by Saltville District Supervisor Roscoe D Call to appoint Mr. Ron Blevins to serve on the Marion Downtown Revitalization Committee as a Board of Supervisors representative. Mr. Ron Blevins will serve a one (1) year term to expire June 30, 2013.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:42:25 PM](#) Local Board of Building Code Appeals - It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by North Fork District Supervisor Ron C Blevins to appoint Mr. Jim May to serve as an Alternate on the Local Board of Building Code Appeals. Mr. May will serve a four (4) year term to expire January 31, 2016.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:43:14 PM](#) Board of Zoning Appeals –It was moved by Atkins District Supervisor J. Howard Burton, seconded by North Fork District Supervisor Ron C Blevins to nomination Ms. Erwin Rowland to represent the Atkins District on the Board of Zoning Appeals. If appointed Ms. Rowland will serve a five (5) year term to end January 31, 2017.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:45:43 PM](#) **Steve Buston, VDOT – Consider the Six-Year Secondary Road Plan**

Mr. Steve Buston presented the Revised Six Year Plan with the additional roads for 2012/2013 through 2017/2018 along with the adopted construction budget for 2012/2013.

Supervisor Rick Blevins inquired about Cave Ridge Road. Mr. Buston informed him the road did not have the number of homes as the other roads did.

It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by North Fork District Supervisor Ron C Blevins to adopt the following resolution with date changed and additional roads:

**RESOLUTION**

At a regular meeting of the Board of Supervisors of the County of Smyth, Virginia held at the Smyth County Administration Building on June 12, 2012 at 5:45 p.m.

On motion by Supervisor Davidson, seconded by Supervisor Ron Blevins and carried by the following vote:

<u>Supervisors</u>	<u>Vote</u>
<b>Chairman, Chilhowie District Supervisor, Wade H Blevins, Jr.</b>	<b>Aye</b>
<b>Vice Chair, Park District Supervisor, M. Todd Dishner</b>	<b>Aye</b>
<b>Rye Valley District Supervisor, Rick K Blevins</b>	<b>Aye</b>
<b>North Fork District Supervisor, Ron C Blevins</b>	<b>Aye</b>
<b>Atkins District Supervisor, J. Howard Burton</b>	<b>Aye</b>
<b>Saltville District Supervisor, Roscoe D Call</b>	<b>Aye</b>
<b>Royal Oak District Supervisor, Regina H Davidson</b>	<b>Aye</b>

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 (FYs 2012/13 through 2017/18) as well as the Construction Priority List (FY 2012/13) on May 8, 2012, 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, James Schwartz, Wytheville Residency Maintenance Manager, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (FYs 2012/13 through 2017/18) and the Construction Priority List (FY 2012/13) 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 (FYs 2012/13 through 2017/18) and Construction Priority List (FY 2012/13) are hereby approved as presented at the public hearing.

Additional Roads:

## Smyth Co. Rural Rustic Recommendations SYP 2012

---

- **Route 659 Little Walker Way**  
From Rte. 617 To Dead End MM 5.26 – MM 5.96 = .70 Miles  
This route would only require ditching, stone and surface treatment. No drain culverts need to be replaced or installed. The area headquarters receives numerous work orders and citizen requests for this route.
- **Route 617 Shortly Stone Rd.**  
From Dead End To Rte. 622 MM 16.71 – MM 17.21 = .50 Miles and 18’ width.  
This route would require approximately 60’ of drain culverts, ditching, stone and surface treatment. The road is very steep and tough to travel in the winter months. There are 9 homes on this route.
- **Route 705 White Rock Furnace Rd.**  
From Dead End To Rte. 614 MM 0.00 – MM .30 = .30 Miles and 20’ width. This route would require no culvert replacement, only ditching, stone and surface treatment. The road has 5 homes and is located near the Wythe County Line and is the farthest gravel road from the area headquarters.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None  
**ABSTAINERS:** None  
**ABSENT:** None

[5:51:39 PM](#) The Board took a short break.

[6:06:38 PM](#) **Public Hearing – Proposed 2012/2013 County Budget**

Chairman Wade Blevins opened the public hearing. Mr. Michael Carter read the advertisement as published in the Smyth County News & Messenger along with the rules of procedures for public hearings.

[6:16:29 PM](#) Chairman Wade Blevins informed the citizens that the Board was here tonight to hear their views on the proposed 2012/2013 County Budget. He stated the Board will consider the Budget at the continued meeting on June 21, 2012.

There were an estimated 41 citizens present, with the following wishing to speak:

Bruce Kravitz, SVAM, explained the SVAM program and requested continued support.  
Trey White, Marion, spoke in support of SVAM.  
Greg Paine, Scholle Corp., spoke in support of SVAM .  
David Martin, Marion Mold & Tool, spoke in support of SVAM.

Earl McClure, Chilhowie, presented a copy of the proposed budget advertisement and questioned a few lines.

Ken Heath, Marion Downtown, requesting level funding at \$8,000.

Mary McClaire, Chilhowie, Live within the County's means.

Pam Hall, Marion / Steve Halley, Brain Injury Services, explained their new Click Program and requested continued support.

Charles Wassum, Marion, he was thankful for noting the Debt Service in the budget advertisement. The County should not spend more than they have. Prioritize.

June Totten, Saltville, Bread of Life Food Pantry, serves the Saltville area requested support.

Rod Blevins, Marion, requested the Board to be more efficient.

Bill Buchanan, Song of the Mountains, request continued support.

Marla Osborne, Chilhowie, spoke on the need for Health Care in the County.

[7:03:33 PM](#) Chairman Wade Blevins closed the public hearing.

[7:03:49 PM](#) **Public Hearing – Proposed Tax Levies - \$.05 increase to Real Estate and Personal Property taxes.**

Chairman Wade Blevins opened the public hearing. Mr. Carter read the following advertisement as published in the Smyth County News and Messenger along with the rules of procedures for public hearing:

**PUBLIC HEARING NOTICE ON PROPOSED 2012-2013 TAX LEVIES**

The Smyth County Board of Supervisors will conduct a public hearing, on **June 12, 2012, at 6:30 p.m.**, or soon thereafter, as the same may be heard on the 2012-2013 Smyth County Budget, at the Board of Supervisors meeting room, 121 Bagley Circle, Marion, Virginia, on the following issues:

The proposed 2012-2013 Budget proposes two (2) tax levy increases from the current 2011 tax levy for the fiscal year 2011-2012. Three (3) 2011-2012 levies are proposed to be continued for the next fiscal year.

THE PROPOSED TAX LEVY INCREASES FOR 2012-2013 ARE:

- a) To increase the current 2011-2012 Real Estate tax levy from \$0.69 per \$100.00 of assessed valuation to a proposed 2012-2013 Real Estate tax levy of \$0.74 per \$100.00 of assessed valuation.

Example: Average Value Home - \$80,000 x \$.05 = \$40.00 (additional cost)

- b) To increase the current 2011-2012 tangible personal property and the tangible personal property of public service corporations, except rolling stock of corporations operating railroads, from a unit levy of \$2.25 per \$100.00 of assessed valuation to a proposed levy of \$2.30 per \$100.00 of assessed valuation.

Example: Average Value Vehicle - \$20,000 x \$.05 = \$10.00 (additional cost)

THE TAX LEVY PROPOSED TO REMAIN THE SAME IN 2012-2013 AS SET IN 2011-2012 ARE:

- a) Machinery & Tools tax levy tax levy of \$1.55 per \$100.00 of assessed valuation.
- b) Category 23 items tax levy of \$1.55 per \$100.00 of assessed valuation.
- c) Merchants Capital tax levy of \$0.40 per \$100.00 of assessed valuation.

At this public hearing and to the rules and procedures of the Board, the Board will hear comments by the public on the subject of these proposed increases in the tax levy for items a) & b) above for 2012-2013 fiscal year, and to continue the other three (3) tax levies for 2012-2013 fiscal year. Any person may, subject to reasonable rules of time fixed by the Board, address the Board of Supervisors on the subjects in this advertisement. No action will be taken by the Board for at least seven (7) days after this public hearing.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in the public hearing should contact Clegg Williams, ADA Coordinator for Smyth County, at (276) 783-3298 x227 at least forty eight (48) hours prior to the public hearing.

There were an estimated 34 citizens present, with the following speaking in opposition of the tax increases:

Earl McClure, Chilhowie  
Mary McClaire, Chilhowie  
Charles Buchanan, Saltville  
Ralph Price, Marion

[7:21:36 PM](#) Chairman Wade Blevins closed the public hearing.

[7:21:53 PM](#) The Board took a short break.

[7:39:44 PM](#) **Public Hearing Proposed 5% Water and Sewer Rate Increase**  
Chairman Wade Blevins opened the public hearing. Mr. Scott Simpson read the following advertisement as published in the Smyth County News and Messenger:

**Public Hearing  
Proposed Increase in Water and Sewer Rates**

**Pursuant to Section 15.2-2119 of the Code of Virginia, The Smyth County Board of Supervisors proposes to increase the rates charged for Water and Sewer services within the Smyth County systems as follows:**

<i>Water Rates – Residential</i>			
<b>Current Rates</b>		<b>Proposed Rates – 5% increase</b>	
0 – 1,000 gallons	\$17.17 minimum bill	0 – 1,000 gallons	\$18.03 minimum bill
1,001 – 6,000 gallons	\$7.45 per 1,000 gallons	1,001 – 6,000 gallons	\$7.82 per 1,000 gallons
6,001 and over	\$9.16 per 1,000 gallons	6,001 and over	\$9.62 per 1,000 gallons

**Water Rates – Commercial**

Current Rates		Proposed Rates – 5% increase	
0 – 4,000 gallons	\$40.07 minimum bill	0 – 4,000 gallons	\$42.07 minimum bill
Each additional 1,000 gallons	\$9.16 per 1,000 gallons	Each additional 1,000 gallons	\$9.62 per 1,000 gallons

**Water Rates –Industrial**

Current Rates		Proposed Rates – 5% increase	
0 – 25,000 gallons	\$186.05 minimum bill	0 – 25,000 gallons	\$195.35 minimum bill
Each additional 1,000 gallons	\$9.16 per 1,000 gallons	Each additional 1,000 gallons	\$9.62 per 1,000 gallons

**Sewer Rates – Residential**

Current Rates		Proposed Rates – 5% increase	
0 – 1,000 gallons	\$17.66 minimum bill	0 – 1,000 gallons	\$18.54 minimum bill
1,001 – 6,000 gallons	\$7.66 per 1,000 gallons	1,001 – 6,000 gallons	\$8.04 per 1,000 gallons
6,001 and over	\$9.42 per 1,000 gallons	6,001 and over	\$9.89 per 1,000 gallons
Residential Flat Rate	\$32.98 per month	Residential Flat Rate	\$34.63 per month

**Sewer Rates – Commercial**

Current Rates		Proposed Rates – 5% increase	
0 – 4,000 gallons	\$41.20 minimum bill	0 – 4,000 gallons	\$43.26 minimum bill
Each additional 1,000 gallons	\$9.42 per 1,000 gallons	Each additional 1,000 gallons	\$9.89 per 1,000 gallons

**Sewer Rates –Industrial and Industrial Enterprise Zone**

Current Rates		Proposed Rates – 5% increase	
0 – 3,000 gallons	\$58.85 minimum bill	0 – 3,000 gallons	\$61.79 minimum bill
Each additional 1,000 gallons	\$9.42 per 1,000 gallons	Each additional 1,000 gallons	\$9.89 per 1,000 gallons

A Public Hearing will be conducted by the Smyth County Board of Supervisors on Tuesday, June 12, 2012 beginning at 7:00 p.m. in the Board of Supervisors meeting room, 121 Bagley Circle, Marion, Virginia. A copy of the present and proposed rate schedule is on file at the Smyth County Administrators Office, 121 Bagley Circle, Marion, Virginia and can be viewed between the hours of 8:00 am and 5:00 pm, Monday through Friday.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in the public hearing should contact Clegg Williams, ADA Coordinator for Smyth County, at (276) 783-3298 x227 at least forty eight (48) hours prior to the public hearing.

It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D Call to waive reading the rules of procedure for public hearings.

After consideration, the motion PASSED by the following vote:  
**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None  
**ABSTAINERS:** None  
**ABSENT:** None

There were an estimated five (5) citizens present, with the following wishing to speak:

David Hawkins, questioned the increase and what it is going toward.

[7:46:46 PM](#) Closed public hearing



[7:46:52 PM](#) **Public Hearing – Proposed Animal Tag Fee Increase with an Option to Purchase a Three Year Tag.**

Chairman Wade Blevins opened the public hearing. Mr. Scott Simpson read the following advertisement as published in the Smyth County News and Messenger:

**PUBLIC HEARING NOTICE**

You will take notice that the Board of Supervisors of Smyth County will conduct a **Public Hearing on Tuesday, June 12, 2012 at 7:15 p.m.**, or as soon thereafter as the same may be convened, to consider an amendment to Section 8-134 of the Smyth County Code and particularly Subsection (a) which provides the fees to be charged for animal licenses.

The Board proposes to adopt the amounts set out herein, and to revise the amounts with a strike through, so as to fix the fee as follows:

- (a) (1) "*Male*. Except as provided in Section (a) (2), for a male dog or cat, ~~\$3.00~~ - \$4.00.
- (a) (2) Unsexed *male or female*. For a neutered male or spayed female dog or cat, ~~\$1.00~~ - \$2.00.
- (a) (3) Female. For a female dog or cat, \$5.00 (no change).

It is proposed to add to the Section 8-134 of the Code, a new Subsection (a) (5), as follows:

(a) (5) The County shall offer the option of purchasing a three (3) year license for a male dog or cat, an unsexed male or female dog or cat, and a female dog or cat. If the owner chooses this option, the fees for a three (3) year license for each category shall be as follows:

- (5) (i) Male dog or cat - \$12.00
- (5) (ii) Unsexed male or female dog or cat - \$6.00
- (5) (iii) Female dog or cat - \$15.00

In applying to the Treasurer of Smyth County for a three (3) year license, the owner or custodian must display the rabies vaccination certificate at the time of application, as with other applications. This three (3) year license will only be effective until the end of the vaccination certificate, and may not be available for three (3) total years.

Except as specifically set out herein, no other amendment will be made to the aforesaid Code sections fixing license fees for dogs and cats.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in the public hearing should contact Clegg Williams, ADA Coordinator for Smyth County, at (276) 783-3298 x227 at least forty eight (48) hours prior to the public hearing.

It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D Call to waive reading the rules of procedure for public hearings.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[7:50:21 PM](#) Closed public hearing



**7:50:28 PM Public Hearing – Rich Valley Fair Festival Application**

Chairman Wade Blevins opened the public hearing. Mr. Carter read the following advertisement as published in the Smyth County News and Messenger:

**PUBLIC HEARING NOTICE**

The Smyth County Board of Supervisors will conduct a public hearing on Tuesday, June 12, 2012, at 7:30 p.m. or as soon thereafter, 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 27, 2012 thru August 4, 2012. 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, 27 – Saturday, August 4 – 5:00p.m. thru the event completion, except music events which will end by midnight per the Smyth County Code Section 5-98.

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

A 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 Monday through Friday, 8:00 a.m. to 5:00 p.m.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in the public hearing should contact Clegg Williams, ADA Coordinator for Smyth County, at (276) 783-3298 x227 at least forty-eight (48) hours prior to the public hearing.

It was moved by North Fork District Supervisor Ron C Blevins, seconded by Saltville District Supervisor Roscoe D Call to waive reading the rules of procedure for public hearings.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**7:52:51 PM** Closed public hearing

**7:53:30 PM** Mr. Simpson answered Mr. Hawkins question he had during the Water/Sewer rate increase public hearing. The County would like to have the Water/Sewer Department become self-sufficient. The increase to the Water and Sewer rates is to provide funding to help establish the Water/Sewer Department to become self sufficient.

**Committee Recommendations:** (continued)

**Budget**

**7:56:00 PM (a) School Board Budget Amendments**

With the Budget Committee recommendation, the Board approved the following School Board 2012 Budget Amendments totaling \$192,442:

Transfer \$52,442 from 66000: Capital Outlay to 67000: Debt Service  
Transfer \$80,000 from 62000: Administration to 63000: Transportation  
Transfer \$30,000 from 62000: Administration to 61000: Instruction  
Transfer \$30,000 from 64000: Facilities to 61000: Instruction

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[7:56:44 PM](#) (b) **Byrne Justice Assistant Grant**

With the Budget Committee recommendation, the Board accepted the Byrne Justice Assistant Grant and approved the local match of \$996.24 (744-010000-54450):

**Budget Narrative**  
**Smyth County Sheriff's Office**  
**Grant # 12-N1176LO11**

The Smyth County Sheriff's Office would like to take this opportunity to thank you for awarding our office \$1,790 through the Block Grant. Our office plans to purchase supplies to make Tactical Emergency Medical Kits (kits will include, quick clot sponges, combat application tourniquet, 4in emergency trauma dressing, S-rolled gauze and a HyFin chest seal). The total cost of this project will be \$2,607.24. With the Block grant providing \$1,611 and our office making a match of \$179.00 and the difference of \$817.24, we will be able to make this project a reality. These kits will further ensure the safety of our deputies in a critical situation.

<b>Item</b>	<b>Quantity</b>	<b>Cost per item</b>	<b>Total Cost</b>
QuikClot® Sponge	31	\$ 38.00	\$ 1,178.00
Combat Application Tourniquet	31	\$ 25.15	\$ 779.65
4in Dressing	31	\$ 3.67	\$ 113.77
S-Rolled Gauze	31	\$ 1.79	\$ 55.49
Hyfin® Chest Seal	31	\$ 13.48	\$ 417.88
Hyfin® Trainer	1	\$ 17.45	\$ 17.45
<b>Shipping Costs</b>		\$ 45.00	\$ 45.00
<b>Total</b>			<b>\$ 2,607.24</b>
Awarded Block Money			\$ 1,611.00
Cash Match & Difference			\$ 996.24
<b>Total</b>			<b>\$ 2,607.24</b>

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[7:57:29 PM](#) (c) **Bank of Marion bid for the \$5million Line-of-Credit**

With the Budget Committee recommendation, the Board accepted the bid from the Bank of Marion for the \$5million Line-of-Credit with an interest rate at 2.8%.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

### **OLD BUSINESS**

[7:58:19 PM](#) #7, Mega-Site Project

Mr. Tate informed the Board he sent TAMKO a draft deed today, June 12, 2012. He felt they would want to close on the property next week.

Mr. Simpson explained an appropriation for the Mega-Site Project:

\$ 15,000 1-081030-8888-4

\$3,175,000 4-012010-5401

These funds are currently in the 2011/2012 County Budget from the Tobacco Commission Grant.

It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D Call to approve and appropriate \$3,190,000. The following is the breakdown between line-items:

\$3,175,000 – 4-012010-5401

\$ 15,000 – 1-081030-8888-4

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[8:03:10 PM](#) #3, Nuisance complaint against a property owned by Joseph F. Ellis, Jr.

Mr. Tate reported to the Board on that an opinion has been issued and the lady does not have to move her mobile home, but still waiting on an order to be issued.

[8:05:15 PM](#) #11, Hungry Mother Convenience Station Lease

Mr. Tate reported to the Board that he had no new information.

[8:05:24 PM](#) #9, Law Enforcement Mutual Aid Agreement

Mr. Tate informed the Board on corrections that need to be made to the Grayson County agreement.

[8:14:17 PM](#) It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by Saltville District Supervisor Roscoe D Call execute mutual aid agreements with Wythe and Grayson County.

After consideration, the motion prevailed by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** North Fork District Supervisor Ron C Blevins and  
Atkins District Supervisor J. Howard Burton

**ABSTAINERS:** None

**ABSENT:** None

[8:15:11 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins to remove the law enforcement item from old business.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[8:18:51 PM](#) **Continue Meeting**

It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins to continue meeting until Thursday, June 21, 2012 at 5:00 p.m.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

---

Wade H. Blevins, JR., Chairman

The Smyth County Board of Supervisors held a continued meeting at 5:00 p.m., **Thursday, June 21, 2012**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

<b>PRESENT:</b>	Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.; Vice Chair, Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K Blevins; North Fork District Supervisor Ron C Blevins; Atkins District Supervisor J. Howard Burton; Saltville District Supervisor Roscoe D Call; Royal Oak District Supervisor Regina H Davidson (7)
<b>ABSENT:</b>	None (0)
<b>STAFF:</b>	County Administrator Michael Carter; Assistant County Administrator Scott Simpson; Director of Finance Charlie Atkins; Administrative Assistant Becca Kirk; Economic Development Director Sally Morgan; Acting County Attorney John H Tate, Jr.; Intern Cory Osborne (8)
<b>OTHER:</b>	Stephanie Porter-Nichols, Smyth County News and Messenger (1)

Approximately 10 citizens present.

[5:03:28 PM](#) Chairman Wade Blevins called the meeting to order.

[5:03:37 PM](#) **Acknowledgement of one time additional Payroll Appropriation** – Mr. Michael Carter explained Mr. John Graham’s request to disburse “vacancy savings” to the Clerk’s Office employees.

[5:07:02 PM](#) Ms. Sheila Blevins from the Clerk’s Office was present and stated the position was been vacant for approximately 2-2 ½ months and was recently filled by Mr. Dan Kegley.

[5:07:35 PM](#) **Tax Increases:** Supervisor Davidson requested #2 be moved to later in the meeting. Mr. Carter stated as long as it is considered before the proposed budget that should be no problem.

[5:10:25 PM](#) **Committee Recommendations**  
Water/Sewer Committee

Chair Regina Davidson summarized the Committee’s recommendations. Supervisor Ron Blevins questioned “if the \$800 was recognized to not include the cost for installation of sewer connections”. Supervisor Davidson stated “yes, but to increase any more than that would be too much at one time”. Supervisor Dishner asked “when the last rate increases were”. Mr. Scott Simpson stated “the rate increases were increased in 98’, November 08’, November 09’, November 10’ and held off this year to coincide with the budget’s cycle”. Supervisor Burton inquired about how many meters are set in a year’s time”. Mr. Simpson said “water meters, approximately 30 per year and 5 sewer connections per year. Increases are estimated to bring about \$8,000 for connections and \$18,000 for reconnect fees additional annual fees”.

With the Water and Sewer Committee recommendation to increase the disconnect fee from \$25 to \$50, increase water meter hook-up fee from \$520 to \$800, increase sewer tap fee from \$675 to \$800:

After consideration, the motion FAILED by the following vote:

**AYES:** Rye Valley District Supervisor Rick K Blevins,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins and  
Atkins District Supervisor J. Howard Burton

**ABSTAINERS:** None

**ABSENT:** None

[5:19:20 PM](#) **5% Water and Sewer Rate Increase** - Supervisor Rick Blevins stated "his opinion a 5% water rate increase is not within the state levels".

It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D Call to approve a 5% Water and Sewer rate increase.

The Board discussed the Water and Sewer Department deficit.

After consideration, the motion PREVAILED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Atkins District Supervisor J. Howard Burton and  
Saltville District Supervisor Roscoe D Call

**NAYS:** Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins and  
Royal Oak District Supervisor Regina H Davidson

**ABSTAINERS:** None

**ABSENT:** None

Budget

[5:24:20 PM](#) **Circuit Court Judge's Assistant Position** – Mr. Carter explained the request for the Circuit Court Judge's Administrative Position to be reinstated as a full-time position additional expenditure outside proposed budget. The Budget Committee recommended reinstating to full-time. Supervisor Ron Blevins questioned "if this position was sufficiently being filled by a part-time position or was a full-time position required to conduct this office's workload". Mr. Carter informed Supervisor Ron Blevins the current position is full-time and many Courthouse staff and Judges along with Budget Committee felt this position should remain full-time.

With the Budget Committee recommendation, the Board approved the Circuit Court Judge's Administrative Position remain a full-time position.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:28:32 PM](#) **School Board 2012/2013 Budget Amendment** - Dr. Robinson explained the budget amendment request of \$403,750 for Bond interest payments. Supervisor Ron Blevins questioned "if the money comes back to the School or Board". Dr. Robinson explained it will come back to the school.



With the Budget Committee recommendation, the Board approved the 2012/2013 School Board Budget Amendment in the amount of \$403,750 for the interest payments on the VA Public Service Authority Qualified School Construction Bonds.

After consideration, the motion PREVAILED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** North Fork District Supervisor Ron C Blevins

**ABSTAINERS:** None

**ABSENT:** None

[5:31:04 PM](#) **Hicok, Fern, Brown & Garcia Agreement** – Mr. Atkins explained bids were received and Hicok, Fern, Brown & Garcia would like the Board to consider allowing them to continue for an additional year to complete the necessary requirements for the fiscal year ending June 30, 2012.

With the Budget Committee recommendation, the Board approved the accounting and consulting agreement with Hicok, Fern, Brown & Garcia, in the amount of \$20,000, for the year ending June 30, 2012.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[5:32:50 PM](#) **5.6% pay increase** - Mr. Carter explained the state mandate of a 5% pay increase. The proposed budget includes a 5% increase but in reality it does not cover the state mandate 5% VRS contribution that will become the employee's responsibility beginning July 1, 2012. The Budget Committee discussed an additional .6% to help assist the cost the employees will acquire on July 1, 2012. Budget committee recommended approving the additional .6% for a total of 5.6% pay increase for full-time employees.

With the Budget Committee recommendation, the Board approved a 5.6% pay increase for full-time employees effective July 1, 2012. The 5% is an increase mandated by the General Assembly to full-time employees to equal the 5% VRS contribution responsibility from employees effective July 1, 2012.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**5:35:42 PM PUBLIC HEARING - Atkins Volunteer Fire Department – Festival Application**

Chairman Wade Blevins called the Public Hearing to order. Mr. Carter read the legal ad as advertised in the Smyth County News & Messenger.

It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D Call to wave the rules of procedure.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**5:38:12 PM** Mr. Mark Prater was present and requested the application fee be waived considering the Atkins Volunteer Fire Department. Mr. Carter read the County Code and was under the impression the Fire Department was not a “civic organization”. Supervisor Call asked what the fee was for and Mrs. Becca Kirk confirmed the advertising the public hearing cost to the County was \$192.90. The County Code does not identify Volunteer Organizations’ fees to be waived. Mr. Prater indicated the fee was waived by the County last year. Supervisor Ron Blevins stated “the County cannot continue to loose money”. Supervisor Davidson inquired “if we can legally waive the fee if we want to”. Mr. Tate stated “the statute provides what it provides and if the Board doesn’t like the law they need to change the statute. It’s like having an Ordinance that you ignore”. Supervisor Rick Blevins inquired “as to whether or not Adwolfe Fire Department requests their fee to be waived”. Mr. Carter said “no”. Supervisor Rick Blevins stated “there are roughly 5 Volunteer Fire Departments in the County and suggested they be included in the County Code to have their fees waived”.

**5:50:58 PM** Mr. John Tate referenced the Code of Virginia 15.2.953 and informed the Board that they have the right to waive the fee. No one else spoke on the application.

**5:51:29 PM** Chairman Wade Blevins closed the public hearing.

**5:51:44 PM** Mr. Carter informed the Board that the Fire Dept. is under a time constraint and requested to waive their rules and vote on the application tonight.

It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by Saltville District Supervisor Roscoe D Call to waive the rules and consider the application.

It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D Call to approve the Atkins Volunteer Fire Department’s application for a Festival Permit.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**5:53:03 PM** The Board agreed to send the issue of waiving Fire Departments’ festival application fees to the Ordinance Committee.

**5:54:18 PM One-Year Only Pay Increase of \$7,000 for the Commissioner of Revenue** - Mr. Carter explained the Comp Board approved Mr. Jeff Richardson a one year only pay increase of \$7,000 for becoming a Master Commissioner of Revenue three years ago.

With the Budget Committee recommendation, the Board approved a \$7,000 pay increase for Mr. Jeff Richardson, Commissioner of Revenue, for one year only. This pay increase is based on the, one year, approval of the Comp Board for Mr. Richardson becoming a Master Commissioner of Revenue.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**5:56:01 PM Consider the Rich Valley Fair Association Festival permit -**

It was moved by North Fork District Supervisor Ron C Blevins, seconded by Atkins District Supervisor J. Howard Burton to approve the Rich Valley Fair Association's application for a Festival Permit.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

**5:56:42 PM Delinquent Tax update** – Mr. John Tate informed the Board that the letters were mailed to County Employees with delinquent taxes. So far 38 had paid in full, 24 had signed agreements with the Treasurer and we still have a total of 68 tax payers who have not responded and they have until tomorrow to respond. Some progress is being made with the letters alone.

**5:59:16 PM – VRS Employer Resolution** - Mr. Carter explained the VRS mandate for employees to pay their 5% retirement contribution. He asked the Board to consider the adoption of the Resolution Certifying the rate of 12.9% and approval from the Board to allow the Chairman and Clerk to sign the Resolution if approved. Mr. Carter informed the Board that the School Board has a Resolution as well to be considered.

Supervisor Burton inquired if the 12.9% considered all employees. Mr. Carter stated "this rate is for the contribution by the County and Department of Social Services, the School Board is separate". Supervisor Davidson requested an explanation of what the Resolution does. Mr. Carter informed the Board the Resolution places the contribution rate of the County on file with VRS. Mr. Charlie Atkins informed the Board the current rate the County pays VRS is 14.02%, which includes the 9.02% Employer contribution and the 5% Employee Contribution. Mr. Atkins reported as of July 1, 2012 the County will pay a VRS Employer Contribution of 12.90% and employees will pay a VRS Employee Contribution of 5%. Supervisor Davidson stated "it doesn't matter because this is a state mandate and we have to sign the Resolution. Supervisor Call questioned "how this compared to the School Board?" Mr. Carter stated "the employer pays a percentage and employees pay the 5%".

It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to adopt the following Resolution with the Certified Rate of 12.90% and authorize signatures by the Chairman and Clerk:

**Employer Contribution Rates for Counties, Cities,  
Towns, School Divisions and Other Political Subdivisions  
(In accordance with the 2012 Appropriation Act Item 468(H))**

---

**Resolution**

BE IT RESOLVED, that the Smyth County 55186 does hereby acknowledge that its contribution rates effective July 1, 2012 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the Smyth County 55186 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2012:

**(Check only one box)**

☒ The Certified Rate of 12.90%      ☐ The Alternate Rate of 9.03%; and

BE IT ALSO RESOLVED, that the Smyth County 55186 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of Smyth County 55186 are hereby authorized and directed in the name of the Smyth County to carry out the provisions of this resolution, and said officers of the Smyth County are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by Smyth County for this purpose.

---

Governing Body/School Division Chairman

**CERTIFICATE**

I, \_\_\_\_\_, Clerk of the Smyth County, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Smyth County held at \_\_\_\_\_, Virginia at \_\_\_\_\_ o'clock on \_\_\_\_\_, 2012. Given under my hand seal of the Smyth County this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

---

C  
Clerk

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None  
**ABSTAINERS:** None  
**ABSENT:** None

[6:07:48 PM](#) **VRS Employee Resolution** - Mr. Carter explained that employees will start paying the 5% VRS contribution on July 1. He requested the Board consider the Resolution for this 5% contribution responsibility from employees including approval from the Board to allow the Chairman and Clerk to sign the Resolution.

It was moved by Rye Valley District Supervisor Rick K Blevins, seconded by Atkins District Supervisor J. Howard Burton to adopt the following Resolution as presented and authorize signatures by the Chairman and Clerk:

**Member Contributions by Salary Reduction for Counties, Cities,  
Towns, and Other Political Subdivisions**  
(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))

---

**Resolution**

WHEREAS, the Smyth County 55186 employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012 ("FY2013 Employees" for purposes of this resolution), shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the Smyth County 55186 employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the Smyth County 55186 may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2012, to each such employee in service on June 30, 2012, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the difference between five percent of the employee's total creditable compensation and the percentage of the member contribution paid by such employee on January 1, 2012.

BE IT THEREFORE RESOLVED, that the Smyth County 55186 does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2012 (i.e., FY2013):

Type of Employee	Employer Paid Member Contribution	Employee Paid Member
Plan 1	%	%
Plan 2	%	%
FY2013	0%	5%

(Note: Each row must add up to 5 percent.); and

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the Smyth County in lieu of member



contributions; and

BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that member contributions made by the Smyth County under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the Smyth County directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the Smyth County shall be reduced by the amount of member contributions picked up by the Smyth County on behalf of such employee pursuant to the foregoing resolutions.

NOW, THEREFORE, the officers of Smyth County 55186 are hereby authorized and directed in the name of the Smyth County to carry out the provisions of this resolution, and said officers of the Smyth County are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Smyth County for this purpose.

---

Governing Body Chairman

**CERTIFICATE**

I, \_\_\_\_\_, Clerk of the Smyth County, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Smyth County held at \_\_\_\_\_, Virginia at \_\_\_\_\_ o'clock on \_\_\_\_\_, 2012. Given under my hand and seal of the Smyth County this \_\_\_\_\_ day of \_\_, 2012.

---

Clerk

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[6:09:26 PM](#) **School Board's VRS Resolution** – Mr. John Tate mentioned the Resolution did not include the rate. Supervisor Ron Blevins previously asked that the rate be included and the Resolution be amended to reflect the actual rate.

[6:13:10 PM](#) Chairman Wade Blevins recessed to attempt to contact Dr. Robinson regarding the school board's VRS rate for the resolution.

[6:26:37 PM](#) Chairman Wade Blevins called the meeting back to order.

[6:26:47 PM](#) Mr. Carter talked with Dr. Robinson and the rate for the School Board is 10.86% for the support staff of the school system.



It was moved by Saltville District Supervisor Roscoe D Call, seconded by North Fork District Supervisor Ron C Blevins to adopt the school board resolution and authorize Chairman Wade Blevins and Mr. Carter to sign with changes placed on the resolution.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

The following is the School Board Resolution with changes included:

Local Governing Body Concurrence with School Division  
Electing to Pay the VRS Board-Certified Rate

(In accordance with the 2012 Appropriation Act item 468(H))

---

Resolution

BE IT RESOLVED, that the Smyth County Board of Supervisors 55186 does hereby acknowledge that the Smyth County School Board 55586 has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code §51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the Smyth County Board of Supervisors 55186 does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Smyth County School Board to pay the Certified Rate(10.86% for support staff), as required by Item 468(H) of the 2012 Appropriation Act; and

NOW, THEREFORE, the officers of Smyth County Board of Supervisors 55186 are hereby authorized and directed in the name of the Smyth County School Board to execute any required contract to carry out the provisions of the resolution. In execution of any such contract which may be required, the seal of the Smyth County Board of Supervisors, as appropriate, shall be affixed and attested by the Clerk.

---

L  
Locality Board Chairman

CERTIFICATE

I, Michael Carter, Clerk of the Smyth County Board of Supervisors, certify that the foregoing is a true and correct copy of a resolution passed by the Smyth County Board of Supervisors and ratified by the Smyth County Board of Supervisors at a lawfully organized meeting of the Smyth County Board of Supervisors held at Marion, Virginia at five o'clock on June 21, 2012. Given under my hand and seal of the Smyth County Board of Supervisors this 25th day of June, 2012.

---

C  
lerk

[6:28:15 PM](#) **Memorandum of Understanding** – Mr. Carter asked that this be continued to the June 28<sup>th</sup> meeting in order for the full Board to review the modifications. No motion made.

[6:29:07 PM](#) **Signs for the 39<sup>th</sup> Annual Hungry Mother Festival** – Mr. Carter informed the Board of the request from The Art League of Marion to recognize the 39<sup>th</sup> Annual Hungry Mother Festival signs as “official signs” to meet the VA Dept of Transportation regulations. The Festival will be held July 20-22, 2012.

It was moved by Saltville District Supervisor Roscoe D Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to comply with the Virginia Department of Transportation (VDOT) regulations, to recognize two (2) large signs belonging to The Art League of Marion, as "official signs" advertising the 39th Annual Hungry Mother Festival. This year's festival will be held July 20 – 22, 2012.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** None

[6:30:29 PM](#) Mr. Carter discussed a couple of items that needed to be considered to the proposed budget.

[6:31:55 PM](#) **Consider Real Estate and Personal Property tax rate increase** – Supervisor Davidson asked “if these can be handled as two different actions”. Chairman Wade Blevins said “yes”. Supervisor Rick Blevins discussed his disinterest in raising tax rates. He appreciates the efforts made by the Budget Committee but felt it is too much to request from citizens at this time. Supervisor Ron Blevins seconded Rick Blevins’ opinion. Increases to citizens should be left as a last resort and he felt there are other options and the Board was elected to represent the citizens. Supervisor Davidson stated “she would like to see a smaller amount of an increase”. Supervisor Call agreed that the tax rate increase is not favorable but is necessary and doesn’t want to see the school board cut but everything has already been cut and cut and the children need to be protected. Supervisor Burton compared what the new rates would be with the proposed increases. Supervisor Davidson and Mr. Carter discussed figures. Supervisor Call asked “are we being turned down for grants because we are not charging enough water and sewer rates”. Mr. Simpson answered “Yes”. Supervisor Ron Blevins, discussed how to alleviate the County’s deficit. Supervisor Davidson stated “she thinks all departments have been lean and made all kinds of cuts. We are in a catch up game because of what has happened to the tax rates in the past”. Supervisor Ron Blevins disagreed. Supervisor Rick Blevins inquired “what would the proposed budget be without the tax increases to revenue”. Supervisor Burton stated “if we don’t have a personal property increase and a real estate property tax increase we will lose about \$800,000+. Without the increase it will make more of a deficit”. Mr. Carter gave him the figures. Supervisor Dishner discussed the proposed budget and past tax rates. He stated “you can’t please the people all the time. If the momentum had been kept maybe we wouldn’t have been this bad off. There are things in the County that will bring in industry eventually. The increase rates were considered at different amounts in the Budget Committee and he recommended that every board member consider attending budget committee or be a committee member during their term on the Board. Every department was cut and those were hard decisions and he felt that would lead to better things to come”. Supervisor Burton discussed more on proposed budget amounts.

[6:53:41 PM](#) It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D Call to increase real estate and personal property rates by \$.05 effective July 1, 2012.

After consideration, the motion PREVAILED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** Rye Valley District Supervisor Rick K Blevins and  
North Fork District Supervisor Ron C Blevins

**ABSTAINERS:** None

**ABSENT:** None

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 **\$0.74** 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 **\$2.30** 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 merchant's capital a unit levy of \$0.40 per \$100.00 of assessed valuation.

#### 6:54:20 PM **Budget Consideration –**

It was moved by Saltville District Supervisor Roscoe D Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to adopt the proposed 2012/2013 budget with the items the Budget Committee recommended including and the \$5 million line of credit included in the budget.

Supervisor Davidson questioned water and sewer projects that were already approved. Mr. Scott Simpson discussed this matter on page 102 of the proposed budget. Mr. Simpson explained that the Burgess Hollow Project is finished and will be paid from the current budget. The other projects, Mr. Simpson broke down for Supervisor Davidson. Supervisor Davidson stated “she knows the budget committee worked very hard on this but she is concerned about the cuts to various organizations. The cuts to these are amenities that may slow production in the County and we may be “shooting ourselves in the foot”.

After consideration, the motion prevailed by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton and  
Saltville District Supervisor Roscoe D Call

**NAYS:** North Fork District Supervisor Ron C Blevins and  
Royal Oak District Supervisor Regina H Davidson

**ABSTAINERS:** None

**ABSENT:** None

#### 7:00:13 PM **Supervisor Comment Time –**

Supervisor Burton stated “he is regrettable about raising taxes but it had to be done, County needs more revenue”.

Supervisor Rick Blevins stated “he appreciates all the efforts from board members”.

Supervisor Ron Blevins stated “he is in agreement with Mt. Rogers Community Services Board providing services to those with disabilities but he cannot help but wonder what the intent is for these meetings”. His recommendation to the MRCSB is that they need to quit concentrating on themselves. Supervisor Ron Blevins resigned from MRCSB effective immediately.

Supervisor Davidson stated “she voted no on the budget and really feels the County is shooting themselves in the foot”. “Last week’s citizen’s comments: no baseline to build on tax rate increases, etc.; need to recognize the growth not always the negativity; departments have all cut budgets and the County employees work for the citizens so why should taxpayers not pay for their salaries, etc”.

Wade Blevins gave a special thanks to Mr. Carter, Mr. Simpson, Charlie Atkins, Pam Testerman and the Budget Committee Members for all the hard work done.

[7:09:26 PM](#) **Continue Meeting** - Chairman Wade Blevins continued the meeting to June 28, 2012 at 7:00 p.m.

---

Wade H. Blevins, Jr.

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, June 28, 2012**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

**Public Hearing:** At 7:00 p.m. Mr. Wade Blevins, Chairman of the Board of Supervisors, and Mr. Norman Sparks, 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.

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

*The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, June 28, 2012, 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 Freedom Tabernacle Church for a Special Use Permit to establish a Private School. The property is addressed as 442 and 444 Freedom Tabernacle Lane in Atkins. It is identified as Tax Map Nos. 48-A-108A and 48-A-108E and is zoned Agricultural/Rural.*

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

*Copies of the application(s) along with their maps/drawings are on file in the Office of the County Administrator of Smyth County and the County Zoning Administrator at the address given above. Copies may be viewed during regular business hours Monday through Friday from 8 a.m. to 5 p.m.*

*In compliance with the Americans with Disabilities Act, 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.*

**Members Present:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr., Vice Chair, Park District Supervisor M. Todd Dishner, Rye Valley District Supervisor Rick K Blevins, Atkins District Supervisor J. Howard Burton, Saltville District Supervisor Roscoe D. Call, Royal Oak District Supervisor Regina H Davidson, Chairman, North Fork Dist. Planning Commissioner Chairman Norman Sparks, Vice Chair, Rye Valley Dist. Planning Commissioner L.V. Pokey Harris, Chilhowie District Planning Commissioner Graham Davidson Sr., Park District Planning Commissioner Joel Pugh, Saltville District Planning Commissioner Wayne Venable and Atkins District Planning Commissioner Charles Wassum III (12)

**Members Absent:** Royal Oak District Planning Commissioner G. Blake Frazier; and North Fork District Supervisor Ron C Blevins, (2)

**Staff:** County Administrator Michael Carter, Assistant County Administrator Scott Simpson, Director of Finance Charlie Atkins, Administrative Assistant Becca Kirk, Economic Development Director Sally Morgan, Acting County Attorney John H Tate, Jr., Office Service Assistant Pam Testerman and Building & Zoning Administrator Clegg Williams, County Attorney Michelle Clayton, and Intern Cory Osborne (10)

**Others Present:** Stephanie Porter-Nichols from the Smyth County News and Messenger and approximately 5 citizens.

At approximately 7:03 p.m. Mr. Williams explained an application from Freedom Tabernacle Church for a Special Use Permit to operate a Private School on the Church's grounds addressed as 442 and 444 Freedom Tabernacle Lane in Atkins. He stated the property is identified as Tax Map Nos. 48A-108A and 48-A-108E and is zoned Agricultural/Rural. Mr. Williams stated he advertised notice of this public hearing in the Smyth County News on June 16 and 23. In addition, he sent letters to

all of the adjoining property owners for which an affidavit is on file. He did not receive any comments regarding this application. Mr. Williams highlighted Section 3-2.2 a) which allows the proposed use by issuance of a Special Use Permit, Section 10-53.1 which defines Private School, and Article 6 which contains the provisions for Special Use Permits. He also noted the 2005 Comprehensive Plan identifies this property as Rural/Residential on the Future Land Use Map.

Mrs. Virgie Barnett was present to represent Freedom Tabernacle Church and briefly spoke on the proposed uses of the Church grounds. Mr. Cecil Hicks was also in attendance representing the Church.

Chairman Wade Blevins and Chairman Norman Sparks closed the public hearing at approximately 7:06 p.m.

The Board of Supervisors recessed until the Planning Commission meeting adjourned.

[7:11:43 PM](#) Chairman Wade Blevins reconvened the Board of Supervisors Meeting.

<b>PRESENT:</b>	Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.; Vice Chair, Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K Blevins; Atkins District Supervisor J. Howard Burton; Saltville District Supervisor Roscoe D Call; Royal Oak District Supervisor Regina H Davidson (6)
<b>ABSENT:</b>	North Fork District Supervisor Ron C Blevins (1)
<b>STAFF:</b>	County Administrator Michael Carter; Assistant County Administrator Scott Simpson; Director of Finance Charlie Atkins; Office Service Assistant Pam Testerman; Economic Development Director Sally Morgan; Acting County Attorney John H Tate, Jr.; Intern Cory Osborne, County Attorney Michelle Clayton (8)
<b>OTHER:</b>	Stephanie Porter-Nichols (1)

[7:11:52 PM](#) **Citizen's time**

Chairman Wade Blevins opened Citizen's Time. There were two (2) citizens present, and with no one wishing to speak, Chairman Wade Blevins closed Citizen's Time.

[7:11:56 PM](#) **John Clark, Manager, Town of Marion**

Mr. John Clark informed the Board the back taxes on the County Club have been paid. He reported the Town of Marion has purchased the property (Holston Hills Community Golf Course) and is requesting the Board to approve a boundary adjustment. Mr. Clark explained there are 250 acres located in the County. Mr. John Tate stated "the Club House is outside the Town limits and inquired if the Town was considering any revenue sharing if the County considers the boundary adjustment. With the Town of Marion purchasing the property, the County has lost an estimated \$21,000 of tax revenue". Supervisor Call inquired "with the tax revenue loss, what is the Town going to do to give back to the community". He questioned the water contract that is currently under negotiations with the water rates. Supervisor Call requested Mr. Clark to consider getting the water rates in line with Chilhowie and Saltville rates. Supervisor Davidson stated "she would like to review the new information Mr. Tate presented". Mr. Carter informed the Board they would have to set a public hearing before considering the boundary adjustment.

It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by Saltville District Supervisor Roscoe Call to set a public hearing for the boundary adjustment on Tuesday, August 14, 2012 at 6:00 p.m.



**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** North Fork District Supervisor Ron C Blevins

**7:27:46 PM Financial Status**

Mr. Charlie Atkins informed the Board there are sufficient funds to approve the appropriation requests.

It was moved by Saltville District Supervisor Roscoe D Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to approve \$4,135,000.00 for the General Fund appropriations. The following is an explanation of the appropriation request:

General County	\$ 275,000.00
Social Services (July 1 – 10, 2012)	\$ 60,000.00
Schools - Operating Fund	\$ 3,800,000.00
<b>Total General Fund</b>	<b>\$4,135,000.00</b>

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** North Fork District Supervisor Ron C Blevins

**7:28:57 PM Appropriate Accounts Payable Listing**

It was moved by Saltville District Supervisor Roscoe D Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to approve accounts payable listing in the amount of \$333,413.49.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** North Fork District Supervisor Ron C Blevins

**7:28:58 PM 2012 Girl Scout Gold Award Recognitions**

Mr. Carter read a letter from Ms. Amanda Meade, Girl Scouts of Southern Appalachians, requesting the Smyth County Board of Supervisors recognize Miss Courtney N. Ingle, Miss Madison B. McCammon and Miss Katherine G. McCarty for their completion of all the requirements to receive the Girl Scout Gold Award. Mr. Carter read the following Certificate that was presented to each young lady:

## CERTIFICATE OF RECOGNITION

***WHEREAS***, the Girl Scouts Council of the Southern Appalachians have announced the names of the Girl Scouts that have achieved the 2012 Girl Scout Gold Award, and

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

***WHEREAS***, {Name} is a resident of Smyth County and has accomplished this major award by fulfilling the requirements of demonstrating extensive leadership, time management and organization skills to complete a project in her community with a minimum requirement of 65 hours. By completing all of the steps of her Gold Award, she has given 165 hours of service back to her community.

***THEREFORE BE IT RESOLVED***, that the Smyth County Board of Supervisors recognizes this young lady on the occasion of receiving the Gold Award and extends its congratulations to her for her hard work and dedication to the Girl Scouts.

### 7:31:47 PM Resolution – Groseclose Sewer Project

Mr. Cory Osborne, Intern presented the Board the following Resolution authorizing the Tobacco Indemnification and Community Revitalization Commission grant application for the Groseclose Sewer Project:

#### **RESOLUTION**

On motion by Supervisor Rick Blevins, seconded by Supervisor Todd Dishner and carried by the following vote:

<u>Supervisors</u>	<u>Vote</u>
<b>Chairman, Chilhowie District Supervisor, Wade H Blevins, Jr.</b>	<b>Aye</b>
<b>Vice Chair, Park District Supervisor, M. Todd Dishner</b>	<b>Aye</b>
<b>Rye Valley District Supervisor, Rick K Blevins</b>	<b>Aye</b>
<b>North Fork District Supervisor, Ron C Blevins</b>	<b>Absent</b>
<b>Atkins District Supervisor, J. Howard Burton</b>	<b>Aye</b>
<b>Saltville District Supervisor, Roscoe D Call</b>	<b>Aye</b>
<b>Royal Oak District Supervisor, Regina H Davidson</b>	<b>Aye</b>

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

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

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

WHEREAS, the Groseclose/Exit 54 area has suffered for many years due to the lack of a public wastewater collection system; causing businesses to close, preventing businesses from opening, keeping existing businesses from growing, and stymying overall development of the community; and

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

WHEREAS, the County has sought funding from several federal and state agencies for this project over many years, but has only been able to secure and maintain a commitment for a loan from the Department of Environmental Quality and the commitment of the \$250,000 grant from the Tobacco Commission which is much appreciated; and

WHEREAS, the County has worked with its engineering consultant to reduce the cost of the project and focus on serving solely the businesses at the interchange; and

WHEREAS, the Board of Supervisors has entered into a contract for the design engineering for the project which strongly displays the Board's commitment to this project, and

WHEREAS, the Board is compelled to request additional funding from the Tobacco Commission as a last resort to make this project happen.

THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors supports a grant application to the Tobacco Indemnification and Community Revitalization Commission for \$240,600 and authorizes the County Administrator sign the necessary application forms, and execute all grant-related documents.

Approved June 28, 2012

It was moved by Rye Valley District Supervisor Rick K Blevins, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to adopt the resolution.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** North Fork District Supervisor Ron C Blevins

**7:38:10 PM Consider Animal Tag Fee Increase with a 3-year Tag Option**

With the Ordinance Committee recommendation, the Board approved the following Animal Tag Fee Schedule effective July 1, 2012:

One (1) Year Tag:	Three (3) Year Tag:
Male - \$4.00	Male - \$12.00
Unsexed - \$2.00	Unsexed - \$6.00
Female - \$5.00	Female - \$15.00

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** North Fork District Supervisor Ron C Blevins

**7:40:54 PM Closed Session**

It was moved by Saltville District Supervisor Roscoe D Call, seconded by Park District Supervisor Todd M. Dishner to enter into closed session under Code of Virginia, Section 2.2-3711 – **A.5 Industrial/Business Prospects** – 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 and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. The motion also included inviting Mrs. Michelle Clayton, County Attorney to stay during Closed Session.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** North Fork District Supervisor Ron C Blevins

Upon return to open session, It was moved by Saltville District Supervisor Roscoe D Call, seconded by Park District Supervisor Todd M. 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.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** North Fork District Supervisor Ron C Blevins

**8:26:33 PM Wytheville Community College Board**

It was moved by Park District Supervisor Todd M. Dishner, seconded by Saltville District Supervisor Roscoe D Call to appoint Mr. Charles Clatterbuck (732 Keller Lane, Marion, VA, 276-783-8717) to the Wytheville Community College Board as a Smyth County representative.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** North Fork District Supervisor Ron C Blevins

**8:26:44 PM** With Mr. Tate's advice, it was moved by Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D Call to authorize Mr. Carter to inform the media, Ms. Stephanie Porter-Nichols, Smyth County News & Messenger, with the status of the employee delinquent tax collections.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** North Fork District Supervisor Ron C Blevins

#### **8:31:05 PM Board of Zoning Appeals**

It was moved by Rye Valley District Supervisor Rick K Blevins, seconded by Saltville District Supervisor Roscoe D Call nominated Mr. Daniel Sturgill (402 Slab Town Road, Sugar Grove, VA 24375, 276-677-3015(h) 276-780-3443(c) [dansturgill@scsb.org](mailto:dansturgill@scsb.org)) to the Board of Zoning Appeals as the Rye Valley District representative. If appointed Mr. Sturgill will serve a five (5) year term to expire January 31, 2017.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** North Fork District Supervisor Ron C Blevins

#### **8:33:07 PM Mt. Rogers Planning District Commission**

It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins to appoint Mr. Bryant T. McVey (PO Box 456, Saltville, VA 24370, 276-496-5639 or 276-706-0665) to the Mt. Rogers Planning District Commission as the Board of Supervisors – Member-At- Large representative. Mr. McVey will serve a 4 year term to expire June 30, 2016.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** North Fork District Supervisor Ron C Blevins

#### **Mt Rogers Community Service Board**

It was moved by Rye Valley District Supervisor Rick K Blevins, seconded by Saltville District Supervisor Roscoe D Call to appoint Supervisor Howard Burton to replace Supervisor Ron Blevins on the Mt. Rogers Community Service Board.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** North Fork District Supervisor Ron C Blevins

[8:35:17 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Park District Supervisor Todd M Dishner to remove #8 from the Old Business list.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** North Fork District Supervisor Ron C Blevins

[8:36:13 PM](#) Chairman Wade Blevins thanked Mr. Tate for the years he served as County Attorney.

[8:37:15 PM](#) **Adjourn**

It was moved by Saltville District Supervisor Roscoe D Call, seconded by Park District Supervisor Todd M Dishner to adjourn the meeting.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** North Fork District Supervisor Ron C Blevins

---

Wade H. Blevins, Jr., Chairman



The Smyth County Board of Supervisors held its regular July meeting at 4:00 p.m., **Tuesday, July 10, 2012**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

<b>PRESENT:</b>	Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.; Vice Chair, Park District Supervisor M. Todd Dishner; North Fork District Supervisor Ron C Blevins; Atkins District Supervisor J. Howard Burton; Saltville District Supervisor Roscoe D Call; Royal Oak District Supervisor Regina H Davidson (6)
<b>ABSENT:</b>	Rye Valley District Supervisor Rick K Blevins (1)
<b>STAFF:</b>	County Administrator Michael Carter; Assistant County Administrator Scott Simpson; Director of Finance Charlie Atkins; Deputy Mike Hounshell; Office Service Assistant Pam Testerman; Economic Development Director Sally Morgan; County Attorney Michelle Clayton (7)
<b>OTHER:</b>	Stephanie Porter-Nichols, Smyth County News and Messenger (1)

[4:02:15 PM](#) Chairman Wade Blevins called the meeting to order.

### **Closed Session**

It was moved by North Fork District Supervisor Ron C Blevins, seconded by Saltville District Supervisor Roscoe D Call to enter into closed session under Code of Virginia, Section 2.2-3711 – **A.1 Personnel**; discussion and consideration of prospective candidates for employment, **A.5 Industrial/Business Prospects** – 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 and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Vice Chair, Park District Supervisor M. Todd Dishner and  
Rye Valley District Supervisor Rick K Blevins

[4:07:01 PM](#) Supervisor Todd Dishner arrived during closed session.

4:21:40 PM Upon returning to open session; It was moved by Saltville District Supervisor Roscoe D Call, seconded by North Fork District Supervisor Ron C Blevins to adopt the following resolution certifying the business conducted in closed session as follows:

**RESOLUTION  
CERTIFICATION OF CLOSED SESSION**

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

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

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

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins,

Chairman Wade Blevins recessed meeting until 5:00 p.m.

5:01 PM Chairman Wade Blevins call the meeting to order.

Mrs. Pam Testerman gave the invocation and Mr. Scott Simpson began the pledge.

**5:01:49 PM Adopt Agendas**

It was moved by Saltville District Supervisor Roscoe D Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to adopt the agenda and the additional agenda as presented.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins

**5:02:07 PM Adopt Prior Meeting Minutes**

It was moved by Saltville District Supervisor Roscoe D Call, seconded by Atkins District Supervisor J. Howard Burton to adopt the minutes of the June 12, June 21, and June 28, 2012 meetings.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins,

**5:03:24 PM Financial Status**

Mr. Charlie Atkins reported to the Board, per the Treasurer, there were sufficient funds for the July 10, 2012, requested appropriations.

**5:03:34 PM Appropriations**

It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D Call to approve \$2,945,000.00 for the General Fund appropriations. The following is an explanation of the appropriations approved:

General County	\$1,050,000.00
Social Services (July 11 - 31, 2012)	\$ 335,000.00
(Aug 1 - 14, 2012)	\$ 60,000.00
Schools - Operating Fund	\$1,500,000.00

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins

[5:04:15 PM](#) It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D Call to approve \$400,000.00 for the School TextBook Fund appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins

[5:04:32 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to approve \$850,000.00 for the School Debt and Capital Outlay Fund appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins

[5:04:54 PM](#) It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D Call to approve \$2,000,000.00 for the School Construction Fund appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins

[5:05:13 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to approve \$42,000.00 for the IDA – Fund 4 appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins

[5:05:37 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to approve \$785,999.46 for the Courthouse Project Fund appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** North Fork District Supervisor Ron C Blevins

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins

[5:06:08 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to approve \$281,877.69 for the Accounts Payable listing.

Tuesday, July 10, 2012

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins

#### 5:06:45 PM **FY2012 Aid to Localities**

Mr. Michael Carter explained to the Board that the allocation for the Aid to Localities was the remaining 10% due from the 90% allocated in November 2011. He reminded the Board that the Marion Fire Department received more funding from the program than any other department, and the Chilhowie and Saltville Fire Departments will be receiving an additional \$800 from the program.

It was moved by Saltville District Supervisor Roscoe D Call, seconded by North Fork District Supervisor Ron C Blevins to approve and appropriate \$8,455.00 for the FY2012 Aid to Localities as follows:

Atkins Fire Dept	\$1,675.83
Adwolfe Fire Dept	\$1,675.83
Nebo Fire Dept	\$1,675.83
Sugar Grove Fire Dept	\$1,675.83
Chilhowie Fire Dept	\$ 875.84
Saltville Fire Dept	\$ 875.84

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins

#### 5:08:32 PM **Smyth County Businesses**

Mrs. Sally Morgan introduces Mr. Jim Schmidt, Plant Manager, Sure-Wood Forest Products. Mr. Schmidt informed the Board of the different distribution centers associated with Sure-Wood Forest Products. Mr. Schmidt explained that they produce hardwood boards and their main buyer was Home Depot. He reported to the Board that some sister companies have shut down and moved their business to Chilhowie. Mr. Schmidt informed the Board that Sure-Wood Forest Products currently have 64 employees, but are hoping to expand.



**5:14:13 PM Citizen's Time**

Chairman Wade Blevins opened Citizen's Time. With five (5) citizens present, the following spoke:

**Tracey McCarty**, Marion, SCALE program, requested the Board to reconsider the support for the SCALE program. She explained the programs they provide are for the public. Ms. McCarty reported to the Board that SCALE works at receiving grants, but still needs additional funding. She briefly discussed their budget.

**Blake Frazier**, Marion, SCALE Chairman, stated that the previous support from the Board was 24% of the programs budget. Mr. Frazier stated that SCALE will have to cut some services without the support. He requested the Board reconsider placing SCALE back in the budget.

**5:19:44 PM** Chairman Wade Blevins closed citizen's time.

**5:19:54 PM** Supervisor Davidson, stated "we do not have a lot of cushion, and that she was against cutting some of the programs out of the budget. She would like to the Board to reconsider giving back to some of the programs".

**5:21:07 PM Planning Commission Recommendation**

It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by North Fork District Supervisor Ron C Blevins to accept the Planning Commission recommendation and approve the Freedom Tabernacle Church's application for a Special Use Permit to operate a Private School at 442 and 444 Freedom Tabernacle Lane in Atkins.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins

**5:22:27 PM Consider appointing a committee to discuss the Mt. Rogers Community Service Board agreement**

Mr. Carter updated the Board on a conversation between Mr. Burton and himself. Mr. Burton spoke on the Agreement and that it is stated in the VA Code that the Board of Supervisors are to oversee the Boards that provide services. Mr. Burton suggested setting up a committee to oversee the Mt. Rogers Community Board.

Supervisor Davidson questioned why the Board of Supervisors didn't have a subcommittee for others Boards that are represented by the Board of Supervisors.

[5:31:03 PM](#) It was moved by Atkins District Supervisor J. Howard Burton, seconded by North Fork District Supervisor Ron C Blevins to set-up a committee to oversee the Mt. Rogers Community Service Board.

After consideration, the motion FAILED by the following vote:

**AYES:** North Fork District Supervisor Ron C Blevins and  
Atkins District Supervisor J. Howard Burton

**NAYS:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins

#### [5:32:23 PM](#) **Consider Actuarial Service Agreement**

Mr. Atkins explained the procedure for Actuarial Services. This is the same company that prepared the prior actuarial services for the County. It was moved by Saltville District Supervisor Roscoe D Call, seconded by Royal Oak District Supervisor Regina H Davidson to approve the Actuarial Service Agreement with Stanley, Hunt, DuPree & Rhine.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins

#### [5:34:07 PM](#) **Old Business**

##### #1 – Delinquent Taxes

Mr. Carter updated the Board on the delinquent taxes of County Employees. He reported that of the estimated \$80,000 of delinquent taxes, to date \$20,000 has been collected from the 145 letters mail out, 57 warrants were files on June 26, 2012, with a July 30, 2012 court date. 15 -20 employees have arranged for payment plans ranging from \$25 to \$500 a month.

[5:36:22 PM](#) #3 – Nuisance Complaint

Mr. Carter informed the Board that a draft order had been prepared and is awaiting attorney signatures.

[5:37:39 PM](#) #11 Memorandum of Understanding

Mrs. Michelle Clayton explained to the Board that the Memorandum of Understanding between the Board of Supervisors and the Department of Social Services was giving supervisory to Social Service over the CSA position that the County currently supervised. This position is more directly associated with Social Services. Supervisor Davidson reported that the Social Service Board had approved the Memorandum.

It was moved by North Fork District Supervisor Ron C Blevins, seconded by Royal Oak District Supervisor Regina H Davidson to approve the Memorandum of Understanding between the Smyth County Board of Supervisors and Smyth County Department of Social Services relating to the position of the CSA Coordinator.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins

[5:40:08 PM](#) Remove #11

It was moved by North Fork District Supervisor Ron C Blevins, seconded by Saltville District Supervisor Roscoe D Call to remove the Memorandum of Understand item from the Old Business list.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins

[5:40:39 PM](#) #10 2010 Comprehensive Plan

Mr. Carter suggested to the Board to submit questions or concerns to Mr. Clegg Williams and he will research and have answers by the July 26, 2012 meeting. The Board agreed.

[5:42:27 PM](#) #6 Boundary Adjustment

Mrs. Clayton reported to the Board that Mr. Tate had suggested a voluntary revenue sharing agreement should be prepared between the County and the Town of Marion if the boundary adjustment was going to be considered. Mrs. Clayton suggested that the public hearing set for August 14, 2012 at 6:00 p.m. be postponed to obtain more information.

It was moved by North Fork District Supervisor Ron C Blevins, seconded by Atkins District Supervisor J. Howard Burton postpone public hearing set for August 14, 2012 at 6:00 p.m.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins

[5:47:47 PM](#) #7Mega-Site

Mr. Scott Simpson reported and updated the Board on the IDA closing on the EPOCH Building and the IDA now owns the building. He explained to the Board that the Engineering Company will salvage the material and the building and site pad will be demolished. Mr. Simpson informed the Board that discussions will now begin on a contract for a bridge to be built over the railroad for second entrance to site. He stated all was moving forward as presented to the Tobacco Commission.

[5:51:07 PM](#) Mr. Simpson updated the Board on the following projects:

- Parking deck - complete
- 911 Center/EOC/Sheriffs Department - hope to be moved into new facility by October
- Courthouse - should start once the Sheriff and 911 has moved into the new facility

[5:54:24 PM](#) **Supervisors Comments**

The Supervisors welcomed Mrs. Clayton to her new position as the County's Attorney.

[5:55:23 PM](#) It was moved by North Fork District Supervisor Ron C Blevins, seconded by Royal Oak District Supervisor Regina H Davidson to continue the meeting until July 26, 2012 at 7:00 p.m.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Rye Valley District Supervisor Rick K Blevins

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, July 26, 2012**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

**PRESENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.; Vice Chair, Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K Blevins; North Fork District Supervisor Ron C Blevins; Atkins District Supervisor J. Howard Burton; Royal Oak District Supervisor Regina H Davidson (6)

**ABSENT:** Saltville District Supervisor Roscoe D Call (1)

**STAFF:** County Administrator Michael Carter; Director of Finance Charlie Atkins; Office Service Assistant Pam Testerman; Economic Development Director Sally Morgan; County Attorney Michelle Clayton (5)

**OTHER:** Stephanie Porter-Nichols, Smyth County News & Messenger (1)

5 citizens present

[7:14:20 PM](#) Chairman Wade Blevins called the meeting to order

[7:14:56 PM](#) **Citizens Time**

**Charlie Wassum** – Mt. Rogers Community Service Board – read from the Code of Virginia – gave to Mrs. Clayton that she may want to review. The Board is to hold Mt. Rogers Community Service Board liable. Spoke on their expenditures – 2010 Annual Financial Report 3<sup>rd</sup> in state \$28m assets \$29m revenue \$39m 2<sup>nd</sup> in state expenditures. Reviewed August 2010 – Mt. Rogers Report. Property they purchase is taken off tax roll. Financial oversight. No one is overlooking at what they spend. Read from Dr Geller psychiatrist with Southwest VA Mental Health Institute. He feels facilities are located in areas not appropriate. Especially Culbert Drive building. Residents are not happy about the facility there. Requested the Board take a close look at the 2012/2013 Agreement.

[7:27:51 PM](#) Closed Citizens

[7:27:56 PM](#) **Shannon Williams** – Relocation of the equipment into the new 911 Center. Radio System. Professional Communications – Sole Source for the relocation of the radio console equipment into the new 911 Center. \$71,124.60 Time is of the essences.

Pro Comm was a sub-contract on the original radio system. The contract allowed renewing contract for an additional five years. The maintenance has not been sent for bid. Others are not as knowledgeable, higher price, and time frame. Need to be



relocated by October. Shannon explained the thought behind relocating instead of purchasing a new system.

Mrs. Clayton informed the Board she has been working with Shannon on the Sole Source. She has reviewed information concerning the Sole Source. Atty General option, she explained the process with advertising this Sole Source and someone has the right to object. Mr. Burton stated he has spoke with Shannon in great lengths and viewed the new 911 center and current.

[7:43:11 PM](#) It was moved by Atkins District Supervisor J. Howard Burton, seconded by Royal Oak District Supervisor Regina H Davidson to approve Pro Comm as sole After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr., Vice Chair, Park District Supervisor M. Todd Dishner, Rye Valley District Supervisor Rick K Blevins, North Fork District Supervisor Ron C Blevins, Atkins District Supervisor J. Howard Burton and Royal Oak District Supervisor Regina H Davidson. **NAYS:** None. **ABSTAINERS:** None. **ABSENT:** Saltville District Supervisor Roscoe D Call.

[7:44:17 PM](#) **Will Leonard**, Chairman Smyth Wythe Airport Commission Updated Board, Land Acquisition - phase 3 - Started 10 years ago with public use airport through the Federal Aviation. The airport will not actually purchase any land – three landowners land will actually be “touched” to clear landing of airplanes. Purchase “air space”. Mr. Leonard explained the process the airport, through Delta Engineer, has taken to inform the involved landowners. The airport is following FAA guidelines. Mr. Clegg Williams has all information on file. There is a Zone Ordinance for Airports. Open House – August 14 at 11:00 a.m. The trees will be removed.

[8:03:17 PM](#) **Approve and Appropriate** funds for loan payments

Michael explained payments for North Holston & Groseclose projects

It was moved by North Fork District Supervisor Ron C Blevins, seconded by Royal Oak District Supervisor Regina H Davidson

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr., Vice Chair, Park District Supervisor M. Todd Dishner, Rye Valley District Supervisor Rick K Blevins, North Fork District Supervisor Ron C Blevins, Atkins District Supervisor J. Howard Burton and Royal Oak District Supervisor Regina H Davidson. **NAYS:** None. **ABSTAINERS:** None. **ABSENT:** Saltville District Supervisor Roscoe D Call.

[8:05:27 PM](#) **Mt Rogers Community Service Board Agreement**

Michael presented a disc with the agreement to members to review for the August Board meeting.

**8:06:18 PM Legislation passed in 2012**

HB375, HB975 HB1295, SB676, HB800, HB914(clarify if Board can transfer the cost to area wanting signs)

**8:09:48 PM Discussion** on ADA improvement to Adwolfe Fire Department

Work has been done to this facility by this department. Mr. Carter requested the Board to refer this to the Building & Grounds Committee to review for reimbursement to the Department.

It was moved by Rye Valley District Supervisor Rick K Blevins, seconded by North Fork District Supervisor Ron C Blevins

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr., Vice Chair, Park District Supervisor M. Todd Dishner, Rye Valley District Supervisor Rick K Blevins, North Fork District Supervisor Ron C Blevins, Atkins District Supervisor J. Howard Burton and Royal Oak District Supervisor Regina H Davidson. **NAYS:** None. **ABSTAINERS:** None. **ABSENT:** Saltville District Supervisor Roscoe D Call.

**8:12:06 PM Closed Session**

It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Rye Valley District Supervisor Rick K Blevins to enter into Closed Session for 2.2-3711 A.5 & A.7

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr., Vice Chair, Park District Supervisor M. Todd Dishner, Rye Valley District Supervisor Rick K Blevins, North Fork District Supervisor Ron C Blevins, Atkins District Supervisor J. Howard Burton and Royal Oak District Supervisor Regina H Davidson. **NAYS:** None. **ABSTAINERS:** None. **ABSENT:** Saltville District Supervisor Roscoe D Call.

**8:12:43 PM Upon returning to open session**

It was moved by North Fork District Supervisor Ron C Blevins, seconded by Rye Valley District Supervisor Rick K Blevins

After consideration, the motion PASSED by the following vote: **AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr., Vice Chair, Park District Supervisor M. Todd Dishner, Rye Valley District Supervisor Rick K Blevins, North Fork District Supervisor Ron C Blevins, Atkins District Supervisor J. Howard Burton and Royal Oak District Supervisor Regina H Davidson. **NAYS:** None.

**ABSTAINERS:** None. **ABSENT:** Saltville District Supervisor Roscoe D Call.

[8:46:06 PM](#) It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by North Fork District Supervisor Ron C Blevins

After consideration, the motion PASSED by the following vote: **AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr., Vice Chair, Park District Supervisor M. Todd Dishner, Rye Valley District Supervisor Rick K Blevins, North Fork District Supervisor Ron C Blevins, Atkins District Supervisor J. Howard Burton and Royal Oak District Supervisor Regina H Davidson. **NAYS:** None.

**ABSTAINERS:** None. **ABSENT:** Saltville District Supervisor Roscoe D Call.

[8:46:47 PM](#) **Old Business**

[8:46:51 PM](#) #6 Meeting July 31 with John Clark & Mark Fenyk  
#10 questions answered by the August meeting.

[8:49:13 PM](#) **Supervisors Time**

[8:50:08 PM](#) Mr. Carter – Updates – Budget Local Aid to the Commonwealth estimated \$170,000 – \$135,257(actual) lines item will not \$114,000 better than started – revenue from local \$1,506,373 School Board – July \$4.8 in reimbursements (last July \$4.2)

[8:59:39 PM](#) **Adjourn**

It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by North Fork District Supervisor Ron C Blevins to adjourn.

After consideration, the motion PASSED by the following vote: **AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr., Vice Chair, Park District Supervisor M. Todd Dishner, Rye Valley District Supervisor Rick K Blevins, North Fork District Supervisor Ron C Blevins, Atkins District Supervisor J. Howard Burton and Royal Oak District Supervisor Regina H Davidson. **NAYS:** None.

**ABSTAINERS:** None. **ABSENT:** Saltville District Supervisor Roscoe D Call.

The Smyth County Board of Supervisors held its regular August meeting at 4:00 pm, **Tuesday, August 14, 2012**. The location of the meeting was in the first floor Board Room of the County Office Building, 121 Bagley Circle, suite 100, Marion, Virginia.

**PRESENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.; Rye Valley District Supervisor Rick K Blevins; North Fork District Supervisor Ron C Blevins; Atkins District Supervisor J. Howard Burton; Saltville District Supervisor Roscoe D Call; Royal Oak District Supervisor Regina H Davidson (6)

**ABSENT:** Vice Chair, Park District Supervisor M. Todd Dishner (1)

**STAFF:** County Administrator Michael Carter; Assistant County Administrator Scott Simpson; Economic Development Director Sally Morgan; County Attorney Michelle Clayton (4)

**OTHER:** Stephanie Porter-Nichols, Smyth County News and Messenger (1)

[4:02:12 PM](#) Chairman Blevins called the meeting to order.

[4:02:21 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by North Fork District Supervisor Ron C Blevins to enter into closed session according to the Code of Virginia, Section 2.2-3711 – A.3 Land Acquisition, A.5 Industrial/Business Prospects – 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 and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Vice Chair, Park District Supervisor M. Todd Dishner.

[4:07:39 PM](#) Mr. Dishner Arrived to the meeting

[4:47:55 PM](#) Re-enter open session; It was moved by North Fork District Supervisor Ron C Blevins, seconded by Saltville District Supervisor Roscoe D 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.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[4:50:36 PM](#) Chairman Blevins recessed the meeting until 5:00 pm.

[5:02:38 PM](#) Chairman Blevins called the meeting back to order. Atkins District Supervisor J. Howard Burton gave the Invocation and Mr. Michael Carter began the Pledge of Allegiance.

[5:04:05 PM](#) It was moved by Saltville District Supervisor Roscoe D Call seconded by North Fork District Supervisor Ron C Blevins to adopt the Agenda and Additional Agenda as presented.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:04:30 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Atkins District Supervisor J. Howard Burton to adopt the minutes from the July 10 and July 26, 2012 meetings.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:05:06 PM](#) Charlie Atkins gave the Board a financial update; according to the Treasurer, there are sufficient funds available to make today's appropriations.

[5:06:02 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins to appropriate \$ 3,775,000 from the General Fund with the following breakdown:

General County	\$ 2,080,000.00
Social Services (August 15-31, 2012)	\$ 285,000.00



(September 1-11, 2012)      \$ 60,000.00  
Schools - Operating Fund      \$ 1,350,000.00

After consideration, the motion PASSED by the following vote:

**AYES:**      Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
                Vice Chair, Park District Supervisor M. Todd Dishner,  
                Rye Valley District Supervisor Rick K Blevins,  
                North Fork District Supervisor Ron C Blevins,  
                Atkins District Supervisor J. Howard Burton,  
                Saltville District Supervisor Roscoe D Call,  
                Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:06:47 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins to appropriate \$ 2,000,000 from the School Construction Fund.

After consideration, the motion PASSED by the following vote:

**AYES:**      Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
                Vice Chair, Park District Supervisor M. Todd Dishner,  
                Rye Valley District Supervisor Rick K Blevins,  
                North Fork District Supervisor Ron C Blevins,  
                Atkins District Supervisor J. Howard Burton,  
                Saltville District Supervisor Roscoe D Call,  
                Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:07:06 PM](#) It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Rye Valley District Supervisor Rick K Blevins to appropriate \$ 466.00 from the Animal Damage Fund.

After consideration, the motion PASSED by the following vote:

**AYES:**      Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
                Vice Chair, Park District Supervisor M. Todd Dishner,  
                Rye Valley District Supervisor Rick K Blevins,  
                North Fork District Supervisor Ron C Blevins,

Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:07:32 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by North Fork District Supervisor Ron C Blevins to appropriate \$ 4,912.78 from the IDA Fund 4.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:07:53 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Royal Oak District Supervisor Regina H Davidson to appropriate \$ 339,156.16 from the Courthouse Fund.

After consideration, the motion prevailed by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** North Fork District Supervisor Ron C Blevins.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:08:19 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to appropriate \$ 19,111.86 from the Pioneer / Fox Valley Project Fund.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:08:34 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to approve the Accounts Payable listing in the amount of \$ 1,450,314.83.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:08:52 PM](#) It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by Saltville District Supervisor Roscoe D Call to increase the economic funding for an unnamed prospect by \$ 50,000 from line item 4-010000-0001.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,

Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:10:55 PM](#) Mr. Carter updated the Board on the State reductions in Aid to Localities. The County budgeted the repayment at \$ 170,000. The Final request from the Commonwealth is for \$ 135,257.00.

It was moved by Saltville District Supervisor Roscoe D Call, seconded by North Fork District Supervisor Ron C Blevins to elect Option 2 – Reimbursement payment directly to the Commonwealth for the full amount of the reductions.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:13:02 PM](#) Chairman Wade Blevins opened citizens time. There were 5 Citizens wishing to address the Board of Supervisors:

Ann Pennington, Konnarock, representing the Konnarock Community Center requested funding assistance.

Barbara Morgan, Konnarock, also spoke in support of the Konnarock Community Center funding request.

Charles Wassum, Marion, wanted to discuss the MRCSB Contract but was informed by the Chairman that as the MRCSB Contract is an agenda item today, that the Board's rules do not allow comment on Agenda subjects during Citizen's Time.

Earl McClure, Chilhowie, voiced his concerns over the Zoning and Subdivision Ordinances, he also has concerns over expenses.

Rob Keene, Chilhowie, wants more motorcycle friendly roads and is concerned over the gravel and grass clippings in the roadways.

[5:25:33 PM](#) Chairman Blevins closed citizen's time as no one else wished to speak.

[5:26:54 PM](#) Tom Burkett, Smyth County Treasurer, informed the Board that real estate tickets will be mailed this Thursday, August 16<sup>th</sup>. Personal Property tickets will be about another month before they are mailed. In the future he wants the Board to consider twice a year billing. He updated the Board on delinquency collections, as they are proceeding forward well. He updated the Board on the DMV stop program, it is going well also.

[5:42:40 PM](#) Dr. Robinson informed the Board that the Smyth County School Board was awarded additional QSCB funds, totaling \$ 1,771,008 at 0% interest. These funds will replace literary loan bond anticipation notes. The next steps are selecting bond counsel, and adopting resolutions; which will be worked on over the next few weeks.

[5:46:06 PM](#) Jeff Richardson, Commissioner of Revenue - Reviewed the PPTRA program and requested approval of a 61% relief rate.

[5:51:04 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by North Fork District Supervisor Ron C Blevins to set the relief rate at 61% of assessed value for qualifying vehicles.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:51:56 PM](#) Lavonda Brickey – Virginia Department of Health, requested funds be appropriated and advertisement approved for the annual Rabies Clinic.

It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by Saltville District Supervisor Roscoe D Call to approve the advertisement and appropriate \$ 316.00.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:53:05 PM](#) It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by Saltville District Supervisor Roscoe D Call to accept the Planning Commission's recommendation and to approve Bernita Haga's application for a Special Use Permit to operate an Automotive Sales and Service business located at 942 Pierce Road, Marion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call and  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:57:09 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to approve and execute the easement requested by Appalachian Power Company across the Board of Supervisors land at 819 Matson Drive, Marion. This easement is for the service to the new 911 Center and Sheriff's Office.



After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:57:38 PM](#) Mr. Carter updated the Board on the Adwolfe Fire Department Festival Permit Application and made them aware that the Office had all of the required information and that the public Hearing is scheduled for Thursday, August 23, 2012 at 7:30 pm.

[5:58:50 PM](#) Ron Thomason – Tourism update. Encouraged funding of the Friends of SW Virginia and the Crooked Road by the Board of Supervisors. Todd Christensen, Heartwood Executive Director, described the benefits of the programs to the Region and the County. Jack Hinshelwood, director of the Crooked Road, described their program and its benefits to Southwest Virginia and Smyth County.

[6:19:42 PM](#) The Chairman called for a recess for 30 minutes.

[6:49:02 PM](#) The Chairman called the meeting back to order.

[6:49:16 PM](#) Michelle Clayton presented easements for approved projects for acceptance by the Board. She also presented a Resolution to be considered for allowing the County Administrator to accept Deeds of Easement for approved projects on behalf of the Board of Supervisors.

[6:50:42 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins to adopt a Resolution allowing for the County Administrator to accept Deeds of Easement for approved projects on behalf of the Board of Supervisors.

**RESOLUTION  
AUTHORIZING COUNTY ADMINISTRATOR  
TO ACCEPT CERTAIN CONVEYANCES OF REAL ESTATE**

WHEREAS, the County receives from time to time conveyances of real estate in the form of deeds of easement and right of ways for highway, water, sewer and other infrastructure construction projects, and

WHEREAS, Virginia Code Section 15.2-1803 requires that every deed purporting to convey real estate to the County shall be accepted by the locality by written indication either on the face of the instrument or on a separate recorded instrument, and that such acceptance shall be executed by a person authorized to act on behalf of the locality, and

WHEREAS, all such routine deeds of easement as described above relate to projects previously approved by the Board of Supervisors, and

WHEREAS, each deed for such projects is reviewed and approved by the County Administrator, upon the advice of the County Attorney, prior to acceptance, now, therefore

BE IT RESOLVED that the duly appointed County Administrator of Smyth County is hereby authorized to accept conveyances of real estate in the form of deeds for approved infrastructure projects as described above to Smyth County, upon the advice of the County Attorney, in accordance with the provisions of Section 15.2-1803.

Adopted this 14<sup>th</sup> day of August, 2012.

---

Wade Blevins, Chairman  
Smyth County Board of Supervisors

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[6:51:42 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by North Fork District Supervisor Ron C Blevins to accept the deeds of easement presented for the New Elementary School Sewer project.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call ,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[6:52:31 PM](#) Economic Development Committee - Mr. J. Howard Burton, Committee Chair, addressed the Committee's proposed Enterprise Zone changes. The Committee recommends to set a Public Hearing to accept public comments on the proposed changes.

It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins to set the Public Hearing for Tuesday, September 11, 2012 at 6:00 pm.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

Sally Morgan handed out copies of the changes to the Board Members for review and preparation for the Public Hearing.

[6:56:29 PM](#) Consideration of the Mount Rogers Community Services Board Performance Contract. It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by Saltville District Supervisor Roscoe D Call to approve and execute the performance contract. Mr. Burton discussed not rushing into the agreement; Mrs. Davidson thought the materials provided were good information; Mr. Ron Blevins agreed with Mr. Burton and

doesn't see the need to rush either. Chairman Blevins gave Dr. Wassum time to speak on the matter and to present his concerns.

[7:05:48 PM](#) After consideration, the motion prevailed by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton.

**ABSTAINERS:** None.

**ABSENT:** None.

[7:05:53 PM](#) Mr. Carter gave an update on Old Business Item 6 – He stated that there was a meeting held between the County and Town staff to further discussion on the boundary line adjustment.

[7:06:45 PM](#) Supervisor comment time - none

[7:07:21 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to continue the meeting until Thursday, August 23, 2012 at 7:00 pm.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[7:07:41 PM](#) Meeting Continued

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, August 23, 2012**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

**PRESENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.;  
Vice Chair, Park District Supervisor M. Todd Dishner;  
Atkins District Supervisor J. Howard Burton;  
Saltville District Supervisor Roscoe D Call;  
Royal Oak District Supervisor Regina H Davidson, (5)

**ABSENT:** North Fork District Supervisor Ron C Blevins  
Rye Valley District Supervisor Rick K Blevins; (2)

**STAFF:** County Administrator Michael Carter;  
Assistant County Administrator Scott Simpson;  
Economic Development Director Sally Morgan;  
County Attorney Michelle Clayton,  
Zoning Administrator, Clegg Williams (5)

7:01:10 PM Chairman Blevins called the Joint Public Hearing to order for An application from Smyth Technology Group, Inc. d/b/a SmythNet for a Special Use Permit to erect a Communication Tower.

7:01:20 PM Planning Commission Chairman Sparks called to order the Joint Public Hearing for the Planning Commission.

Mr. Carter read the advertisement and the Board's rules.

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

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, August 23, 2012, at 7:00 P.M. or as soon after 7:00 P.M. as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application(s) to the Zoning Ordinance of Smyth County, Virginia:

*An application from Smyth Technology Group, Inc. d/b/a SmythNet for a Special Use Permit to erect a Communication Tower adjoining 259 Walker Mountain Lane, Marion. The property is owned by Charles M. Buchanan Jr., et al, identified as Tax Map No. 33-A-10 and is zoned Agricultural.*

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

Copies of the application(s) along with their maps/drawings are on file in the Office of the County Administrator of Smyth County. Copies are also maintained by the County Zoning Administrator at the address given above, and may be viewed during regular business hours Monday through Friday.

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.

Done by order of the Board of Supervisors and the Planning Commission.

Michael L. Carter, County Administrator  
Norman K. Sparks, Chairman of the Planning Commission

Mr. Clegg Williams explained the request from Smyth Technology Group. He stated that he has received no direct comments on the application.

[7:05:43 PM](#) North Fork District Supervisor Ron C Blevins arrived to the meeting.

[7:08:23 PM](#) Mr. Michael Perdue, owner of Smyth Technology Group, explained his business model and that his lease is ending with the current tower owner where his equipment is located and that other tower owners cannot lease him space due to various reasons; therefore, he needs to install a new tower which will be owned and maintained by his company. There were a few questions from Board of Supervisors members as well as Planning Commission members about his business. No Citizens spoke on the matter.

[7:21:30 PM](#) Chairman Blevins closed the Joint Public Hearing.

[7:21:35 PM](#) Planning Commission Chairman Sparks closed the Joint Public Hearing for the Planning Commission.

[7:21:40 PM](#) Chairman Blevins recessed the Board of Supervisors meeting for approximately 5 minutes.

[7:27:11 PM](#) Chairman Blevins called the Board of Supervisors meeting back to order.

[7:27:19 PM](#) Chairman Blevins opened citizens' time, no one had signed up, and no one in attendance wished to speak. Citizens' time was closed by the Chairman.



[7:28:15 PM](#) Chairman Blevins called the Public Hearing to order for The Adwolfe Volunteer Fire Department festival application. Mr. Carter read the advertisement.

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

The Smyth County Board of Supervisors will conduct a public hearing on Thursday, August 23, 2012, at 7:30 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 Adwolfe Volunteer Fire Department has submitted a festival application for a three (3) day event to be held September 7, 8, and 9, 2012. 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 7 - 6:00 p.m. thru 11:00 p.m.*

*Saturday, September 8 - 12:00 noon thru 11:30 p.m.*

*Sunday, September 9 - 12:00 noon thru 8:00 p.m.*

At this public hearing, subject to the rules of procedure of the Board of Supervisors of Smyth County, Virginia, any person may appear and state his/her views thereon. 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, at (276)783-3298 x227, at least 48 hours prior to the hearing.

A copy of this application along with the 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.

Done by order of the Board of Supervisors  
Michael L. Carter, County Administrator

[7:30:06 PM](#) It was moved by North Fork District Supervisor Ron C Blevins, seconded by Saltville District Supervisor Roscoe D Call to waive the reading of the Board's rules.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K Blevins.

[7:30:41 PM](#) There was no one signed up, and no one present wished to speak on the matter.

[7:30:55 PM](#) Chairman Blevins closed the Public Hearing.

[7:30:59 PM](#) It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by Saltville District Supervisor Roscoe D Call to waive the Board's rules in order to vote on the matter tonight.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K Blevins.

[7:31:53 PM](#) It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by North Fork District Supervisor Ron C Blevins to approve the Adwolfe Volunteer Fire Department festival application.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,

Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K Blevins.

[7:32:15 PM](#) American Wood fibers representatives, John Patterson, Plant Manager, and Don Evans, Environmental Design Services, presented to the Board a request to adopt an ordinance allowing for a tax exemption on recycling equipment. The authorizing legislation is Code of VA § 58.1-3661. Certified solar energy equipment, facilities or devices and certified recycling equipment, facilities or devices.

[8:00:02 PM](#) It was moved by Royal Oak District Supervisor Regina H Davidson, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to refer this matter to the Ordinance Committee for evaluation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K Blevins.

[8:00:08 PM](#) Dr. Gates presentation. He reviewed different informational numbers related to the use of certain programs: Recreation, 63% county resident participation; however, the Town budget is \$ 299,000 and the County provides \$ 19,250 in funding. Senior Citizen Center, predominant County resident participation; however, the Town budget is \$ 138,000 and the County provides \$ 1,500 in funding. Dr. Gates also addressed the number of Police Calls and Rescue calls that the Town forces respond to outside of the Town boundaries. He also mentioned the water rate which the Town charges to the County as fair compared to the out of town residential rate..

[8:12:06 PM](#) Ms. Beth Merz, U.S. Forest Service, reviewed additional project ideas which are available due to new authorizations of funding for the Secure Rural Schools program. The deadline is very soon and she would like the latitude with the County Administrator to

finalize the application before the deadline. The project ideas at this time are to request the program to fund the remaining unfunded portions of the current program projects. Settlers Museum \$ 42,000 unfunded, Habitat Enhancement Plan for the Appalachian Trail \$ 16,600 unfunded, Equipment for the Smyth County Sheriff's Department \$ 2,500 unfunded.

[8:21:12 PM](#) It was moved by Atkins District Supervisor J. Howard Burton, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to allow Mr. Carter and Ms. Merz to communicate and complete the list of projects for submission.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K Blevins.

[8:22:00 PM](#) Mr. Carter informed the Board of the application presented by the Konnarock, Green Cove, Laurel Valley Community Association for a festival permit for an event to be held September 16, 2012. Notices will be published in the newspaper on August 25 and September 1, 2012 for a public hearing on the matter which will be held on September 11, 2012 at 6:15 pm.

[8:22:27 PM](#) The Budget Committee unanimously recommended to the Board of Supervisors that the budget is passed as-is and will consider requests in the Spring for FY 14.

After consideration, the motion prevailed by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** Royal Oak District Supervisor Regina H Davidson.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K Blevins.

[8:24:01 PM](#) The Budget Committee unanimously recommended to the Board of Supervisors that Ms. Lisa Williams, McGuire-Woods, be engaged as Bond Counsel for the additional QSCB funding. Not to Exceed \$ 8,500.

[8:26:37 PM](#) After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K Blevins.

[8:26:45 PM](#) Ms. Clayton explained to the Board the importance of having a thorough review of the Courthouse construction contracts due to the size of the projects. The firm Sands Anderson, PC has proposed to do this service for \$ 750.00 and will advise the County Attorney after their review.

[8:29:14 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Atkins District Supervisor J. Howard Burton to engage Sands Anderson, PC for this service with payment from line item 011-010000-3002.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K Blevins.

[8:29:54 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by North Fork District Supervisor Ron C Blevins to enter into closed session according to the Code of Virginia, Section 2.2-3711 –

A.1 - Personnel; discussion, consideration; or interviews of prospective candidates for employment; and

A.5 Industrial/Business Prospects – 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 and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K Blevins.

[8:39:44 PM](#) It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D 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.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K Blevins.

[8:41:16 PM](#) Supervisor comment time –

Mr. Burton thinks we ought to foster good relations with the Town of Marion.

Mr. Dishner is concerned over the Economic Development announcements happening elsewhere and not here in Smyth County. Smyth County has a lot of potential and untapped resources around here and he wants to be more aggressive in securing businesses.

Mr. Wade Blevins is interested in wanting to know why some of these projects are not pursued harder and asked Mr. Carter for some answers and an update on the Economic Development activities.

Mr. Call – reiterated concerns with the Town of Marion issues, that the County has also done a lot that benefits the Town. He also felt that we need to think about how we are approaching economic development; you have got to go after it, or you aren't going to get it. Mr. Call gave a good review of the new hospital.

Mrs. Davidson – the difference between the old and new hospital is the new look and new building, it is the same personnel. This ties into economic development, we need new

perception, new buildings. No matter how good we are here in the County, the perception is going to be negative because we don't have the update positive things.

[8:54:11 PM](#) It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D Call to adjourn the meeting.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call,  
Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K Blevins.

[8:54:40 PM](#) Meeting Adjourned

The Smyth County Board of Supervisors held its regular September meeting at 4:00 p.m., **Tuesday, September 11, 2012**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

**PRESENT:** Rye Valley District Supervisor Rick K Blevins; North Fork District Supervisor Ron C Blevins; Atkins District Supervisor J. Howard Burton; Saltville District Supervisor Roscoe D Call; Royal Oak District Supervisor Regina H Davidson (5)

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.; Vice Chair, Park District Supervisor M. Todd Dishner (2)

**STAFF:** County Administrator Michael Carter; Assistant County Administrator Scott Simpson; Director of Finance Charlie Atkins; Deputy Sheriff Mike Hounshell; Economic Development Director Sally Morgan; County Attorney Michelle Clayton; Christy Bise, Administrative Assistant (7)

[4:02:14 PM](#) Mr. Carter called the meeting to order. Due to the absence of the Chair and the Vice Chair, a motion was required by the Board to declare an Acting Chair for today's meeting. On a motion by Saltville District Supervisor Roscoe D Call, seconded by Atkins District Supervisor J. Howard Burton, Regina Davidson was nominated to be the Acting Chair. Rye Valley District Supervisor Rick K Blevins made a motion to close nominations, seconded by Saltville District Supervisor Roscoe D Call.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson, Rye Valley District Supervisor Rick K Blevins, North Fork District Supervisor Ron C Blevins, Atkins District Supervisor J. Howard Burton, Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr., Vice Chair, Park District Supervisor M. Todd Dishner.

[4:03:50 PM](#) Acting Chair Davidson called the meeting to order

[4:03:57 PM](#) It was moved by North Fork District Supervisor Ron C Blevins, seconded by Rye Valley District Supervisor Rick K Blevins to enter into closed session according to the Code of Virginia, Section 2.2-3711 – **A.3 Land Acquisition** – discussion on well site, **A.5 Industrial/Business Prospects** – 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 and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[4:43:46 PM](#) Re-enter open session; Acting Chair Davidson recessed the meeting until 5:00 p.m.

[5:02:42 PM](#) Acting Chair Davidson called the meeting back to order. It was moved by Rye Valley District Supervisor Rick K Blevins, seconded by North Fork District Supervisor Ron C Blevins to adopt the following resolution certifying the business conducted in closed session as follows:

#### **RESOLUTION CERTIFICATION OF CLOSED SESSION**

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Smyth County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting

requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Smyth County Board of Supervisors.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[5:03:00 PM](#) Acting Chair Davidson asked for motions on anything discussed during closed session. Saltville District Supervisor Roscoe D Call made a motion to exercise the purchase option on the Cumbow well site for future use of the well and North Fork District Supervisor Ron C Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[5:04:01 PM](#) Atkins District Supervisor J. Howard Burton gave the invocation

[5:04:39 PM](#) Mr. Michael Carter began the Pledge of Allegiance

[5:05:01 PM](#) Mr. Michael Carter introduced new employee Christy Bise, Administrative Assistant, to the Board. Christy will be attending Board and Committee meetings and recording minutes for those meetings. Acting Chair Davidson welcomed Mrs. Bise.

[5:05:48 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins to adopt the agenda and additional agenda as presented.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[5:06:11 PM](#) It was moved by North Fork District Supervisor Ron C Blevins, seconded by Saltville District Supervisor Roscoe D Call to adopt the minutes from the August 14 and August 23, 2012 meetings.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[5:06:41 PM](#) Charlie Atkins gave the Board a financial update; according to the Treasurer, there are sufficient funds available to make today's appropriations. Mr. Michael Carter



noted that the county has around \$2,000,000 more in the general fund than this same time last year and thanked the Board for their hard work to be where we're at this year.

[5:08:12 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins to appropriate \$5,305,000 from the General Fund with the following breakdown:

**General Fund:**

General County	\$ 1,550,000.00
Social Services (Sept. 12 – 30, 2012)	\$ 295,000.00
(Oct. 1 – 9, 2012)	\$ 60,000.00
Schools - Operating Fund	\$ 3,400,000.00
<b>Total General Fund</b>	<b>\$ 5,305,000.00</b>

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[5:08:48 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins, to appropriate \$2,000,000 from the School Construction Fund.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

It was moved by Saltville District Supervisor Roscoe D Call, seconded by North Fork District Supervisor Ron C Blevins, to appropriate \$1,591.66 from the Animal Damage Fund.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[5:09:18 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins, to appropriate \$16,223.88 from the IDA – Fund 4.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[5:09:38 PM](#) It was moved by Atkins District Supervisor J. Howard Burton, seconded by Saltville District Supervisor Roscoe D Call, to appropriate \$190,985.96 from the Courthouse Project.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** North Fork District Supervisor Ron C Blevins.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[5:10:07 PM](#) It was moved by North Fork District Supervisor Ron C Blevins, seconded by Saltville District Supervisor Roscoe D Call, to approve the Accounts Payable listing in the amount of \$868,056.65.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[5:10:37 PM](#) Acting Chair Davidson noted it was too early for citizen's time so she moved to item 3 on the additional agenda. Mr. Michael Carter referred the Board to a letter from DOJ as a reply to the County's request for a one year extension to meet ADA compliance. DOJ did grant the extension and the agreement will remain in effect until June 9, 2014. He asked the Board to authorize Chairman Wade Blevins to sign the extension letter and it will be returned to DOJ. A motion was made by Atkins District Supervisor J. Howard Burton, seconded by Saltville District Supervisor Roscoe D Call, authorizing Chairman Blevins to sign the extension letter from DOJ for meeting ADA compliance.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[5:12:41 PM](#) Mr. Michael Carter referred the Board to an estimate prepared by Mr. Scott Simpson for upgrading the handicapped parking space located at the Adwolfe Fire Department to meet ADA requirements. Since the Fire Department is a voting precinct, they took it upon themselves to make needed corrections above and beyond what was required to be in compliance. Once the Fire Department has called for inspection and it has been determined by the County that the repairs and alternations do indeed meet ADA requirements, it will be recommended to the Board that the estimated repair cost of \$4,460 be reimbursed to the Adwolfe Fire Department. Mr. Carter is asking that the funds be appropriated at this time, but not submitted for payment until ADA compliance is verified. Upon a motion by Rye Valley District Supervisor Rick K Blevins, seconded by Saltville District Supervisor Roscoe D Call, \$4,460 for reimbursement to Adwolfe Fire Department was appropriated pending final approval of the upgrades.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[5:16:04 PM](#) Acting Chair Davidson opened citizens time. There were two citizens wishing to address the Board of Supervisors.

Stacey Ely, Community and Government Relations, Director-Virginia, with Mountain States Health Alliance presented a resolution to the Board recognizing MSHA being named the 2012 National Quality Healthcare Award Recipient. She also noted that MSHA has been chosen for a site visit for the Malcolm Baldrige Award which recognizes quality achievements in business around the country. Acting Chair Davidson asked the Committee for a motion to approve the resolution commending MSHA on this achievement. Saltville District Supervisor Roscoe D Call made a motion, seconded by Rye Valley District Supervisor Rick K Blevins approving the resolution.

**A RESOLUTION HONORING THE ACHIEVEMENT BY  
MOUNTAIN STATES HEALTH ALLIANCE  
IN BEING NAMED  
THE 2012 NATIONAL QUALITY HEALTHCARE AWARD RECIPIENT**

WHEREAS Mountain States Health Alliance, formed in 1998, is the largest health care system in Northeast Tennessee and Southwest Virginia; and,

WHEREAS, its approximately 13,500 team members, associated physicians and volunteers provide caring treatment to their patients; and,

WHEREAS, MSHA's Virginia facilities include Dickenson Community Hospital, Johnston Memorial Hospital, Norton Community Hospital, Russell County Medical Center, Smyth County Community Hospital, and its Tennessee facilities include Franklin Woods Community Hospital, Indian Path Medical Center, Johnson County Community Hospital, Niswonger Children's Hospital, James H. and Cecile C. Quillen Rehabilitation Hospital, Sycamore Shoals Hospital, Johnson City Medical Center, and Woodridge Hospital, as well as 21 primary/preventive care centers and numerous outpatient sites in both states; and,

WHEREAS, MSHA has long been dedicated to providing quality health care in a loving environment; and,

WHEREAS, on August 20, 2012, the National Quality Forum named MSHA the recipient of this year's National Quality Healthcare Award, recognizing its commitment to excellence and quality throughout the system; and,

WHEREAS, this marks the second time a Virginia health system has been thus honored, and the first time for a Tennessee health system; and,

WHEREAS, the National Quality Forum presents only one national award annually, making this a particularly prestigious distinction; and,

WHEREAS, NQF's interim president and CEO, Senior Vice President and COO Laura Miller, said of Mountain States Health Alliance, "They have created and utilize a set of 10 Patient-centered Care Guiding Principles illustrating the importance of safe, customized care provided in a transparent manner and openly communicated with the patient, family and caregivers throughout the course of treatment; and,

WHEREAS, the National Quality Healthcare Award was created in 1993 and recipients are selected through a blinded review by a panel composed of national health care experts representing purchasers, government, health systems, clinicians and consumers; and,

WHEREAS, Mountain States Health Alliance will be presented with this award in special ceremonies to be held in Washington, D.C., in Spring 2013; and,

WHEREAS, this award is a reflection on the dedication and professionalism of all the associates at Mountain States Health Alliance and its President and CEO, Dennis Vonderfecht,

BE IT THEREFORE RESOLVED that this body applauds this hallmark achievement by the leadership and team members of Mountain States Health Alliance and Smyth County Community Hospital and expresses our deepest appreciation for the services you provide to the people of Virginia and Tennessee.

---

Wade Blevins, Chairman  
Smyth County Board of Supervisors

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[5:20:18 PM](#) Earl McClure, Chilhowie, offered to meet with Board Members to go over things that he felt needed to be improved upon including violations and ordinances. He also addressed his concerns about children in the County going hungry.



[5:25:59 PM](#) Acting Chair Davidson closed citizen's time as no one else wished to speak.

[5:26:09 PM](#) Sally Morgan introduced Ken Taylor from W-L Construction.

[5:26:47 PM](#) Mr. Taylor introduced himself and thanked the Board for their support and the opportunity to speak. He provided with an update on the progress of the new W-L facility currently being built after last year's tornado damage to their former building. There will be an open house around the end of October and he extended an invitation to the Board to attend.

[5:31:06 PM](#) Mr. Michael Carter provided an update on the closeout of the Cripple Creek Watershed. He presented a document for signature by the Board to acknowledge that the project is complete. There is no funding involved and no change in the program. The document has already been signed by Wythe County Board of Supervisors, Big Walker Soil and Water and Evergreen Soil and Water. North Fork District Supervisor Ron C Blevins made a motion for the Board to sign the document, seconded by Saltville District Supervisor Roscoe D Call.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[5:34:05 PM](#) Mr. Arthur Barker from the Smyth County Sheriff's Office presented two grant applications to the Board. One was for alcohol enforcement in the amount of \$12,965 and the other for speed enforcement in the amount of \$15,207. He noted that these funds do have to be matched by the Sheriff's Office, but that is done through extra enforcement each month, fuel cost and vehicle maintenance. The Sheriff's Office has received these grants for more than 20 years, but the dollar amounts have increased over the years. Saltville District Supervisor Roscoe D Call made a motion, seconded by Rye Valley District Supervisor Rick K Blevins, for Mr. Michael Carter to sign each of these grant applications.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[5:38:55 PM](#) North Fork District Supervisor Ron C Blevins, Chairman of the Ordinance Committee, reported that the Committee unanimously recommended to the Board the proposed Mutual Aid agreements for Marion, Chilhowie and Saltville. The recommendation was unanimously carried.

[5:39:39 PM](#) Rye Valley District Supervisor Rick K Blevins, Chairman of the Solid Waste Committee, reported that the Committee unanimously recommended a proposal from Scott Recycling for electronic devices to be collected at County convenience stations and transfer station located on Highway 107. Ms. Clayton added some additional language to the contract concerning the issue of identity theft and how it would be handled by Scott Recycling. Representatives from Scott indicated they would do a Department of Defense wipe of any items being refurbished and a magnetic destruction of those items that cannot be reused. Ms. Clayton discussed these mechanisms with other attorneys and felt comfortable with this process. She noted that Scott Recycling also takes full responsibility for items after they are picked up. Mr. Carter provided information to the Board on the savings this would create for the County based on the disposal charges we currently pay. Convenience Station attendants will be monitoring the Gaylord boxes which will be used to collect any items with an electrical cord. The recommendation was unanimously carried.

[5:48:47 PM](#) Atkins District Supervisor J. Howard Burton, Chairman of the Emergency Communications Committee, presented a recommendation from the Committee for the Board to accept the bid from CenturyLink to provide the phone system for the Sheriff's Office/911 Center at a proposed price of \$41,102.62. The recommendation was unanimously carried.

[5:50:30 PM](#) Mr. Carter discussed the QSCB resolution regarding bond issuance for the Virginia Public School Authority. The County has been awarded additional funds in the amount of \$2,171,007.50 at 0% interest. These funds will help replace the 2-3% funds the County has borrowed. Bond Counsel will be Lisa Williams with McGuire Woods and Joy Holloway with Regions Bank will be escrow agent for the funds. Mr. Carter is asking the Board to approve the 2-3% money being replaced with the 0% funds. The savings are immediate allowing the County to move forward in a positive way.

**Resolution No. \_\_\_\_**

**RESOLUTION AUTHORIZING THE ISSUANCE OF A NOT TO EXCEED  
\$2,171,007.50 GENERAL OBLIGATION SCHOOL BOND, SERIES 2012,  
OF SMYTH COUNTY, VIRGINIA, TO BE SOLD TO  
THE VIRGINIA PUBLIC SCHOOL AUTHORITY  
AND PROVIDING FOR THE FORM AND DETAILS THEREOF.**

**WHEREAS**, pursuant to Section 10(b) of Article VII of the Constitution of Virginia and Section 15.2-2639 (formerly Section 15.1-227.40) of the Code of Virginia of 1950, as amended (the "Virginia Code"), Smyth County, Virginia (the "County"), has elected by affirmative vote of the qualified voters of the County, to be treated as a city for the purpose of issuing its bonds;

**WHEREAS**, on December 6, 2011 the County issued its General Obligation Literary Loan Anticipation Notes, Series 2011B (the "2011 Note") in an aggregate principal amount of \$12,500,000 for the purpose of providing interim financing for the renovations to Marion Primary School and the acquisition, construction and equipping of a new elementary school, each of which constitute capital projects for public school purposes (collectively, the "Projects");

**WHEREAS**, the Board has determined that it is necessary and expedient to borrow an amount not to exceed \$2,171,007.50 and to issue its general obligation school bond (as more specifically defined below, the "Local School Bond") for the purpose of refinancing a portion of the 2011 Note;

**WHEREAS**, the County held a public hearing, duly noticed, on August 9, 2011, on the issuance of the 2011 Note, in accordance with the requirements of Section 15.2-2606 of the Virginia Code, and in accordance with the requirements of Section 15.2-2606(B) no public hearing is required for the issuance of the Local School Bond;

**WHEREAS**, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Local School Bond and consented to the issuance of the Local School Bond;

**WHEREAS**, the Virginia Public School Authority ("VPSA") has offered to purchase the Local School Bond along with the local school bonds of certain other localities with a portion of the proceeds of certain bonds to be issued by VPSA in the fall of 2012 (the "VPSA Bonds");

**WHEREAS**, VPSA intends to issue the VPSA Bonds as "qualified school construction bonds" (referred to below as "QSCBs") within the meaning of Section 54F of the Internal Revenue Code of 1986, as amended (the "Tax Code"), which section was added to the Tax Code by the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5, 123 Stat. 355), enacted on February 17, 2009;

**WHEREAS**, VPSA intends to elect to treat the VPSA Bonds as "specified tax credit bonds" under Section 6431 of the Tax Code, as amended by the Hiring Incentives to Restore Employment Act (Pub. L. No. 111-147, 123 Stat. 301), enacted on March 18, 2010, which status enables an issuer of a QSCB to receive a direct payment of a refundable credit in lieu of providing a tax credit to the purchaser or holder of the QSCB;

**WHEREAS**, the refundable credit payable with respect to each interest payment date will be equal to the lesser of (i) the amount of interest payable under the QSCB on such date or (ii) the amount of interest which would have been payable under the QSCB on such date if such interest were determined at the applicable credit rate determined under Section 54A(b)(3) of the Tax Code (that is, the rate used in computing the amount of tax credit that could be claimed by the QSCB holder absent the "specified tax credit bond" refundable credit election);

**WHEREAS**, subject to the terms and conditions set forth or referred to below, VPSA will transfer to the County the allocable portion of the refundable credit actually received in cash by VPSA with respect to the VPSA Bonds;

**WHEREAS**, the allocation of QSCB volume cap pursuant to which VPSA will issue the VPSA Bonds will be made by Executive Order to be issued by the Governor of the Commonwealth of Virginia (the "Executive Order"), to finance the Projects along with a number of other projects selected through a competitive evaluation process administered by the Virginia Department of Education;

**WHEREAS**, the Bond Sale Agreement (as defined below) shall indicate that \$2,171,007.50 is the amount of proceeds requested (the "Proceeds Requested") by the County from the VPSA in connection with the sale of the Local School Bond;

**WHEREAS**, VPSA's objective is to pay the County a purchase price for the Local School Bond which, in VPSA's judgment, reflects the Local School Bond's market value (the "VPSA Purchase Price Objective"), taking consideration of such factors as the purchase price to be received by VPSA from the sale of the VPSA Bonds, the underwriters' discount and the other issuance costs of the VPSA Bonds and other market conditions relating to the sale of the VPSA Bonds; and

**WHEREAS**, such factors may result in the Local School Bond having a purchase price other than par and consequently (i) the County may have to issue the Local School Bond in a principal amount that is less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) because the maximum authorized principal amount of the Local School Bond set forth in paragraph 1 of this Resolution does not exceed the Proceeds Requested by at least the amount of any bond discount, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

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

1. **Authorization of Local School Bond and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bond in a principal amount not to exceed \$2,171,007.50 (the "Local School Bond") for the purpose of financing a portion of the Projects by refinancing a portion of the 2011 Note and the County's allocable share of (A) VPSA's costs of issuing the VPSA Bonds and (B) any upfront flat fees of VPSA as determined by VPSA to be necessary to compensate VPSA for the on-going costs related to administering the local school bonds purchased with the VPSA Bonds, including the County's Local School Bond (such upfront fees may be in lieu of the Annual Administrative Fee described in paragraph 4 in this Resolution). The Board hereby authorizes the issuance and sale of the Local School Bond in the form and upon the terms established pursuant to this Resolution and the Bond Sale Agreement.

2. **Sale of the Local School Bond.** The sale of the Local School Bond, within the parameters set forth in paragraph 4 of this Resolution, to VPSA is authorized. Given the VPSA Purchase Price Objective and market conditions, the County acknowledges that the limitation on the maximum principal amount on the Local School Bond set forth in paragraph 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, however, the Local School Bond may be sold for a purchase price not lower than 90% of the Proceeds Requested. The Chairman of the Board, the County Administrator, or either of them and such other officer or officers of the County as either may designate are hereby authorized and directed to enter into an agreement with VPSA providing for the sale of the Local School Bond to VPSA (the "Bond Sale Agreement"). The Bond Sale Agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved.

3. **Details of the Local School Bond.** The Local School Bond shall be dated the date of its issuance and delivery; shall be designated "General Obligation School Bond, Series 2012," or such other appropriate designation determined by the County Administrator, shall bear interest from the date of delivery thereof payable semi-annually on dates specified by VPSA (each, an "Interest Payment Date") at the rates established in accordance with paragraph 4 of this Resolution; and shall mature annually in the years (each a "Principal Payment Date," and together with any Interest Payment Date, a "Payment Date") and in the amounts (the "Principal Installments") determined by the County Administrator, subject to the provisions of paragraph 4 of this Resolution.

4. **Interest Rate and Principal Installments.** The County Administrator is hereby authorized and directed to accept the interest rate on the Local School Bond established by VPSA, provided that each interest rate may be up to five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the VPSA Bonds, a portion of the proceeds of which will be used to purchase the Local School Bond, to the extent required by VPSA (the "Annual Administrative Fee"), and provided further that the true interest cost of the Local School Bond does not exceed seven and a half percent (7.50%) per annum. The Payment Dates and the Principal Installments

shall be specified by VPSA. The County Administrator is hereby authorized and directed to accept the final Payment Dates and the Principal Installments at the request of VPSA based on the final term to maturity of the VPSA Bonds, requirements imposed on VPSA by the nationally-recognized rating agencies and the final principal amount of the Local School Bond; provided, however, that the principal amount of the Local School Bond shall not exceed the amount authorized by this Resolution and the final maturity of the Local School Bond shall be no later than the earlier of December 31, 2037 and the latest maturity date permitted under Section 54A of the Tax Code. The execution and delivery of the Local School Bond as described in paragraph 10 hereof shall conclusively evidence the approval and acceptance all of the details of the Local School Bond by the County Administrator as authorized by this Resolution.

5. **Certain Acknowledgements.** The County acknowledges that the interest rate on the Local School Bond will be set at the level necessary to pay the interest on the allocable portion of the VPSA Bonds plus the Annual Administrative Fee, if any, and that the County will be obligated to pay interest on the Local School Bond at the stated taxable rate thereon regardless of the elimination or reduction of the refundable credit to be received by VPSA due to (i) any amendments by Congress to Sections 54A, 54F or 6431 or any other applicable sections of the Tax Code, (ii) any failure or determination by Congress not to appropriate funds necessary to pay the refundable credit, (iii) any guidance or changes to guidance provided by the U.S. Department of Treasury or the Internal Revenue Service, or (iv) any action or omission by VPSA, the County or any other locality selling local school bonds to VPSA in connection with the VPSA Bonds that causes the VPSA Bonds to lose their status as QSCBs and/or specified tax credit bonds in whole or in part. It is also acknowledged that the County has the right to effect an extraordinary optional redemption of the Local School Bond in whole or in part upon the occurrence of any of these events as provided in the form of Local School Bond.

6. **Certain Investment Earnings.** The Board hereby acknowledges that VPSA will (i) issue the VPSA Bonds with multiple maturities or with a single "bullet" maturity, in either case, with a final maturity date on or shortly before the latest maturity date permitted for the VPSA Bonds under Section 54A of the Tax Code, (ii) invest the Principal Installments for the benefit of the County until they are applied to pay the principal of the VPSA Bonds and (iii) either remit the investment earnings periodically to the County or credit the investment earnings against the County's obligation to make Principal Installments, at the option of VPSA. The Board further acknowledges that VPSA may cause a portion of such earnings to be deposited into a reserve fund or account to be applied by VPSA for use to pay the costs, fees and expenses described in paragraph 15 below. Any balance in such reserve fund or account attributable to investment earnings on the County's Principal Installments as reasonably determined by VPSA will be remitted or credited to the County on the final maturity date of the VPSA Bonds.

7. **Form of the Local School Bond.** The Local School Bond shall be issued initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.



8. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Local School Bond:

(a) For as long as VPSA is the registered owner of the Local School Bond, all payments of principal of and interest and premium, if any, on the Local School Bond shall be made in immediately available funds to, or at the direction of, VPSA at, or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Payment Date or date fixed for payment, prepayment or redemption.

(b) The Bond Registrar and Paying Agent for the Local School Bond shall be the banking institution selected by VPSA for such purposes.

9. **Prepayment or Redemption.** The Principal Installments of the Local School Bond may be subject to optional prepayment or redemption prior to their stated maturities as determined by VPSA. The Principal Installments of the Local School Bond will be subject to extraordinary mandatory redemption (i) if certain proceeds of the Local School Bond have not been spent within three years after the date of its issuance and delivery (which three year period may be extended by the U.S. Secretary of the Treasury or his delegate), (ii) due to a loss of "qualified tax credit bond" and "qualified school construction bond" status of the VPSA Bonds corresponding to the Local School Bond under Sections 54A and 54F of the Tax Code, and (iii) if due to (a) any amendments by Congress to Sections 54A, 54F or 6431 or any other applicable sections of the Tax Code or (b) any guidance or changes to guidance provided by the U.S. Department of Treasury or the Internal Revenue Service, there is a reduction or elimination of the direct payment of the refundable credit to be received by VPSA with respect to the VPSA Bonds. The Principal Installments of the Local School Bond shall be redeemed at the redemption prices and upon the other terms set forth in the Local School Bond.

10. **Execution of the Local School Bond.** The Chairman or Vice Chairman of the Board, either of whom may act, and the Clerk or any Deputy Clerk of the Board, any of whom may act, are authorized and directed to execute and deliver the Local School Bond and to affix the seal of the County thereto.

11. **Pledge of Full Faith and Credit.** For the prompt payment of the principal of and interest and premium, if any, on the Local School Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Local School Bond shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and interest and premium, if any, on the Local School Bond as such principal and interest and premium, if any, shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

12. **Use of Proceeds Certificate and Tax Compliance Agreement.** The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver on behalf of the County a Use of Proceeds Certificate and Tax Compliance Agreement (the "Tax Compliance Agreement") setting forth the expected use and investment of the proceeds of the Local School Bond and containing such covenants as may be necessary for the VPSA Bonds to qualify as and to remain as "qualified tax credit bonds," "qualified school construction bonds" and "specified tax credit bonds" under Sections 54A, 54F and 6431 of the Tax Code and the applicable regulations. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Local School Bond will be invested and expended as set forth in the Tax Compliance Agreement and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Tax Code so that the VPSA Bonds will not lose their status as "qualified tax credit bonds," "qualified school construction bonds" and "specified tax credit bonds" under Sections 54A, 54F and 6431 of the Tax Code.

13. **State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Local School Bond. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Local School Bond by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository, substantially in the form requested by VPSA and approved by the County Administrator.

14. **Continuing Disclosure Agreement.** The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix D to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

15. **Fees, Costs and Expenses.** The County agrees to pay the following fees, costs and expenses incurred by VPSA in connection with its purchase and carrying of the Local School Bond within thirty days after receipt by the County Administrator of a written bill therefor:

(A) The County's allocable share of (i) the fees, costs and expenses of the trustee, paying agent and bond registrar under the indenture pursuant to which VPSA will issue the VPSA Bonds and (ii) any fees, costs and expenses payable to third parties in connection with such indenture or VPSA's School Tax Credit Bond Program, as determined by VPSA; and

(B) To the extent permitted by law, the reasonable fees, costs and expenses, including reasonable attorneys' fees, if any, incurred by VPSA in connection with any false representation or certification or covenant default by the County or any County or School Board official, employee, agent or contractor under the Local School Bond, the Continuing Disclosure Agreement, the Tax Compliance Agreement, the Proceeds Agreement and/or any document, certificate or instrument associated therewith (collectively, the "County Documents"), or in connection with any extraordinary mandatory redemption of the Local School Bond as described in paragraph 9 above and the corresponding VPSA Bonds, any amendment to or discretionary action that VPSA makes or undertakes at the request of the County under any of the County Documents or any other document related to the VPSA Bonds.

16. **Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

17. **Election to Proceed under Public Finance Act.** In accordance with Section 15.2-2601 of the Virginia Code, the Board elects to issue the Local School Bond pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code.

18. **Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Local School Bond and any such action previously taken is hereby ratified and confirmed.

19. **Effective Date.** This Resolution shall take effect immediately.

\* \* \*

The undersigned Clerk of the Board of Supervisors of Smyth County, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on \_\_\_\_\_, 2012, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. Members present at the meeting were: \_\_\_\_\_. Members absent from the meeting were: \_\_\_\_\_. Members voting in favor of the foregoing resolution were: \_\_\_\_\_. Members voting against the foregoing resolution were: \_\_\_\_\_. Members abstaining from voting on the foregoing resolution were: \_\_\_\_\_.

**WITNESS MY HAND** and the seal of the Board of Supervisors of Smyth County, Virginia, this \_\_\_ day of \_\_\_\_\_, 2012.

---

Clerk, Board of Supervisors of Smyth County,  
Virginia

[SEAL]

**EXHIBIT A**

[FORM OF TEMPORARY BOND]

**NO. TR-1**

\$\_\_\_\_\_

**UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
SMYTH COUNTY  
General Obligation School Bond  
Series 2012**

The **SMYTH COUNTY, VIRGINIA** (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the **VIRGINIA PUBLIC SCHOOL AUTHORITY** ("VPSA") the principal amount of \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_), in annual installments in the amounts set forth on Schedule I attached hereto commencing on June 1, 20\_\_ and continuing each June 1 thereafter to and including June 1, 20\_\_ (each a "Principal Payment Date"), together with interest from the date of this Bond on the unpaid installments, payable semi-annually on June 1 and December 1 of each year, commencing [\_\_\_\_\_, 2013] (each an "Interest Payment Date," and together with any Principal Payment Date, a "Payment Date"), at the rate of \_\_% per annum, subject to redemption as hereinafter provided. The principal of and interest and premium, if any, on this Bond are payable in lawful money of the United States of America.

For as long as VPSA is the registered owner of this Bond, U.S. Bank National Association, as bond registrar and paying agent (the "Bond Registrar"), shall make all payments of the principal of and interest and premium, if any, on this Bond, without the presentation or surrender hereof, to or at the direction of VPSA, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for redemption. If a Payment Date or date fixed for redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of the principal of and interest and premium, if any, on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next succeeding the scheduled Payment Date or date fixed for payment or redemption. Upon receipt by the registered owner of this Bond of said payments, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of and interest and the premium, if any, on this Bond. The resolution adopted by the Board of Supervisors of the County on \_\_\_\_\_, 2012 (the

"Local Resolution"), authorizing the issuance of this Bond provides, and Section 15.2-2624, Code of Virginia 1950, as amended (the "Virginia Code"), requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal of and interest and premium, if any, on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, of the Virginia Code, and the Local Resolution and a resolution duly adopted by the School Board of the County to provide funds for capital projects for school purposes.

This Bond is registered in VPSA's name on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for a substitute Bond, and register such substitute Bond on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond are not subject to optional prepayment or redemption prior to their stated maturities without the prior written consent of VPSA, except as set forth below.

Upon not less than 45 days' written notice from VPSA to the Bond Registrar and the County, this Bond is subject to mandatory redemption in whole or in part in an amount to be specified by VPSA on a date to be fixed by VPSA in the event that VPSA determines that a redemption of all or a portion of the VPSA Bonds allocable to this Bond is necessary to maintain the status of the VPSA Bonds as "qualified tax credit bonds" and "qualified school construction bonds" under Sections 54A and 54F of the Internal Revenue Code of 1986, as amended (the "Code"). Circumstances under which VPSA may make such a determination may include, but are not limited to, the failure of the County to cause 100% of the Available Project Proceeds to be expended by the end of the Expenditure Period for Qualified Purposes, or there occurs a Determination of Loss of QSCB Status with respect to all or any portion of the VPSA Bonds due to a default by the County under the Use of Proceeds Certificate and Tax Compliance Agreement dated the dated date hereof (the "Tax Compliance Agreement").

The redemption price shall be equal to (i) the redemption price VPSA will be obligated to pay in connection with the optional redemption or extraordinary optional redemption of the allocable portion of the VPSA Bonds under Section 3.1 of the Fifth Supplemental Trust Indenture dated as of October 1, 2012 (the "Fifth



Supplemental Indenture"), between VPSA and U.S. Bank National Association, as trustee, and (ii) any outstanding fees, costs and expenses for which the County is or will become obligated to pay under paragraph 15 of the Local Resolution, all as determined by VPSA.

Upon not less than 90 days' written notice from the County to VPSA, this Bond is also subject to extraordinary optional redemption in whole or in part, as determined by the County, on a date to be fixed by VPSA if, due to (i) any amendments by Congress to Section 54A, 54F or 6431 or any other applicable sections of the Tax Code, or (ii) any guidance or changes to guidance provided by the U.S. Department of Treasury or the Internal Revenue Service, there is a reduction or elimination of the refundable credit to be received by VPSA with respect to the VPSA Bonds. The redemption price shall be equal to (i) the redemption price VPSA will be obligated to pay in connection with the optional redemption or extraordinary optional redemption of the allocable portion of the VPSA Bonds under Section 3.1 of the Fifth Supplemental Indenture and (ii) any outstanding fees, costs and expenses for which the County is or will become obligated to pay under paragraph 15 of the Local Resolution, all as determined by VPSA.

Unless otherwise defined, each of the capitalized terms used in the foregoing three paragraphs has the meaning given it in the Tax Compliance Agreement.

No notation is required to be made on this Bond of the redemption of principal. In such circumstance, the outstanding principal balance of this Bond shall be equal to \$\_\_\_\_\_, less the aggregate amount of any and all redemptions of principal which may have been made on this Bond. HENCE, THE FACE AMOUNT OF THIS BOND MAY EXCEED THE PRINCIPAL SUM REMAINING OUTSTANDING AND DUE HEREUNDER.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

THE REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK

**IN WITNESS WHEREOF**, the Board of Supervisors of Smyth County, Virginia has caused this Bond to be issued in the name of Smyth County, Virginia, to be signed by its Chairman or Vice-Chairman, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated \_\_\_\_\_, 2012.

**SMYTH COUNTY, VIRGINIA**

\_\_\_\_\_  
Chairman, Board of Supervisors of  
Smyth County, Virginia

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors of  
Smyth County, Virginia

**ASSIGNMENT**

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE, OF  
ASSIGNEE)

PLEASE INSERT SOCIAL SECURITY OR OTHER  
IDENTIFYING NUMBER OF ASSIGNEE: \_\_\_\_\_

the within Bond and irrevocably constitutes and appoints

\_\_\_\_\_ attorney to exchange said Bond for definitive bonds in lieu of which this Bond is issued and to register the transfer of such definitive bonds on the books kept for registration thereof, with full power of substitution in the premises.

Date: \_\_\_\_\_

\_\_\_\_\_  
Registered Owner

Signature Guaranteed:  _____ (NOTICE: Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Bond Registrar which requirements will include Membership or participation in STAMP or such other "signature guarantee program" as may be determined by the Bond Registrar in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.	(NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the front of this Bond in every particular, without alteration or change.)
---	--

## **SCHEDULE 1**

### **AMORTIZATION SCHEDULE**

\_\_\_\_\_  
North Fork District Supervisor Ron C Blevins made a motion to move forward with the 0% bonds, seconded by Saltville District Supervisor Roscoe D Call. Mr. Earl McClure questioned the Board about the requirement to levy taxes each year for these funds, but it was noted by the Board that these funds are 0% replacing 2-3% funds and have no additional borrowing effect.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,

Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[5:56:37 PM](#) Mr. Carter asked the Board to consider covering the cost for employee Wellness Day. This is an event held each year along with Smyth County Department of Social Services to provide health screenings at no cost to the employee. The event has been held for the last 7-8 years and will cost around \$1,500 – \$2,000 depending on participation. No date has been set yet, but DSS has agreed to participate again this year and a letter will be sent out to employees notifying them of the event and the benefits being offered. Mr. Carter recommends providing this benefit to employees with the cost not to exceed \$2,000. After discussion about the services being offered at the event and how insurance providers see this as a positive benefit, Saltville District Supervisor Roscoe D Call made a motion to provide this event for employees at a cost not to exceed \$2,000, seconded by Rye Valley District Supervisor Rick K Blevins.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[6:04:22 PM](#) Acting Chair Davidson called the public hearing to order for the Enterprise Zone Amendment Application. Mr. Simpson read the advertisement.

#### NOTICE OF PUBLIC HEARING

The Smyth County Board of Supervisors will hold a public hearing on Tuesday, September 11 at 6:00 p.m. in the Board of Supervisors Meeting Room in the Smyth County Office Building at 121 Bagley Circle, Marion, Virginia, on a proposed amendment to the Smyth County/Chilhowie Enterprise Zone (Virginia Enterprise Zone #51). The draft amendment request proposes to add additional acreage to the Enterprise Zone which includes a portion of the Town of Marion, and to revise the local zone incentives. All interested citizens and business owners are encouraged to attend the public hearing. Information on the proposed amendment can be viewed at the County Administrator's Office, Smyth County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia. Questions may be directed to Sally Morgan, Economic/Community Development Director at 783-7000, Ext. 206.

Done by order of the Board of Supervisors  
Michael L. Carter, County Administrator

[6:06:07 PM](#) It was moved by North Fork District Supervisor Ron C Blevins, seconded by Rye Valley District Supervisor Rick K Blevins to waive the reading of the Board's rules.

After consideration, the motion was PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[6:06:42 PM](#) David Haney, Vice President for Academic Affairs at Emory and Henry College, spoke in favor of the amendment to add additional acreage to the Enterprise Zone #51. The college has been given two buildings on the Marion hospital campus and is currently in negotiations to take over the hospital building itself for Emory and Henry operations. The buildings would be used to house the DPT program with up to 300 or more students and 30 faculty and staff members. He noted that allowing the Enterprise Zone to include this program would help Emory and Henry which would, in turn, help the Town and County.

[6:10:44 PM](#) Dr. Charles Wassum, Marion, spoke concerning the addition of acreage to Enterprise Zone #51. He is much in favor of having Emory and Henry in a health sciences capacity in this location, but expressed concerns about the possibility of

other businesses coming in to the residential area. He also noted locations in the area that should not be included in the enterprise zone such as tax exempt facilities and doctor's offices. He also noted concern about the increased traffic flow in the area once the college is fully functional. A citizen present at the meeting had concerns about her property being included in the Enterprise Zone and Ms. Sally Morgan spoke with her individually about her concerns.

[6:23:17 PM](#) Earl McClure, Chilhowie, also expressed concern about changing the zone which could open it up for nondescript businesses to come into the residential area.

[6:25:43 PM](#) With no one else wishing to speak, Acting Chair Davidson closed the public hearing.

[6:25:51 PM](#) Acting Chair opened the Konnarock;-Green Cove Laurel Valley Community Association public hearing. Mr. Simpson read the advertisement.

#### **BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS**

The Smyth County Board of Supervisors will conduct a public hearing on Tuesday, September 11, 2012, at 6:15 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 Konnarock-Green Cove Laurel Valley Community Association has submitted a festival application for an event to be held on Sunday, September 16, 2012. 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 Act, persons requiring special assistance to attend and participate in this hearing should contact Clegg Williams, ADA Coordinator, at (276)783-3298 x227 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.

Done by order of the Board of Supervisors  
Michael L. Carter, County Administrator



[6:27:45 PM](#) It was moved by North Fork District Supervisor Ron C Blevins, seconded by Saltville District Supervisor Roscoe D Call to waive the reading of the Board's rules.

After consideration, the motion was PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[6:28:06 PM](#) Anne Pennington, Damascus, was present and requested the Board's approval for this permit because it is a main function to raise money for the community.

[6:28:48 PM](#) With no one else wishing to speak, Acting Chair Davidson closed the public hearing.

[6:28:52 PM](#) North Fork District Supervisor Ron C Blevins made a motion to waive the rules and vote tonight on this matter, and the motion was seconded by Saltville District Supervisor Roscoe D Call.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[6:29:12 PM](#) Supervisor Rye Valley District Supervisor Rick K Blevins motioned to approve the Konnarock-Green Cove Laurel Valley Community Association's festival permit to be held on Sunday, September 16, 2012 at the Konnarock-Green Cove Community Center located at 6535 Whitetop Road, Troutdale, Virginia, 24378 between the hours of 11:00 a.m. and 5:00 p.m. Supervisor Burton seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[6:29:32 PM](#) Mr. Carter presented a unanimous recommendation from the Planning Commission granting a Special Use Permit for Smyth Technology Group, Inc. d/b/a SmythNet to locate a communications tower on the property of Charles Buchanan located on Walker Mountain identified as Tax Map No. 33-A-10. Saltville District Supervisor Roscoe D Call made a motion to approve the recommendation, seconded by Rye Valley District Supervisor Rick K Blevins.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[6:31:20 PM](#) Acting Chair Davidson called a 10 minute recess.

[6:48:34 PM](#) After a brief recess, Acting Chair Davison called the meeting back to order.

[6:48:39 PM](#) Gary Heninger, Mayor, Town of Chilhowie, and Bill Boswell, Town Manager, Town of Chilhowie presented a request to the Board to consider additional uses for the former County property bounded by Chilhowie Street and North Pine Avenue for the location of a new farmer's market. The current location of the farmer's market on Highway 11 is creating traffic and safety issues because the event has grown so much. The deed that was granted to the Town of Chilhowie in January 2002 by the County includes a clause that a permanent structure cannot be built on the Chilhowie Street/North Pine Avenue site. The Town is asking for the proper legal steps to build the farmer's market on this property. Ms. Clayton said she would rewrite the deed should it be the pleasure of the Board. Acting Chair Davidson referred the issue to go before the Buildings and Grounds Committee and asked that Ms. Clayton find out the legal issues involved. Mayor Heninger and Town Manager Boswell said they would be willing to come to the Buildings and Grounds Committee meeting to discuss the plans.

[6:54:17 PM](#) Mr. Carter addressed the boundary adjustment request from the Town of Marion on the additional agenda. The Town has been before the Board two times requesting the boundary adjustment for the golf course. At the last request, the Board asked for a resolution with the desires of the Town and that resolution is before the Board tonight for approval. The Board took a few minutes to review the resolution. Mr. Carter and Ms. Clayton recently met with Town Attorney Mark Fenyk and Town Manager John Clark and that meeting resulted in the presented resolution. After discussion between the parties, there was an understanding that the County is interested in revenue potentially generated from this boundary adjustment request. Any revenue sharing is not indicated in this resolution. There was discussion about delinquent taxes and lost tax revenue to the County as long as the Town of Marion is operating the golf course. Mr. Carter suggested creating a sub-committee of the Board to meet with the Town to discuss the resolution. Acting Chair Davidson called for volunteers to be on the sub-committee and Saltville District Supervisor Roscoe D Call, J Howard Burton and North Fork District Supervisor Ron C Blevins volunteered. A meeting will be scheduled with Town officials to discuss the concerns presented by the Board. Ms. Clayton indicated there does have to be a public hearing and the matter would have to go to court before any boundary adjustment can be approved.

[7:11:15 PM](#) Sally Morgan addressed the Board about contact from the New River Valley Economic Development Alliance concerning the Foreign Trade Zone designation. Being part of the Foreign Trade Zone is something that would benefit companies importing and exporting items such as raw materials by deferring or eliminating duty depending on what happens to the product afterwards. If it's exported, there would be no charge and, in the case of machinery, the duty could be deferred until the machinery is put into place. Duties are not due until actually in U.S. Commerce. Ms. Morgan informed the Board that it's a new process to designate

a Foreign Trade Zone because you have to be invited to be designated in their service area. The New River Valley Economic Development Alliance is asking for a letter of support along with a one-time \$500 contribution for the application fee. Other localities are paying \$15,000 per year to be part of the Foreign Trade Zone. Ms. Morgan recommends that the application fee come out of the IDA fund. Atkins District Supervisor J. Howard Burton made a motion to write a letter of support and appropriate \$500 for the application fee, the motion was seconded by Saltville District Supervisor Roscoe D Call.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

[7:20:43 PM](#) Ms. Morgan reported that she and Mr. Carter had talked about the Board's concerns over the lack of commercial development in this area. She appreciated the Board's concerns and gave a summary of some things happening with commercial development in the area. The IDA has tried to identify prime commercial sites and she noted that commercial sites are different than retail sites. There is a need to find tenants who are developing commercial sites and work with them. One problem is that the commercial sites are chosen based on demographics models (i.e. population, income, age) outlined by the developer. One thing the County can do is make sure there are water and sewer available to these sites and also work with brokers to find interested developers. Commercial sites in the area have been identified at Exit 39, Exit 45 and Exit 47. The property owner at Exit 39 is currently working with two brokers out of Roanoke. A local broker is working on the property at Exit 45. Ms. Morgan offered to do a hotel/food research and the broker is looking at a strip business option. Exit 47 is still under option but we haven't been contacted by the developed. Ms. Morgan e-mailed the real estate manager with Walmart but the property owners have not been contacted about renewing the option. Exit 44 is proposed to go into the Enterprise Zone and it's listed as industrial or office rather than commercial because of the interstate interchange. Ms. Morgan understood from the Town/City meeting that the suggestion was made for a strategic plan to hold an economic summit or forum in early November to come up with some ideas for development in the area. Ms.

Morgan informed the Board of a reorganization in Richmond to make subject area experts (aerospace, IT, food processing, etc.) with more aggressive marketing folks being brought in. Ms. Morgan expressed a willingness to meet with interested parties as needed to recruit developers but marketing funding is limited in this year's budget. Limited funding in small communities makes it hard to market so the Board will look at this item in next year's budget. Ms. Morgan will keep the Board updated.

[7:34:10 PM](#) Mr. Carter asked the Board if they wanted to consider the Comprehensive Plan at this point. North Fork District Supervisor Ron C Blevins stated he has a meeting tomorrow with Evergreen Soil and a meeting with Forestry Service next week so he asked this item to be deferred until after those meetings.

[7:34:43 PM](#) Ms. Clayton reported the outstanding balance from delinquent income tax collection is at \$24,840.49 down from \$26,330.12 meaning a collection increase of \$1,489.63. These amounts are for County employees, not the general public. A second filing will be done after December 6<sup>th</sup>. The income tax garnishment will go into effect in January 2013.

[7:36:11 PM](#) Supervisor comment time – The Board thanked Royal Oak District Supervisor Regina H Davidson for her service tonight as Acting Chair and commended her for a job well done.

[7:36:50 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by Rye Valley District Supervisor Rick K Blevins to continue the meeting until Thursday, September 27, 2012 at 7:00 p.m.

After consideration, the motion PASSED by the following vote:

**AYES:** Acting Chair, Royal Oak District Supervisor Regina H Davidson,  
Rye Valley District Supervisor Rick K Blevins,  
North Fork District Supervisor Ron C Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D Call.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner.

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, September 27, 2012**. 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:** Vice-Chairman, Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K Blevins; Atkins District Supervisor J. Howard Burton; Chilhowie District Planning Commissioner Graham Davidson Sr.; Royal Oak District Supervisor Regina H Davidson; Vice Chair, Rye Valley Dist Planning Commissioner L.V. "Pokey" Harris; Park District Planning Commissioner Joel Pugh; Chairman, North Fork Dist. Planning Commissioner Chairman Norman Sparks; Saltville District Planning Commissioner Wayne Venable; Atkins District Planning Commissioner Charles Wassum III; Royal Oak District Planning Commissioner G. Blake Frazier; Saltville District Supervisor Roscoe D. Call; and North Fork District Supervisor Ron C Blevins (13)

**Members Absent:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. (1)

**Staff:** Assistant County Administrator, Scott Simpson; Administrative Assistant, Becca Kirk; Administrative Assistant, Christy Bise; Building & Zoning Administrator, Clegg Williams; County Attorney, Michelle Clayton; 911 Coordinator Shannon Williams; Economic Development Director, Sally Morgan and Deputy Sheriff Mike Hounshell

**OTHERS:** Mark Sage, Smyth County News and Messenger; approximately 10 citizens.

**Public Hearing:** At 7:00 p.m. Mr. Todd Dishner, Vice Chairman of the Board of Supervisors, and Mr. Norman Sparks, Chairman of the Planning Commission, called the joint public hearing to order.

Mr. Scott Simpson read the 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, September 27, 2012, 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 Earnest Teaters for a Special Use Permit for "Mining, Quarrying and Mineral Extraction" on his property located at the end of Holden Drive in Marion identified as Tax Map Nos. 58-1-2A and 58-A-2B and zoned Agricultural/Rural.*

*An application from Earnest Teaters for a Special Use Permit for "Mining, Quarrying and Mineral Extraction" on his property located between 527 and 643 Town Springs Road in Chilhowie identified as Tax Map No. 76-A-36 and zoned Agricultural/Rural.*

*An application from High Country Horse Camp, LLC for a Special Use Permit to establish a Campground. The property is located at 6315 Whitetop Road in the Konnarock Community. It is identified as Tax Map Nos. 86-A-40C and 86-A-40D and a portion of Tax Map No. 86-A-40B and is zoned Agricultural/Rural.*

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

Copies of the application(s) along with their maps/drawings are on file in the Office of the County Administrator of Smyth County. Copies are also maintained by the County Zoning Administrator at the address given above, and may be viewed during regular business hours Monday through Friday.

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.

Done by order of the Board of Supervisors and the Planning Commission.

Michael L. Carter, County Administrator  
Norman K. Sparks, Chairman of the Planning Commission

**Earnest Teaters - Two (2) Special Use Permits for Mining, Quarrying and Mineral Extraction:** At approximately 7:07 p.m. Mr. Williams explained two Special Use Permit applications from Earnest Teaters for "Mining, Quarrying and Mineral Extraction" on two separate pieces of property he owns. The first site is located at

the end of Holden Drive in Marion, Tax Map Nos. 58-1-2A and 58-A-2B, and the second site is located on Town Springs Road in Chilhowie, Tax Map No. 76-A-36. Both properties are zoned Agricultural/Rural.

Mr. Williams stated he advertised notice of this public hearing in the Smyth County News on September 15 and 22. In addition, he sent letters to all of the adjoining property owners for which an affidavit is on file for all of tonight's applications. Mr. Williams highlighted Section 3-2.2 r) which allows the proposed use by issuance of a Special Use Permit, Section 10-46.1 which defines the proposed use, and Article 6 which contains the provisions for Special Use Permits. Mr. Williams stated he had received general comments and questions about all of tonight's applications, none asked to be relayed at the hearing. He added that Mr. Teaters was advised that should his Special Use Permit be approved he must obtain a Department of Mines, Minerals and Energy (DMME) permit. Mr. Williams explained that if Mr. Teaters is permitted by DMME he will be required to post a bond for the acreage being disturbed. As Mr. Teaters completes mining a portion of the site, he must "reclaim" that portion of the tract. At that point, he can move to another part of the property and the bond will follow the mining operations.

Mr. Teaters was present and addressed concerns about Holden Drive being a private road. Mr. Teaters and one of the adjoining property owners, Willis Bridgeman, who was also present, primarily share the maintenance of the road. Mr. Teaters discussed particulars of his trucks and equipment and load capacity of the trucks.

Roscoe Call mentioned his experience with DMME and feels they will ensure Mr. Teaters is operating appropriately and within the rules and regulations they have established for mining sites.

No one else spoke on the application.

**High Country Horse Camp, LLC – Special Use Permit for Campground or Recreational Vehicle Park:** At approximately 7:23 Mr. Williams explained the application from Tom Davis on behalf of High Country Horse Camp, LLC. He stated Mr. Davis intends to convert his residential rental property into a campground with four cabins, a bathhouse, and six recreational vehicle spots. The property is located in the Konnarock Community behind the former Weaver's Store. Mr. Williams highlighted Section 3-2.2 j) which allows the proposed use by issuance of a Special Use Permit, Sections 10-12 and 10-16 which defines the proposed uses, and Article 6 which contains the provisions for Special Use Permits.

Mr. Davis was present and explained the general history of the property and the problems he has encountered using it for residential rental purposes. He would like to provide an option for camping to visitors of the Konnarock Community as well as reestablish the former Weaver's Store. He stated the car wash located on the property has been demolished and only a couple of manufactured homes remain on

the property for which he intends to remove if his request is approved. He wishes to make this property profitable for the members of the LLC and would like to start operations in October. He stated the campground would not be for horse trailers and is for strictly campers interested in an RV pull-through site or occupying a cabin for recreational use. He stated he has discussed with Department of Social Services the possibility of setting up a program for Veterans to use the campground to have a place to stay while enjoying the Mt. Rogers experience. He acknowledged his proposed placement of the cabins within the 100 year floodplain meant the cabins would have to be one foot above the base flood elevation. He further explained the only other place for the cabins on the property would cover the septic system and drainfield, and he wanted the cabins away from the parking and RV pull-through sites but still within walking distance of the bathhouse and store. He stated if approved, he would still need the necessary approvals from the Health Department to operate the campground.

No one else spoke on the application.

Vice Chairman Todd Dishner and Chairman Norman Sparks closed the public hearing at approximately 7:38 p.m.

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

The Board of Supervisors reconvened in the Boardroom at 7:52 p.m.

[7:52:03 PM](#) Vice Chair, Park District Supervisor M. Todd Dishner called the continued meeting to order and opened citizen's time.

[7:52:11 PM](#) There were no citizens wishing to speak. Closed citizen's time.

[7:52:20 PM](#) Vice Chair, Park District Supervisor M. Todd Dishner asked for Committee recommendations from the Building and Grounds Committee.

[7:52:27 PM](#) Saltville District Supervisor Roscoe D Call, Building and Grounds Committee Chairman, reported that the Committee met concerning the County 911 center monitoring calls for the private alarm company Precision Sound and Security Systems. There was concern about liability issues and whether it is legal for the County to be monitoring private alarms so the information was turned over to Mrs. Clayton for further research. Vice Chair, Park District Supervisor M. Todd Dishner asked Mr. Whittaker to present any comments he might have to the Board.

[7:54:10 PM](#) Mr. Thomas Whittaker, Bristol, TN, referred to a contract between Smyth County and Precision Sound and Security Systems dated September 26, 1995 authorizing County 911 dispatchers to monitor private alarms from Precision's customers coming in to the 911 center. This agreement came about when the Town of Marion and Smyth County combined their resources to form a central dispatch in 1995. Mr. Whittaker's company came in under a contract between the Town of Marion and Smyth County dated December 8, 1994, item number 3, which states "All alarm systems now connected to the Marion Police Department will be

transferred to the Central Dispatch facility". Mr. Whittaker was hired to move all the alarm equipment to the new central dispatch location. At that time, Mr. Whittaker worked with John Tate to create the agreement between Precision Sound and Security Systems and Smyth County dated September 26, 1995 which was presented to and approved by the Board of Supervisors. Mrs. Clayton noted that this contract expired in 2000 when Mr. Whittaker did not make a formal presentation to the Board to renew the agreement. Per Mrs. Clayton, the contract with Precision Sound and Security Systems is expired, but the Board can enter into a new contract if they so choose. She also stated that there was a new contract between the Town of Marion and Smyth County dated 2004 which supersedes any previous contracts and the monitoring of alarms for private companies is not included in the new contract. Ms. Clayton stated that she can find no other county or city in this area allows a private alarm company to use their 911 system. The Board expressed concern over liability for the 911 operators having to make dispatch determinations for these alarms. Mr. Whittaker maintains he carries \$2 million liability coverage for himself and the County, but since the contract is expired Mrs. Clayton has concerns about this including coverage for the County. The Board also questioned whether Mr. Whittaker is getting a subsidy from the County since he is able to charge these customers a lower rate for their alarm service because the County is monitoring the alarms instead of a third party company. The Board also suggested that if the 911 center is monitoring alarms for one private company, this could open up for other private companies to request the center to monitor their alarms as well. Mr. Whittaker stated he was not aware the contract had expired because he thought it automatically renewed after 5 years. Mr. Simpson noted that since the 911 cutover at the new 911 Center is planned for November 6, 2012, Mr. Whittaker needs a decision from the Board as soon as possible to provide him with a 30 day notice.

[8:20:43 PM](#) Mr. Shannon Williams questioned the Board on whether this municipality wants to keep monitoring alarms for a private company. Saltville District Supervisor Roscoe D Call noted that he has spoken with some of Mr. Whittaker's customers and they are very satisfied with his company's service, but this issue presents a liability concern for the County.

[8:23:40 PM](#) Vice Chair, Park District Supervisor M. Todd Dishner asked the pleasure of the full Board on this matter.

[8:24:15 PM](#) North Fork District Supervisor Ron C Blevins made a motion to submit a 30 day notice to Mr. Whittaker that the County will be terminating the monitoring of private alarms from Precision Sound and Security Systems at the new 911 center. The motion was seconded by Rye Valley District Supervisor Rick K Blevins.

After consideration, the motion PASSED by the following vote:

**AYES:** Vice Chair, Park District Supervisor M. Todd Dishner, Rye Valley District Supervisor Rick K Blevins, North Fork District Supervisor Ron C Blevins, Saltville District Supervisor Roscoe D Call, Atkins District Supervisor J. Howard Burton and Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.

[8:25:12 PM](#) Saltville District Supervisor Roscoe D Call reported that the Building and Grounds Committee is recommending a full plan be presented by the Town of Chilhowie concerning the construction of a Farmer's Market on the former County owned property bounded by Chilhowie Street and North Pine Avenue. Mrs. Clayton is currently looking into deed restriction modification. The Committee wants to make sure that if a deed restriction modification is done allowing construction of the Farmer's Market, the Town cannot continue to expand further on the property without coming back to the Board for approval. Mrs. Clayton stated that a deed amendment can be done allowing construction of the Farmer's Market but she thinks it would be wise to have a public hearing on the matter. The Board unanimously accepted the Building and Grounds Committee recommendation to ask the Town of Chilhowie to make a full plan presentation to the Committee. Once that has been completed, the Committee will bring their recommendation before the full Board for approval and the possible setting of a public hearing.

[8:33:32 PM](#) Royal Oak District Supervisor Regina H Davidson presented a letter from the Mount Rogers Planning District Commission proposing the reallocation of grant funding in the amount of \$56,000 from the Highway 16 Water Extension Project to the Highway 107 Sewer Extension Project. Ms. Davidson noted that after receiving grant funding, the Highway 16 Water Extension Project did not get enough interest from residents in the area to be completed so the Water and Sewer Committee is recommending the MRPDC proposal to reallocate the funding to the Highway 107 Sewer Extension Project. The Board unanimously approved the Committee's request and authorized Mr. Simpson to sign the letter in Mr. Carter's absence.

[8:35:32 PM](#) Atkins District Supervisor J. Howard Burton questioned whether Mr. Simpson would automatically be authorized to sign all documents in Mr. Carter's absence. Mr. Simpson reported that he is currently a signer on all bank accounts and can act in Mr. Carter's absence on most everything, but specific documents requiring Mr. Carter's signature will be brought before the Board for approval. There is nothing pending prior to the next regularly scheduled Board Meeting on October 9, 2012.

[8:38:04 PM](#) Vice Chair, Park District Supervisor M. Todd Dishner opened the floor for old business.

[8:38:13 PM](#) Rye Valley District Supervisor Rick K Blevins questioned item 2 under old business "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)". He asked if the County is sharing this information and Mr. Simpson reported that this is not being done. The County does currently have an internal list of bad accounts but it is not being sent out to other providers nor are the lists of other providers being given to the County. Rye Valley District Supervisor Rick K Blevins asked that the current Water and Sewer Committee take a look at this issue at their next meeting on October 15, 2012.

[8:39:48 PM](#) North Fork District Supervisor Ron C Blevins has been talking with Andy Overbay and Chris Sullivan and they are interested in putting more in-depth information into the Comprehensive Plan. Mr. Simpson noted that any changes to the plan will have to go back before the Planning Commission and they will then make any recommendations for changes to the Board of Supervisors.

[8:42:00 PM](#) Atkins District Supervisor J. Howard Burton asked that the committee formed to talk about the boundary line adjustment with the Town of Marion schedule a meeting to begin discussion on this issue.

[8:43:51 PM](#) The Board asked that their get well wishes be passed on to Mr. Carter.

[8:47:23 PM](#) It was moved by Saltville District Supervisor Roscoe D Call, seconded by North Fork District Supervisor Ron C Blevins, to adjourn.

After consideration, the motion PASSED by the following vote:

**AYES:** Vice Chair, Park District Supervisor M. Todd Dishner, Rye Valley District Supervisor Rick K Blevins, North Fork District Supervisor Ron C Blevins, Saltville District Supervisor Roscoe D Call , Atkins District Supervisor J. Howard Atkins District Supervisor J. Howard Burton and Royal Oak District Supervisor Regina H Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.



The Smyth County Board of Supervisors held its regular meeting at 4:00 p.m., **Tuesday, October 9, 2012**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

**PRESENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.; Vice Chair, Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K. Blevins; North Fork District Supervisor Ron C. Blevins; Saltville District Supervisor Roscoe D. Call; Royal Oak District Supervisor Regina H. Davidson (6)

**ABSENT:** Atkins District Supervisor J. Howard Burton (1)

**STAFF:** County Administrator Michael Carter; Assistant County Administrator Scott Simpson; Director of Finance Charlie Atkins; Economic Development Director Sally Morgan; County Attorney Michelle Clayton; Deputy Sheriff Mike Hounshell; Administrative Assistant Christy Bise (7)

**OTHERS:** Stephanie Porter-Nichols, Smyth County News & Messenger (1)

[4:08:19 PM](#) Chairman Wade Blevins called the meeting to order. Chairman Blevins expressed thanks to Royal Oak District Supervisor Regina H. Davidson and Vice Chair M. Todd Dishner for filling in as Acting Chairs in his absence at the last two meetings.

[4:08:28 PM](#) **Closed Session** – It was moved by Royal Oak District Supervisor Regina H. Davidson, seconded by Rye Valley District Supervisor Rick K. Blevins, to enter into closed session under Code of Virginia, Section 2.2-3711 – **A.1 Personnel**; discussion of personnel matters, **A.5 Industrial/Business Prospects** – 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 and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

[4:28:08 PM](#) It was moved by North Fork District Supervisor Ron C. Blevins, seconded by Rye Valley District Supervisor Rick K. Blevins, to return to open session and 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.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

[4:28:38 PM](#) Chairman Wade Blevins recessed the meeting until 5:00 p.m.

[5:03:56 PM](#) Chairman Wade Blevins called the meeting to order.

[5:04:06 PM](#) Andy Overbay, Smyth County Extension Office, gave the invocation.

[5:04:54 PM](#) Charlie Atkins, Director of Finance, led the Pledge of Allegiance.

[5:05:14 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Rye Valley District Supervisor Rick K. Blevins, to adopt the agenda.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

[5:06:07 PM](#) It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by North Fork District Supervisor Ron C. Blevins, to approve the minutes of the September 11, 2012 and September 27, 2012 meetings.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

[5:06:29 PM](#) **Finance Status** – Mr. Charlie Atkins informed the Board, per the report from the Treasurer's Office, there were sufficient funds in the bank for the requested appropriations.

[5:07:30 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Royal Oak District Supervisor Regina H. Davidson, to approve \$3,735,000 for the General Fund appropriation. The following is an explanation of the appropriations approved:

General County	\$2,500,000.00
Social Services (Oct. 10 – 31, 2012)	\$ 275,000.00
(Nov. 1 – 13, 2012)	\$ 60,000.00

Schools - Operating Fund

\$ 900,000.00

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

[5:08:05 PM](#) It was moved by Rye Valley District Supervisor Rick K. Blevins, seconded by Saltville District Supervisor Roscoe D. Call to approve \$350,000.00 for the School Debt and Capital Outlay Fund appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

[5:08:30 PM](#) It was moved by Vice Chair, Park District Supervisor M. Todd Dishner, seconded by Royal Oak District Supervisor Regina H. Davidson, to approve \$3,412.74 for the IDA Fund 4 appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

[5:08:49 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner, to approve \$163,512.87 for the Courthouse Project appropriation.

After consideration, the motion PREVAILED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** North Fork District Supervisor Ron C. Blevins

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

[5:09:18 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Vice Chair, Park District Supervisor M. Todd Dishner, to approve \$624,495.30 for the Accounts Payable listing.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

[5:09:52 PM](#) Sally Morgan introduced Marty Britt, President, H.S. Williams Company, Inc.

[5:10:35 PM](#) Mr. Britt thanked the Board for the opportunity to speak. This year marks the 50<sup>th</sup> anniversary of H.S. Williams Company which was founded in 1962 by Harry S. Williams. In the beginning, the company provided a new concept for engineered metal buildings and built those throughout the United States. They later began putting an emphasis on creating a team of design professionals who would work with manufacturers to create a tailored approach specific to the needs of the manufacturer. H.S. Williams Company, Inc. has worked with local companies on construction and expansion projects and currently has several projects underway.

[5:14:31 PM](#) Chairman Wade Blevins opened citizen's time.

[5:14:53 PM](#) Dr. Charles Wassum presented a resolution he proposed for adoption by the Board pertaining to the Virginia Eminent Domain question that will be on the

November 6, 2012 ballot. Dr. Wassum feels this is an important item to help protect the rights of private property owners in Virginia.

5:17:03 PM With no more citizens wishing to speak, Chairman Wade Blevins closed citizen's time.

5:17:38 PM Mr. Simpson has been working with VDOT on the revenue sharing for FY14, but funding amounts and project information have not been finalized. These revenue sharing projects are where VDOT pays for a portion of a project in the County. An example would be a rural additions project where residents pay half and revenue sharing pays the other half to get a private road up to VDOT standards. There are some projects in the County that can be recommended for revenue sharing, but VDOT does have the cost estimates prepared yet. The resolutions are due at the beginning of December so this item will be brought before the Board again at the November meeting. One of the projects that will be recommended for the revenue sharing is the mini roundabout in the Adolwfe area for traffic and safety improvements near the new school. Vice Chair Park District Supervisor M. Todd Dishner brought concerns about the Hockett Street area to VDOT several months ago but he hasn't received any feedback yet. Mr. Dishner will present this idea to the residents of Hockett Street to see if there is interest in pursuing a project in this area as part of the revenue sharing. Mr. Carter noted that the way revenue sharing works is prior to an estimate being conducted, there needs to be support demonstrated by at least 75% of affected property owners in order for the project to be considered.

5:23:57 PM Dr. Mike Robinson presented information on the mini roundabout proposed at the intersection of Highway 11 and Brown's Subdivision Road. VDOT required something other than a 4-way stop sign at the new school area and the idea of a mini roundabout was created by the civil engineers working with VDOT. If the roundabout is approved for VDOT revenue sharing, there is enough money within the school construction project to fund the roundabout without any additional cost to the County. If the interstation remains a 4-way stop area, it would require a crossing guard in place morning and afternoon for traffic control but the mini roundabout would eliminate the need for that. Royal Oak District Supervisor Regina H. Davidson expressed concern about wear and tear on the area and Dr. Robinson said that the roadway will fall under VDOT maintenance once it's built to specifications.

5:29:12 PM Mr. Carter asked Mrs. Clayton if item #2 "Amendment to Resolution Authorizing The Issuance Of A Not To Exceed \$2,171,007.50 General Obligation School Bond, Series 2012, Of Smyth County, Virginia, To Be Sold To The Virginia Public School Authority And Providing For The Form And Details Thereof" on the additional agenda could be omitted since it no longer applies. Mrs. Clayton said the item could be removed.



[5:29:43 PM](#) Mr. Carter reported that the Board previously discussed moving the November meeting date to Wednesday, November 14, 2012 due to the VACO Conference but no motion was made to officially adopt the new meeting date. Mr. Simpson noted that due to the Thanksgiving holiday the Planning Commission meeting will be moved to November 15, 2012 and there will be a joint meeting with the Board on that date also. Rye Valley District Supervisor Rick K. Blevins made a motion to hold the regularly scheduled Board of Supervisors Meeting on Wednesday, November 14, 2012 beginning with closed session at 4:00 p.m. North Fork District Supervisor Ron C. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

[5:33:36 PM](#) Mrs. Morgan presented a summary of the proposed local incentive changes and maps for the Enterprise Zone. Two changes were made on the top to change the acreage from 215 to 209 acres. This was due to removal of the County-owned Health Department land and the deletion of privately owned property that the owner did not wish to be included as part of the Enterprise Zone. The public hearing was held on September 11, 2012 with some public comment, mostly about maps and sections inside the Town limits. The Town of Chilhowie is having their public hearing this week and they have been asked to adopt the same changes with the exception of water and sewer hookup rates for fire flow to industry. The Town of Chilhowie didn't want to promise a 100% rebate for this type of connection. Mrs. Morgan will attend that meeting to answer any questions. Both the Town of Chilhowie and Town of Marion have to adopt resolutions and the Town of Glade Spring has already adopted one stating they have no part in the Enterprise Zone. Washington County Board of Supervisors has a meeting today and this item is on their agenda. Royal Oak Supervisor Regina H. Davidson made a motion to adopt the resolution for the Enterprise Zone and for Mr. Carter to sign paperwork as presented by Mrs. Morgan. Saltville District Supervisor Roscoe D. Call seconded the motion.

**DRAFT RESOLUTION**  
**Smyth County Board of Supervisors**

WHEREAS, the current joint Enterprise Zone (EZ #51), including portions of Chilhowie, Glade Spring, Smyth County, and Washington County, was

established to provide economic incentives to businesses who locate or expand in the zone; and

WHEREAS, Smyth County is applying for an enterprise zone amendment jointly with the Town of Chilhowie for Virginia Enterprise Zone (EZ) #51 for the purpose of amending the boundaries of the Enterprise Zone and the local incentives offered in the zone; and

WHEREAS, a public hearing has been held by the Smyth County Board of Supervisors as required for the amendment application; and

WHEREAS, Smyth County is designated to act as program administrator; and

WHEREAS, the other participating jurisdictions in the joint EZ have completed (or will be completing prior to submission of the application) a Joint Application Agreement.

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors authorizes the Smyth County Administrator acting as program administrator to submit all information needed to apply for an enterprise zone amendment and to carry out all program administrative and reporting requirements on its behalf.

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the County Administrator to execute both the Local Assurances and the Joint Application Agreement which are attached to this resolution.

Adopted by the Smyth County Board of Supervisors

October 9, 2012

---

## **Appendix I: Local Assurances**

**Local Assurances and Authorizations** are used to certify the accuracy of the information provided by the applicant and to insure that the Program Regulations will be met.

**Important:** All applications must include a certified resolution from the local governing body. If a joint application, include resolutions of each local governing body. **Attach the resolutions at the end of the amendment application.** Joint applications must also include Joint Application Amendment Agreement (JA) - refer to page 14 of the appendix.

As the representative of the local governing body of Smyth County, I hereby certify that:  
(locality)

1. The information in the Enterprise Zone application is accurate to the best of my knowledge.
2. A public hearing was held by the aforementioned locality to solicit comments on this request for application amendment. A copy of the public hearing advertisement and a copy of the public hearing minutes are attached.
3. Any local enterprise zone incentives proposed by the aforementioned locality in the Enterprise Zone application represents a firm commitment by the locality and have been reviewed by the local governing body's attorney as to their legality;
4. It is understood that if at any time the aforementioned locality is unable or unwilling to fulfill a commitment to provide local enterprise zone incentives, or if no state enterprise zone incentives have been utilized within a five-year period, the zone shall be subject to termination.

Chief Administrator: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **Appendix I: Joint Application Agreement**

Each jurisdiction participating in a joint application must complete the following form. This form insures that all jurisdictions are in agreement with the application being submitted by the amending jurisdiction. Completed joint application amendment agreements should be attached at the end of the amendment application.

### **JOINT APPLICATION AMENDMENT AGREEMENT**

As the representative of the local governing body of Smyth County, I hereby certify that: (locality)

1. The aforementioned locality is in agreement with the other participating localities in filing this amendment;
2. Any local enterprise zone incentives proposed by the aforementioned locality in this amendment application represent a firm commitment;
3. It is understood that if at any time the aforementioned locality is unable or unwilling to fulfill a commitment to provide local enterprise zone incentives listed in this application, the zone shall be subject to termination; and

4. A public hearing was held on September 11, 2012 to solicit comments on application. (date)

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

5:43:04 PM Mrs. Clayton referenced the Stokes lease included in the Board packet. The lease dates back to 1995 for a monitoring well for the old Smyth County Landfill under DEQ requirements. It is a sole source lease up for another 5 year renewal. Saltville District Supervisor Roscoe D. Call noted that Mr. Stokes maintains expenses for all of the area surrounding the well. Mrs. Clayton changed the lease to reflect a 5 year renewal option instead of 1 year. Saltville District Supervisor Roscoe D. Call moved for the County to renew the lease for 5 years. North Fork District Supervisor Ron C. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

5:44:57 PM Chairman Wade Blevins opened the floor for old business.

5:45:04 PM Mr. Simpson reported that the Town of Chilhowie has been notified of the Board's decision for a full plan presentation on the proposed farmer's market to be located on the former County-owned property located at Chilhowie Street and North Pine Avenue. He also reported that there was a meeting for the Town of Marion boundary line adjustment committee and Atkins District Supervisor J. Howard Burton was named chair of that committee. Preliminary discussions were held on how the County wants to approach the Town concerning this request. The committee requested additional information that Mr. Simpson is working to compile

and will have for their next meeting scheduled on October 22, 2012 at 3:30 p.m. Royal Oak District Supervisor Regina H. Davidson made a motion to remove this duplicate item from Old Business on the agenda (number 6 and number 13). North Fork Supervisor Ron C. Blevins seconded the motion to remove item number 13.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

[5:47:08 PM](#) Mrs. Clayton gave an update on the tax collection efforts. Most are paying on schedule and collection efforts will be continued in January.

[5:48:52 PM](#) Royal Oak District Supervisor Regina H. Davidson asked about item #3 concerning the nuisance complaint against the Joseph F. Ellis, Jr. property. Mrs. Clayton will research and give an update at the next meeting. To the best of her knowledge, there was a court case and the Judge made a ruling but no paperwork has been signed yet.

[5:50:09 PM](#) Mr. Simpson presented the Planning Commission recommendation on an application from Earnest Teaters for a Special Use Permit for "Mining, Quarrying and Mineral Extraction" on his property located at the end of Holden Drive in Marion identified as Tax Map Nos. 58-1-2A and 58-A-2B and zoned Agricultural/Rural. The Planning Commission recommended to approve this special use permit. Royal Oak District Supervisor Regina H. Davidson made a motion to approve this special use permit. North Fork District Supervisor Ron C. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

[5:51:17 PM](#) Mr. Simpson presented the Planning Commission recommendation on an application from Earnest Teaters for a Special Use Permit for "Mining, Quarrying and Mineral Extraction" on his property located between 527 and 643 Town Springs Road in Chilhowie identified as Tax Map No. 76-A-36 and zoned Agricultural/Rural. The Planning Commission recommended to approve this special use permit. Royal Oak District Supervisor Regina H. Davidson made a motion to approve this special use permit. North Fork District Supervisor Ron C. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

[5:51:59 PM](#) Mr. Simpson presented the Planning Commission recommendation on an application from High Country Horse Camp, LLC for a Special Use Permit to establish a Campground. The property is located at 6315 Whitetop Road in the Konnarock Community. It is identified as Tax Map Nos. 86-A-40C and 86-A-40D and a portion of Tax Map No. 86-A-40B and is zoned Agricultural/Rural. The Planning Commission recommended to approve this special use permit. Rye Valley District Supervisor Rick K. Blevins made a motion to approve this special use permit. North Fork District Supervisor Ron C. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

[5:53:32 PM](#) Chairman Wade Blevins opened supervisor comment time. The Board welcomed Mr. Carter back. Vice Chair Park District Supervisor M. Todd Dishner reported that his term on the Chamber of Commerce Board has expired and he made a motion to nominate Royal Oak District Supervisor Regina H. Davidson as his



replacement on that Board. The motion was seconded by Saltville District Supervisor Roscoe D. Call.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins, and  
Saltville District Supervisor Roscoe D. Call

**NAYS:** None

**ABSTAINERS:** Royal Oak District Supervisor Regina H. Davidson

**ABSENT:** Atkins District Supervisor J. Howard Burton.

[5:55:38 PM](#) Vice Chair Park District Supervisor M. Todd Dishner made a motion to continue the meeting until October 25, 2012 at 7:00 p.m. The motion was seconded by North Fork District Supervisor Ron C. Blevins.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor J. Howard Burton.

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, October 25, 2012**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

**PRESENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.; Vice-Chairman, Park District Supervisor M. Todd Dishner; North Fork District Supervisor Ron C. Blevins; Atkins District Supervisor J. Howard Burton Saltville District Supervisor Roscoe D. Call; Royal Oak District Supervisor Regina H. Davidson (6)

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins (1)

**STAFF:** County Administrator Michael Carter; Assistant County Administrator Scott Simpson; Economic Development Director Sally Morgan; County Attorney Michelle Clayton; Deputy Sheriff Mike Hounshell; Administrative Assistant Christy Bise (6)

[7:04:44 PM](#) Chairman Blevins called the meeting to order.

[7:04:46 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to adopt the Agenda as presented.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call,  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins.

[7:04:57 PM](#) Chairman Blevins opened citizen's time.

[7:05:22 PM](#) With no citizens wishing to speak, Chairman Blevins closed citizen's time.

[7:05:28 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$3,800,000 from the General Fund with the following breakdown:

General County	\$ 600,000.00
Schools - Operating Fund	\$ 3,200,000.00
<b>Total General Fund</b>	<b>\$ 3,800,000.00</b>

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,

Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call,  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins.

[7:05:55 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$1,000,000 from the School Construction fund.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call,  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins.

[7:06:05 PM](#) Mr. Carter noted the next appropriation item of \$28,531.67 is an administrative cost associated with the \$2.17 million school bond issuance. The bond paperwork was submitted to Richmond yesterday and has been received by McGuire Woods. Dr. Mike Robinson was agreeable to charge this item to the School Board debt budget line item. It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$28,531.67 from the School Board budget line item 67000.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call,  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins.

[7:07:59 PM](#) Mrs. Morgan presented a resolution for local support of the utilization of industrial access railroad track funds. This would allow a current industrial site to utilize

rail access as part of its intent to expand industrial operations in Smyth County. The industry plans to apply for Industrial Access Railroad Track funds from Virginia's Department of Rail and Public Transportation in the amount of \$230,000 and will need this resolution of support from Smyth County to go along with the application. Saltville District Supervisor Roscoe D. Call made a motion to authorize the chairman to sign the resolution of support for the utilization of industrial access railroad track funds for Scholle Packaging. North Fork District Supervisor Ron C. Blevins seconded the motion.

Resolution for Local Support of the Utilization of  
Industrial Access Railroad Track Funds

A RESOLUTION OF THE  
BOARD OF SUPERVISORS OF SMYTH COUNTY

WHEREAS, Scholle Packaging has expressed its intent and desire to the Smyth County Board of Supervisors to expand its industrial operations in Smyth County; AND,

WHEREAS, Scholle Packaging and its operation will require rail access; AND,

WHEREAS, the officials of Scholle Packaging have reported to Smyth County, their intent to apply for Industrial Access Railroad Track Funds from the Commonwealth of Virginia's Department of Rail and Public Transportation in the amount of \$230,000; AND,

WHEREAS, Scholle Packaging, has requested that Smyth County provide a Resolution supporting its application for said funds which are administered by the Virginia Department of Rail and Public Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the Smyth County hereby endorses and supports the application of Scholle Packaging, for \$230,000 in Industrial Access Railroad Track Funds; AND,

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby makes known its desire and intent to assist the Commonwealth Transportation Board in providing the maximum financial assistance to Scholle Packaging for the purpose of expanding its facility in Smyth County.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

---

Wade Blevins, Chairman  
Smyth County Board of Supervisors

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,

North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call,  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins.

[7:10:44 PM](#) Mr. Carter referred the Board to a letter from Southwest Virginia EMS Council requesting a letter of support for redesignation as a regional emergency medical services council serving Southwest Virginia. Saltville District Supervisor Roscoe D. Call made a motion authorizing the Chairman to sign a letter of support for the Southwest Virginia EMS Council for redesignation as a regional emergency medical services council serving Southwest Virginia. North Fork District Supervisor Ron C. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call,  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins.

[7:12:32 PM](#) Mr. Carter reported on an invoice from the Virginia Resources Authority in the amount of \$3,200.20 for the Groseclose sewer line project. The invoice is due November 1, 2012 and a 5% penalty will be assessed if payment is not received by November 10, 2012. This invoice amount is already figured into the budget. North Fork District Supervisor Ron C. Blevins made a motion to appropriate funds in the amount of \$3,200.20 to be paid to The Virginia Resources Authority for the Groseclose sewer line project. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call,  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins.

[7:14:13 PM](#) Mr. Carter provided an update on tax collections efforts against County employees delinquent on their taxes. The DMV Stop program is collecting hundreds of dollars a month. Effective January 2013, there will be new language included in DMV Stop that puts more enforcement into the collection efforts. Mr. Carter will have a more detailed updated for the November meeting. Mrs. Clayton reported that letters were sent out last week notifying employees of wage garnishments that would begin after the first of the year if delinquent taxes are not paid. Mr. Carter will also have a report at the November meeting concerning third party collection on real estate taxes.

[7:16:11 PM](#) Mr. Carter asked for clarification on the Board's vote on the Planning Commission recommendations at the October 9, 2012 meeting concerning Mr. Teaters' requests. The Planning Commission's recommendations were included as an attachment to the agenda and listed the conditions required for granting Mr. Teaters a special use permit for mining, quarrying and mineral extraction on Holden Drive. The condition placed on the special use permit was Mr. Teaters must maintain Holden Drive in its present condition. Mr. Teaters is aware of and in agreement with this condition. North Fork District Supervisor Ron C. Blevins made a motion to reaffirm the 6-0 (1 absent) vote of the Board at the October 9, 2012 meeting to accept the Planning Commission recommendation to grant a special use permit to Mr. Teaters for mining, quarrying and mineral extraction on Holden Drive. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call,  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins.

[7:22:54 PM](#) North Fork District Supervisor Ron C. Blevins, Chairman of the Ordinance Committee, reported that the Committee met on Tuesday, October 23, 2012 with representatives from American Wood Fibers to discuss a tax exemption request from the company under Virginia Code Section 58.1-3661. The matter is being brought before the Board for discussion because the FY13 budget was passed by a vote of 5-2 at the June 21, 2012 meeting and reaffirmed by a vote of 5-1 (1 absent) at the August 23, 2012 meeting that the budget would remain as-is with funding requests being considered in the Spring for FY14. The question being presented is, based on these prior actions by the Board, can or should the Ordinance Committee entertain this request from American Wood Fibers at this time or wait until the Spring of 2013 when FY14 budget requests are being considered. Park District Supervisor M. Todd Dishner made a motion to stay with the budget as-is for this budget cycle. This motion was seconded by Ron C. Blevins. Funding requests for the next budget cycle will be considered beginning in February or March 2013.



After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call,  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins.

[7:29:52 PM](#) Chairman Blevins reported there are no recommendations from the Budget Committee at this time.

[7:29:54 PM](#) It was moved by North Fork District Supervisor Ron C. Blevins, seconded by Saltville District Supervisor Roscoe D. Call to enter into closed session according to the Code of Virginia, Section 2.2-3711 – A.5 Industrial/Business Prospects – 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 and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call,  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins.

[7:47:14 PM](#) Re-enter open session. It was moved by Park District Supervisor M. Todd Dishner, seconded by North Fork District Supervisor Ron C. Blevins to adopt the following Resolution certifying the business conducted in closed session as follows:

### **RESOLUTION CERTIFICATION OF CLOSED SESSION**

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

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

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

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call,  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins.

[7:47:35 PM](#) Chairman Blevins opened Supervisor Comment Time. Saltville District Supervisor Roscoe D. Call and North Fork District Supervisor Ron C. Blevins thanked the Board for standing behind the FY13 budget decision.

[7:49:23 PM](#) A motion was made by North Fork District Supervisor Ron C. Blevins to adjourn the meeting. The motion was seconded by Saltville District Supervisor Roscoe D. Call.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call,  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins.

The Smyth County Board of Supervisors held its regular meeting at 4:00 p.m., **Wednesday, November 14, 2012**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

**PRESENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.; Vice Chair, Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K. Blevins; North Fork District Supervisor Ron C. Blevins; Atkins District Supervisor J. Howard Burton; Saltville District Supervisor Roscoe D. Call; Royal Oak District Supervisor Regina H. Davidson (7)

**ABSENT:** None (0)

**STAFF:** County Administrator Michael Carter; Assistant County Administrator Scott Simpson; Director of Finance Charlie Atkins; Economic Development Director Sally Morgan; County Attorney Michelle Clayton; Deputy Sheriff Mike Hounshell; Administrative Assistant Christy Bise (7)

[4:02:56 PM](#) Chairman Wade H. Blevins called the meeting to order.

[4:02:59 PM](#) **Closed Session** – It was moved by Park District Supervisor M. Todd Dishner, seconded by Royal Oak District Supervisor Regina H. Davidson, to enter into closed session under Code of Virginia, Section 2.2-3711 – **A.5 Industrial/Business Prospects** – 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 and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
Atkins District Supervisor J. Howard Burton and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** North Fork District Supervisor Ron C. Blevins and  
Saltville District Supervisor Roscoe D. Call.

[4:09:08 PM](#) North Fork District Supervisor Ron C. Blevins entered the meeting.

[4:42:12 PM](#) Saltville District Supervisor Roscoe D. Call entered the meeting.

[5:04:59 PM](#) Chairman Wade H. Blevins called the meeting to order.

[5:05:06 PM](#) Atkins District Supervisor J. Howard Burton gave the invocation.

[5:05:51 PM](#) Sandy Elswick, Registrar, led the Pledge of Allegiance.

[5:06:16 PM](#) It was moved by North Fork District Supervisor Ron C. Blevins, seconded by Rye Valley District Supervisor Rick K. Blevins, to return to open session and 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.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:06:55 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Royal Oak District Supervisor Regina H. Davidson, to adopt the agenda and additional agenda.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

5:07:13 PM It was moved by North Fork District Supervisor Ron C. Blevins, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to approve the minutes of the October 9, 2012 and October 25, 2012 meetings.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

5:07:36 PM **Finance Status** – Mr. Charlie Atkins informed the Board, per the report from the Treasurer's Office, there were sufficient funds in the bank for the requested appropriations.

5:08:12 PM It was moved by Vice Chair Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D. Call to approve \$2,110,500.00 for the General Fund appropriation. The following is an explanation of the appropriations approved:

General County	\$ 1,045,500.00
Social Services (Nov. 14 – 30, 2012)	\$ 305,000.00
(Dec. 1 – 11, 2012)	\$ 60,000.00
Schools – Operating Fund	\$ 700,000.00

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,

Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:08:57 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to approve \$300,000.00 for the School Debt and Capital Outlay Fund appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:09:11 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to approve \$1,000,000.00 for the School Construction Fund appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:09:24 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to approve \$342.50 for the Animal Damage Fund appropriation.



After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:09:40 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to approve \$45,583.43 for the IDA – Fund 4 appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:09:58 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Royal Oak District Supervisor Regina H. Davidson to approve \$178,578.98 for the Courthouse Project appropriation.

After consideration, the motion PREVAILED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** North Fork District Supervisor Ron C. Blevins.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:10:27 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to approve \$1,021,048.85 for the Accounts Payable listing.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:10:49 PM](#) Chairman Wade Blevins opened citizen's time. There were no citizens wishing to speak.

[5:11:07 PM](#) Chairman Wade Blevins closed citizen's time.

[5:11:11 PM](#) Sally Morgan introduced Steve Willis, Vice President and General Manager with Camrett Logistics.

[5:11:37 PM](#) Mr. Willis thanked the Board for the opportunity to speak. He gave an overview of the history of Camrett Logistics which was started in Rural Retreat in 1995 by Collin Peel. After starting out with one truck and a 10,000 square foot facility in Rural Retreat, Camrett has expanded their third-party logistics operation to four warehouse locations with a large fleet of trucks and trailers. The company picks up, assembles, stores and delivers raw materials to companies locally as well as all over the world. TRW is one of Camrett's largest customers. The company strives to be environmentally friendly by using plastic reusable containers instead of cardboard and recycling water used to clean dirty parts. Camrett currently employs 38 full time employees (over 50% of those have been with the company for 10 years or more) and expands their temporary workforce to around 90 during the summer. Camrett is located in the old Dana building across from TRW.

[5:17:10 PM](#) **Insurance Committee Recommendation** – Royal Oak District Supervisor Regina H. Davidson, Chair of the Insurance Committee, reported that the Committee met with Mrs. Lisa Vencille concerning the employee insurance renewal options for 2013. After much consideration, the Committee is bringing before the full Board a recommendation to offer the Local Choice Key Advantage 1000 plan. The plan is similar to the current one, but offers more benefits to employees along with a lower cost to the County. Mrs. Vencille provided the Board with a comparison list of the two plans considered. Supervisor Davidson noted that the Local Choice plan will provide dental and vision insurance to employees at no extra cost while the previous plan employee had to pay 100% of the premium for dental coverage. Mr. Carter informed the Board that the County will enroll in this plan for six months beginning January 1, 2013 and then have to re-enroll for coverage.

beginning July 1, 2013. Mrs. Vencille explained that is because Local Choice operates on a July 1 to June 30 cycle. She also noted there will be no negotiation of premiums with the Local Choice option. Rye Valley District Supervisor Rick Blevins noted he has worked with the Local Choice insurance in the past and, after the initial paperwork part of the enrollment, he's not aware of any loopholes or problems with the plan. The medical coverage is offered through Anthem, which is what the County currently has, so the medical providers will remain the same. The Board accepted the Insurance Committee recommendation to provide the Local Choice Key Advantage 1000 health insurance plan effective January 1, 2013. The County will continue to pay 82.32% of the premium and employees will continue to pay 17.68% of the premium.

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

5:23:36 PM **Courthouse Committee Recommendation** – Chilhowie District Supervisor Wade H. Blevins, Courthouse Committee Chair, brought a recommendation before the Board to accept the bid from South End Construction for the advanced jail demolition project contingent upon successful negotiation of the \$400 per ton haul bill for hazardous material included as a separate line item in the bid. Mr. Simpson explained that some hazardous material had been identified as part of the demolition including asbestos and lead-based paint. The separate line item in the bid was for unforeseen material that might be found once the demolition begins. Other bids submitted for the project came in around \$200 – \$250 per ton. Mr. Simpson has spoken with the owner of South End Construction and he has no problem with negotiating his price to the \$250 - \$275 per ton range. Mr. Simpson noted that the bid from South End Construction came in at \$786,000 and our internal budget was \$1.3 million so it will result in a significant savings. This was the same company that built the parking garage in the Town of Marion. The Board unanimously accepted the recommendation from the Building and Grounds Committee.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,

North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

5:27:22 PM **Budget Committee Recommendations** – Vice Chair Park District Supervisor M. Todd Dishner reported that the Budget Committee met and discussed different items and decided to bring those issues before the Board for discussion. He reported the Committee had some items that are being presented as recommendations, but some of the items are being brought before the Board for further discussion and consideration. Mr. Jeff Richardson, Commissioner of Revenue, presented data to the Budget Committee concerning four year versus six year tax reassessments for the County. The County is currently on a four year cycle with the next assessment due in 2014 and the Budget Committee unanimously agreed it would be in the best interest of the citizens to stay with the four year assessment schedule. Mr. Carter commented that Mr. Richardson had presented information to the Budget Committee concerning the tax reassessment schedule and the possibility of changing the schedule from four years to six years. The reassessment issue is being presented as a recommendation. Data presented by the Commissioner of Revenue's Office did not identify any advantages or disadvantages for changing the reassessment schedule so Budget Committee Members agreed not to change the four year schedule that was approved by the Board on March 10, 2009. Mrs. Clayton noted there is no public hearing required to change the schedule but, with a population of less than 50,000, an assessment can be done every year but must be completed every six years by law. Vice Chair Park District Supervisor M. Todd Dishner made a motion to uphold the March 10, 2009 decision of the Board and stay with the four year reassessment schedule for 2014. Saltville District Supervisor Roscoe Call seconded the motion.

After consideration, the motion PREVAILED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
Atkins District Supervisor J. Howard Burton, and  
Saltville District Supervisor Roscoe D. Call.

**NAYS:** North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor Regina H. Davidson.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:36:52 PM](#) Vice Chair Park District Supervisor M. Todd Dishner made a motion to award the truck scale inspection contract for the transfer station to East Tennessee Scale Works, Inc. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:37:58 PM](#) Mr. Atkins explained the budget amendment requests to the Board. For the Lick Skillet housing rehab project, a new 300 series fund will need to be established by the Treasurer's Office. The fund will be used for the project with \$611,000 of the Department of Housing and Urban Development money and \$15,000 local match. The matching funds will come from an old CDBG project (Watson's Gap) income account which has been dormant for several years and we have approved to use these funds as our local match. The County will need \$350,000 from the current budget but \$335,000 from federal grant money is available to use in the beginning to rehab seven homes and do one demolition along with \$25,000 for administration and \$20,000 to employ a rehab specialist for the project. The account will need \$75,000 to begin with but this money will be reallocated from other funds; it will not require an increase to the existing budget. Once the budget amendment is approved by the Board, that will allow for a search of already allotted funds in the adopted budget to transfer to the new account. Saltville District Supervisor Roscoe D. Call made a motion to approve the budget amendment for the Lick Skillet Housing Rehab Project. Vice Chair Park District Supervisor M. Todd Dishner seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:44:39 PM](#) Mr. Atkins stated the Sheriff's Office had budgeted \$10,000 for construction of their new building with the County completing the outside renovations and the Sheriff using inmate labor to complete the inside renovations. Once the project began it was determined that, in order to meet code requirements, contractors would need to be hired to complete the inside work. The additional \$40,000 being requested would come out of the Sheriff's Office radar fund. It was noted that the revenue in this fund exceeds expenditures from the account. Vice Chair Park District Supervisor M. Todd Dishner made a motion to increase the Sheriff's building renovation fund by \$40,000 with money from the radar account. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:48:37 PM](#) Mr. Simpson reported that bids were received for the ADA renovations to the Administration Building and the Library. This is a DOJ requirement, but the expense will be to the County. \$150,000 was placed in the budget for the renovations and the lowest bid came in at \$193,156. This budget item will need an additional \$60,000 to award the contract to complete the project. This project is the result of a federally mandated settlement agreement between the County and the Department of Justice. The completion of renovations outlined as part of the settlement was extended from December 2012 to December 2013 and this bid will be the first step of getting the work completed and the remainder will be bid out in April or May to plan for next year's budget. Vice Chair Park District Supervisor M. Todd Dishner noted the Budget Committee could not reach a unanimous recommendation on this matter. North Fork District Supervisor Ron C. Blevins commented this item is not within the County's control because it's a mandate that has to be complied with. North Fork District Supervisor Ron C. Blevins made a motion to approve an additional \$60,000 for the ADA renovation budget item. Saltville District Supervisor Roscoe D. Call seconded the motion. Atkins District Supervisor J. Howard Burton expressed his opposition to the proposed budget increase for these modifications.

After consideration, the motion PREVAILED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,



Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** Atkins District Supervisor J. Howard Burton

**ABSTAINERS:** None.

**ABSENT:** None.

[5:58:29 PM](#) Lindy White, CEO of Smyth County Community Hospital, provided updates on recognitions that SCCCH achieved during FY12. She reviewed operating expenses and revenue information along with statistics on admissions, surgeries and outpatient visits for the year. She also provided information on upcoming pilot programs scheduled for FY13 along with information about recruitment efforts and new staff joining the hospital. She reported that the hospital recently transitioned to electronic health records which will soon allow hospital records to interface with Mountain States-affiliated physician's offices. She stated the hospital will continue to focus on readmission rates and work with localities to follow up with patients when they are discharged. The hospital is also expanding clinical partnership with VCOM, ETSU and LMU schools of medicine. A patient advisory council comprised of community members, some of which are former patients of the hospital, has recently been established to talk about new services and approaches to clinical care. Two new initiatives are being rolled out at SCCCH in December. The first is a value optimization system which will address healthcare reform changes and the second will be running an ad to select a new name for Francis Marion Manor that will be more reflective of what they are doing now as a facility.

[6:14:35 PM](#) Mr. Simpson stated the Board will need to formally consider awarding the bid of \$193,156.00 for the ADA project to Glade Construction Company. North Fork District Supervisor Ron C. Blevins made a motion for Mr. Clegg Williams, ADA Coordinator, to award the bid for the ADA project to Glade Construction Company in the amount of \$193,156.00. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PREVAILED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** Atkins District Supervisor J. Howard Burton.

**ABSTAINERS:** None.

**ABSENT:** None.

[6:17:29 PM](#) Mr. Simpson reported that the VDOT revenue sharing was discussed at last month's meeting and staff submitted two proposals prior to the November 1<sup>st</sup> deadline. The first was to fund a Roundabout at the intersection of Lee Highway/ Brown's Subdivision Road and the second was to fund a rural addition of Green Acres Drive and Evergreen Court. This project will be similar to the one done recently for Cole Crest Drive in Chilhowie. The revenue sharing will cover half of the project and the other half will be covered by the County but reimbursed back through tax reassessment values on the properties in the project area. VDOT will not know the cost of the project until it is designed and, in order for it to be designed, it has to be funded first. The resident's portion funded up-front by the County would be approximately \$187,000.00 split between 27 property owners; however final numbers won't be determined until the project cost comes back from VDOT. Mr. Simpson stated that these projects are currently in the VDOT system as a request and he is asking the Board to adopt the resolution to send in with the project applications on December 1<sup>st</sup>. The funding requests are for \$218,500 for the roundabout and \$187,500.00 for Green Acres Drive/Evergreen Court. He is also asking support for the County Administrator or designee to complete the project paperwork to submit to VDOT. Assuming the funding is awarded for these projects, all information would be brought back before the Board for final approval. These funds will not be available until July 2013. Saltville District Supervisor Roscoe D. Call made a motion to adopt the resolution as presented for VDOT revenue sharing funds and allow the paperwork to be prepared accordingly. Royal Oak District Supervisor Regina H. Davidson seconded the motion. It was noted that November 1, 2013 will be the deadline for the next round of funding so there is 10 months to submit any projects for consideration next fiscal year.

**Resolution**  
**Smyth County Board of Supervisors**  
**FY13-14 VDOT Revenue Sharing Program**

At a regularly scheduled meeting of the Smyth County Board of Supervisors held on Wednesday, November 14, 2012, on a motion by Saltville District Supervisor Roscoe D. Call, seconded by Royal Oak District Supervisor Regina H. Davidson, the following resolution was adopted by a vote of 7 to 0:

WHEREAS, the Smyth County Board of Supervisors desires to submit an application for an allocation of funds of up to \$ 218,500 through the Virginia Department of Transportation Fiscal Year 2013-2014, Revenue Sharing Program; and,

WHEREAS, \$ 31,000 of these funds are requested to fund a Roundabout at the intersection of Lee Highway / Brown's Subdivision Road, and,

WHEREAS, \$ 187,500 of these funds are requested to fund a Rural Addition of Green Acres Drive and Evergreen Court, and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Smyth County Board of Supervisors hereby supports this application for an allocation of up to \$ 218,500 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT the Smyth County Board of Supervisors hereby grants authority for the County Administrator to execute project administration agreements for any approved revenue sharing projects.

ADOPTED this 14<sup>th</sup> day of November, 2012

---

Wade H. Blevins, Jr.  
Chairman

---

Michael L. Carter  
Clerk

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[6:25:19 PM](#) **Old Business** – Vice Chair Park District Supervisor M. Todd Dishner made a motion to remove item number 11 [American Wood Fibers request for Ordinance Adoption to allow for Recycling Equipment Tax abatement – Ordinance Committee **(08-23-12)**] from Old Business since it has been moved to the next budget cycle. North Fork District Supervisor Ron C. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[6:26:32 PM](#) **Supervisor Comment Time** – Royal Oak District Supervisor Regina H. Davidson reported that she and Rye Valley District Supervisor Rick K. Blevins attended the VACO Conference at The Homestead on November 11-13. She received a lot of good information at the conference. She will bring more information to next month's meeting. She noted that she was surprised by the jump in tourism dollars between 2006 and 2011. One keynote speaker reported that Virginia is slated to lose over 175,000 jobs during the next year which is only second to California. There are also cuts slated for the military. She encouraged Board Members to contact local representatives and express their concerns. She also said there was a lot of discussion about unfunded mandates and that localities don't have a choice when it comes to this matter. She highly recommends other Board Members to attend the conference if they haven't been before. Rye Valley District Supervisor Rick K. Blevins also encouraged other members to attend next year's conference. He noted that a lot of other localities are fighting the same battles that we are. Ms. Davidson noted that the region director position is elected every two years and we have a new representative, David Hutchins from Carroll County, and he plans to visit Board Meetings in the near future.

[6:31:06 PM](#) Saltville District Supervisor Roscoe D. Call made a motion to continue the meeting until Thursday, November 15, 2012 at 7:00 p.m. for a joint public hearing with the Planning Commission. North Fork District Supervisor Ron C. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

The Smyth County Board of Supervisors held a continued meeting at 7:00 p.m., **Thursday, November 15, 2012**. 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:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.; Vice-Chairman, Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K. Blevins; Atkins District Supervisor J. Howard Burton; Chilhowie District Planning Commissioner Graham Davidson Sr.; Royal Oak District Supervisor Regina H. Davidson; Park District Planning Commissioner Joel Pugh; Chairman, North Fork Dist. Planning Commissioner Chairman Norman Sparks; Saltville District Planning Commissioner Wayne Venable; Atkins District Planning Commissioner Charles Wassum III; Saltville District Supervisor Roscoe D. Call; and North Fork District Supervisor Ron C. Blevins (12)

**Members Absent:** Vice Chair, Rye Valley Dist Planning Commissioner L.V. "Pokey" Harris; Royal Oak District Planning Commissioner G. Blake Frazier (2)

**Staff:** County Administrator, Michael Carter; Assistant County Administrator, Scott Simpson; Administrative Assistant, Becca Kirk; Administrative Assistant, Christy Bise; Building & Zoning Administrator, Clegg Williams; County Attorney, Michelle Clayton; Finance Director Charlie Atkins; Economic Development Director, Sally Morgan and Deputy Sheriff Mike Hounshell

**OTHERS:** Stephanie Porter-Nichols, Smyth County News and Messenger; approximately 20 citizens.

**Public Hearing:** At 7:00 p.m. Mr. Wade H. Blevins, Chairman of the Board of Supervisors, and Mr. Norman Sparks, 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.

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

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, November 15, 2012, 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 CPV Smyth Generation Company, LLC for a Special Use Permit to establish an "Electric Generating Facility" on property currently owned by Industrial Development Authority of Smyth County located behind 369 and*

*371 Mulberry Lane in Atkins identified as Tax Map No. 48-A-45 and zoned Agricultural/Rural.*

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

Copies of the application(s) along with their maps/drawings are on file in the Office of the County Administrator of Smyth County. Copies are also maintained by the County Zoning Administrator at the address given above, and may be viewed during regular business hours Monday through Friday.

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.

Done by order of the Board of Supervisors and the Planning Commission.

Michael L. Carter, County Administrator  
Norman K. Sparks, Chairman of the Planning Commission

**CPV Smyth Generation Company, LLC (CPV) – Special Use Permit for Electric Generating Facility:** At approximately 7:03 p.m. Mr. Williams explained a Special Use Permit application from CPV for an “Electric Generating Facility.” He stated they have negotiated an option with Smyth County IDA to purchase a 108.15 acre tract of land on Mulberry Lane in Atkins. He advertised notice of this public hearing in the Smyth County News on November 3 and 10. In addition, he sent letters to all of the adjoining property owners for which an affidavit is on file. Mr. Williams highlighted Section 3-2.2 I) which allows the proposed use by issuance of a Special Use Permit, Section 10-28 which defines the proposed use, and Article 6 which contains the provisions for Special Use Permits and referenced the future land use map in the current 2005 Comprehensive Plan. Mr. Williams read into record an email from John Bolling of VDOT stating their confidence that a low volume commercial entrance can be installed to access the property; however, final approval would take place during the permit application process.

Gener Gotiangco of Bethesda, Maryland and Vice President of CPV was present and discussed the benefits of CPV operating in Smyth County. He gave a detailed summary of the company operations. Other members of CPV were also present and stated their roles in the company: Stephen Steele, Engineer with CHA, representing CPV locally; Andy Condlin, Attorney assisting with the legal permitting and general processes; and Keith Price, Engineer working on the conceptual design.

Donald Stacy, James Grubb, Kay Russell, and Linda Logan all spoke in opposition to the request. Their concerns included: possible impact to the water table, increased traffic, reduced property values, noise, pollution, view shed, survey markers placed on adjoining property without permission and the structure’s aesthetics. Mr. Stacy presented a petition in opposition to be placed in the record.



Charlie Clark, former Supervisor member for the North Fork District and Marvin Craig both spoke in favor of the request stating the need for jobs, increase to the tax base and other economic benefits.

Mr. Gotiangco informed the Planning Commission and Board of Supervisors that on November 8, 2012, CPV conducted an "Informational Open House" at the Atkins Elementary School. While area residents received personal invitations, the meeting was open to the public. Next, he addressed each of the concerns mentioned by those present. He explained that several concerns will be better addressed during the permitting processes CPV will have to go through with Department of Environmental Quality, Virginia Department of Transportation, Appalachian Power, and Department of Conservation & Recreation. It was discussed that CPV had in 2001, considered locating in Broadford. Due to a turn in the economy, the project did not proceed. While they considered the Broadford site in 2012, along with many others, they felt the Atkins site was better suited. Discussion was made about CPV selling power to Appalachian Power. Mr. Gotiangco confirmed they intended to sell the power they generate to Appalachian Power; however, the rates are determined by the State Corporation Commission and CPV will not be in any position to determine or predict rates. When asked if the existing Merillat buildings were sufficient for this type of facility, Mr. Gotiangco stated the buildings had not been evaluated but typically these types of buildings are not constructed for the type of infrastructure CPV requires. Considering the extensive permitting processes, Mr. Gotiangco stated the projected start date is the Spring of 2015. Regarding hours of operation, the plant will primarily operate during peak times. Safety concerns were raised for which Mr. Gotiangco stated CPV has not had any catastrophes and feels this plant is safer than other forms of energy plants.

Mr. Steele discussed the VDOT regulations which be addressed during the VDOT permitting process. He stated CPV had bored 80' holes in four different locations on the site and found no water. Considering that, he felt there wouldn't be any effects on the local water table.

No one else spoke on the application.

Chairman Wade Blevins and Chairman Norman Sparks closed the public hearing at approximately 8:12 p.m.

The Board of Supervisors reconvened in the 4<sup>th</sup> floor conference room at approximately 8:15 p.m.

Chairman, Chilhowie District Supervisor Wade H. Blevins called the continued meeting to order and opened citizen's time.

There were no citizens wishing to speak. Closed citizen's time.

It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to approve \$624,495.30 from the General Fund for General County – Payroll for appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

It was moved by Rye Valley District Supervisor Rick K. Blevins, seconded by Saltville District Supervisor Roscoe D. Call to approve \$3,200,000.00 from the General Fund for Schools – Payroll for appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

Mr. Carter noted there was a typographical error on the appropriations sheet used for the 11/14/12 Board Meeting appropriations. The Courthouse Project was listed at \$178,578.98 and it should have been \$179,578.98. It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Rye Valley District Supervisor Rick K. Blevins to approve \$1,000.00 from the Courthouse Project for appropriation.

After consideration, the motion PREVAILED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and

Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** North Fork District Supervisor Ron C. Blevins.

**ABSTAINERS:** None.

**ABSENT:** None.

Mr. Carter and Mr. Atkins provided an update on the budget amendment approved for the Lick Skillet Rehab Project at the 11/14/12 Board Meeting. The \$75,000.00 needed to set up the account will be transferred from the site waste water account (\$15,000) and the General District Court account (\$60,000). The Board discussed the County's bank accounts and how they are invested and earn interest. Mrs. Clayton noted that the County can look at forming a group to work with the Treasurer's Office and aid in investment decisions for the County. The Board requested that Mr. Tom Burkett, Treasurer, attend the December Board Meeting to make a presentation to new Board Members who aren't familiar with how the process works. North Fork District Supervisor Ron C. Blevins made a motion to transfer the funds as presented by Mr. Atkins to set up the Lick Skillet Rehab Project account with a beginning balance of \$75,000. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

Mr. Carter provided an update on the upcoming holiday schedule. County Offices will be closed beginning at Noon on November 21<sup>st</sup> and all day on November 22<sup>nd</sup> and 23<sup>rd</sup> for the Thanksgiving holiday. They will be closed all day on December 24<sup>th</sup> and 25<sup>th</sup> for the Christmas holiday and all day on December 31<sup>st</sup> and January 1<sup>st</sup> for the New Year's holiday.

Mr. Simpson reported that the IDA had the option to purchase the land tract across from the old Epoch site in Chilhowie for a new bridge access road which will create a second entrance to the property. It has been under option for several months and the closing is scheduled for November 20<sup>th</sup> at John Tate's Office. The IDA is asking for an appropriation of \$68,948.00 out of the mega-site grant match funds for the property acquisition. It is 90% grant eligible and the remaining 10% has already been budgeted. A motion was made by Atkins District Supervisor J. Howard Burton to approve an appropriation for \$68,948.00 for the Mega Site grant match (12010-

5402) for the purchase of the Little property by the IDA. The closing on the property is set for November 20, 2012. The motion was seconded by North Fork District Supervisor Ron C. Blevins.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

### **Supervisor Comment Time**

Vice Chair Park District Supervisor M. Todd Dishner stated that he hated to hear the news earlier today of the Merillat plant closings in Atkins.

Rye Valley District Supervisor Rick K. Blevins reported that he had received calls from concerned constituents about the Rails to Trails program. A meeting was held recently in Sugar Grove and there was misinformation circulating that the County had provided funding for this program. Mr. Blevins reminded that Board Members that the County did not provide any funding for this endeavor in case they receive any questions from citizens.

Atkins District Supervisor J. Howard Burton asked if there had been any inquiries about the mega-site property in Chilhowie. Mrs. Morgan reported that with the rail access the site will attract prospects and will be getting special attention from the State because it falls under their mega-site marketing program.

Royal Oak District Supervisor Regina H. Davidson noted that, while the County has no control over headquarters or decisions made about the closing of the Merillat plants, the Board needs to do whatever they can to help improve the County.

North Fork District Supervisor Ron C. Blevins said he was saddened by the news of the plant closings and expressed concern that the County wasn't notified until after the closing was announced publicly. He feels there are a lot of things the County needs to get on top of.

At 8:45 p.m., a motion was made by North Fork District Supervisor Ron C. Blevins to adjourn the meeting. Royal Oak District Supervisor Regina H. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

The Smyth County Board of Supervisors held its regular meeting at 4:00 p.m., **Tuesday, December 11, 2012**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

**PRESENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.; Vice Chair, Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K. Blevins; North Fork District Supervisor Ron C. Blevins; Atkins District Supervisor J. Howard Burton; Saltville District Supervisor Roscoe D. Call; Royal Oak District Supervisor Regina H. Davidson (7)

**ABSENT:** None (0)

**STAFF:** County Administrator Michael Carter; Assistant County Administrator Scott Simpson; Director of Finance Charlie Atkins; Economic Development Director Sally Morgan; Clegg Williams, Zoning Administrator; County Attorney Michelle Clayton; Deputy Sheriff Mike Hounshell; Administrative Assistant Christy Bise (8)

**OTHERS:** Stephanie Porter-Nichols, Smyth County News

[4:03:02 PM](#) Chairman Wade H. Blevins called the meeting to order.

[4:03:19 PM](#) **Closed Session** – It was moved by Rye Valley District Supervisor Rick K. Blevins, seconded by North Fork District Supervisor Ron C. Blevins, to enter into closed session under Code of Virginia, Section 2.2-3711 – **A. 4** – the protection of the privacy of individuals in personal matters not related to public business, **A.5 Industrial/Business Prospects** – 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 and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr., Vice Chair, Park District Supervisor M. Todd Dishner, Rye Valley District Supervisor Rick K. Blevins, North Fork District Supervisor Ron C. Blevins, Atkins District Supervisor J. Howard Burton, Saltville District Supervisor Roscoe D. Call and Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.



[4:17:07 PM](#) Royal Oak District Supervisor Regina H. Davidson made a motion to go out of closed session. The motion was seconded by North Fork District Supervisor Ron Blevins.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[4:17:19 PM](#) Chairman Blevins recessed the meeting until 5:00 p.m.

[5:02:14 PM](#) Chairman Blevins called the meeting to order.

[5:02:23 PM](#) Atkins District Supervisor J. Howard Burton gave the invocation. Jennifer Meadows, Water and Sewer Department, led the Pledge of Allegiance.

[5:03:45 PM](#) It was moved by North Fork District Supervisor Ron C. Blevins, seconded by Saltville District Supervisor Roscoe D. Call, to return to open session and 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.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:04:20 PM](#) Chairman Blevins asked for adoption of the agenda and additional agenda as presented. Royal Oak District Supervisor Regina H. Davidson asked if a report from Mrs. Morgan on the meeting with the Rapid Response Team concerning the closing of the Merillat plants could be added to the agenda and Mr. Carter stated that it could. Royal Oak District Supervisor Regina H. Davidson made a motion to adopt the agenda and additional agenda with the addition of Mrs. Morgan's report. The motion was seconded by Saltville District Supervisor Roscoe D. Call.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:05:09 PM](#) It was moved by North Fork District Supervisor Ron C. Blevins, seconded by Vice Chair, Park District Supervisor M. Todd Dishner to approve the minutes of the November 14, 2012 and November 15, 2012 meetings.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

**5:05:42 PM Finance Status** – Mr. Charlie Atkins informed the Board, per the report from the Treasurer’s Office, there were sufficient funds in the bank for the requested appropriations.

**5:06:33 PM** It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to approve \$5,495,000.00 for the General Fund appropriation. The following is an explanation of the appropriations approved:

General County	\$ 1,230,000.00
Social Services (Dec. 12 – 31, 2012)	\$ 305,000.00
(Jan. 1 – Jan. 8, 2013)	\$ 60,000.00
Schools - Operating Fund	\$ 3,900,000.00

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

**5:07:09 PM** It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to approve \$50,000.00 for the School Debt and Capital Outlay Fund appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

**5:07:28 PM** It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Rye Valley District Supervisor Rick K. Blevins to approve \$1,500,000.00 for the School Construction Fund appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:07:45 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to approve \$42.00 for the Animal Damage Fund appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:07:57 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to approve \$8,027.00 for the IDA – Fund 4 appropriation.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:08:18 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Rye Valley District Supervisor Rick K. Blevins to approve \$238,371.63 for the Courthouse Project appropriation.

After consideration, the motion PREVAILED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** North Fork District Supervisor Ron C. Blevins.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:08:45 PM](#) It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to approve \$575,461.58 for the Accounts Payable listing.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:09:11 PM](#) Mr. Carter reported that for the past few years, every locality in the state has received a payback amount from the state as a repayment for services provided. The state determines the amount and for the County this year it is \$135,257.00. This payment has a deadline to be paid by the first of January and an appropriation is being requested by the Board. It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to approve \$135,257.00 for the payback amount to the state for services provided.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:10:56 PM](#) Mrs. Clayton presented an allocation request for the Mahavir v. Smyth County Board of Equalization tax reassessment case. Originally, the petitioners were asking for a tax value below \$400,000.00 and a settlement amount was reached at \$550,000.00. The refund amount being requested includes penalty and interest. It was moved by Royal Oak District Supervisor Regina H. Davidson, seconded by North Fork District Supervisor Ron C. Blevins to approve \$3,728.09 for allocation in the Mahavir v. Smyth County Board of Equalization tax reassessment case.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:13:31 PM](#) Mrs. Clayton reported the closing has been set for December 20<sup>th</sup> for land acquisition of the Cumbow well property in Groseclose. It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$12,500.00 for land acquisition of the Cumbow well property in Groseclose.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:14:13 PM](#) Chairman Blevins opened citizen's time.

[5:14:28 PM](#) Earl McClure, Chilhowie, commended the Board for maintaining the opening prayer and Pledge of Allegiance as part of the meeting agenda.

[5:16:17 PM](#) With no other citizens wishing to speak, Chairman Blevins closed citizen's time.

[5:16:31 PM](#) Mrs. Morgan informed the Board that Mr. Bo Surber, General Manager of Superior Carriers, who was scheduled to speak at the meeting tonight would be

unable to attend due to being unexpectedly called out of town. He has asked to be rescheduled for the January meeting.

5:17:51 PM Royal Oak District Supervisor Regina H. Davidson presented recommendations from the Water and Sewer Committee. Mr. Simpson presented a list of engineering firms that are due for one-year term agreement renewals. The groups are Anderson and Associates, Draper-Aden, The Lane Group, Gay and Neel, Thompson and Litton and Adams-Heath Engineering. He explained that every three years bids go out for engineering and architecture services on a no fee retainer with two additional single year renewal options. Bids went out in October 2011 and the first year of the agreements has been completed and all firms are eligible for renewal. The Committee is recommending to the Board that all six agreements be renewed for one-year from October 11, 2012 through October 10, 2013.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

5:20:23 PM Royal Oak District Supervisor Regina H. Davidson reported the Hall Addition and Pioneer/Greenwood projects came in under budget and the remaining Rural Development funds can be used toward defined project-related expenses or be returned back to Rural Development. The Committee is recommending the remaining Rural Development funds be used to purchase two vehicles (one SUV, one pick-up truck) and equipment for use by the Water and Sewer Department not to exceed \$56,546.14.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

5:21:45 PM Royal Oak District Supervisor Regina H. Davidson reported the Groseclose sewer project is ready for the next phase. Gay and Neel representative



John Neel provided an update to the Board on the project. A pilot hole will be drilled under Interstate 81 to determine if the area is dirt, rock or a combination of both so that information can be included as part of the bidding process which is scheduled to begin in March 2013. Work with DEQ and the Corp of Engineers has already begun and Mr. Simpson will be submitting the railroad permit in the next few days. The Committee is recommending an additional task order not to exceed \$47,325.00 and to move forward with the project under the direction of Mr. Simpson. Per, DEQ, these funds are reimbursable as long as the project continues through completion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:29:04 PM](#) Tom Burkett, Treasurer, presented an update to the Board concerning the County's investments. Investing for the County is handled with a conservative, practical approach. Some money is invested for the short-term at a lower return rate and other money is invested long-term at a higher rate. With the recent economic downturn this has not been the best approach. He now negotiates with the bank for the longest term allowed to invest but still have an early withdrawal option. The most important part is the liquidity of the investment. The County currently has 14 CD's in the bank, but not all are general County funds. Since July 1, 2012 through the end of November 2012, approximately \$44,000.00 worth of interest has been collected, not including the school and courthouse construction money. Every month when bills are appropriated, the County has to make sure there is enough money in the checking account to cover the bills, yet the goal is to keep as little money as possible in the checking account since it earns the least interest but still be able to pull money off of CD's as needed to meet monthly obligations. The longest term Mr. Burkett was able to get on a CD was 37 months at .60% on \$6,000,000.00, but that money can be accessed as needed without any penalty. The biggest concern is not rates but there may come a point where the bank says we no longer want your money. Mr. Burkett has not been able to find another bank other than the Bank of Marion that will allow money to be pulled off CD's without a penalty. He invited the Board to call or come by his office with any questions.

[5:40:39 PM](#) Royal Oak District Supervisor Regina H. Davidson presented the Insurance Committee recommendation on renewing Lisa Vencille's insurance consulting contract with the County. The Committee is recommending, by majority, a six month renewal on Mrs. Vencille's contract through June 30, 2013. Beginning

July 1, 2013, the County Human Resources Department will take over handling all issues pertaining to insurance. Mrs. Clayton reviewed the contract language and had no changes. Mrs. Vencille is willing to renew for six months at the rate of \$5,000.00.

After consideration, the motion PREVAILED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** Rye Valley District Supervisor Rick K. Blevins.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:43:20 PM](#) Mr. Carter reported the Budget Committee met on November 29<sup>th</sup> and prior to this evening's meeting to discuss several items. The Sheriff's Office is requesting a line item transfer in the amount of \$35,000.00 for completion of the roof at their new location. In order to meet building code requirements, the roof construction will cost more than was originally budgeted for the project. This money is being requested as a transfer from the drug asset fund and not an increase or amendment from the adopted budget. North Fork District Supervisor Ron C. Blevins expressed concern over spending within the Sheriff's Department and questioned what the department is doing to tighten their belt when it comes to expenses. Vice Chair, Park District Supervisor M. Vice Chair, Park District Supervisor M. Todd Dishner noted the money in the drug asset fund is designated for use with construction, maintenance and equipment and the \$35,000.00 funding transfer is coming before the Board as a recommendation from the Budget Committee.

After consideration, the motion PREVAILED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** North Fork District Supervisor Ron C. Blevins.

**ABSTAINERS:** None.

**ABSENT:** None.

[5:52:50 PM](#) Mr. Carter reported the Sheriff's Department has money inside the existing budget for the purchase of vehicles. There is \$239,000.00 under police activity funds and also \$29,000.00 under the Sheriff's Department fund which falls under direct budget for a vehicle for a total combination of \$268,000.00. With Budget Committee recommendation, the Board approved to appropriate

\$268,000.00 for the purchase of nine (9) vehicles for the Sheriff's Department. \$239,000 will come out of the Police Activity Fund and \$29,000.00 will come out of the Sheriff's Department Fund which falls under direct budget for a vehicle. Upon delivery, Mr. Carter was authorized to sign the check for purchase.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

[5:55:38 PM](#) Mr. Carter reported that during the year the Emergency Services department receives small grants and they have notified they are recipients of a \$5,000.00 grant which is a dollar for dollar match. The County would have to match the \$5,000.00 grant and, while Emergency Services does not have a specific line item for grant match, they have a combination of seven line items already in their budget that could be utilized to cover the match. If the Board approves, the money will be transferred into a single line item "supplemental appropriation" and move \$10,000.00 into expenditure side since it's dollar for dollar match. It will show a \$5,000.00 overage in expenditures but also a \$5,000.00 in revenue so it's a wash. Since Mr. Carter is only authorized to transfer \$2,000.00 within departments, this request will require Board approval. Mr. Carter and Mr. Atkins have discussed the information with Mr. Charlie Harrington and Emergency Services is aware of all stipulations related to the grant.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

[6:01:29 PM](#) Dr. Mike Robinson presented information to the Board outlining state and federal funds Smyth County schools will receive in excess of the approved budget for FY2013. The additional state funds are due to increased sales tax and increased enrollment. The additional federal funds are due to federal reimbursements from community college tuition and increased food service reimbursements. This is one-time money and is not guaranteed next year. The total amount equals \$958,000.00, some of which is designated for QSCB funds and capital outlay along with changes to the school lunch budget leaving \$800,000.00 that can be spent with some flexibility. Proposed spending includes seven replacement buses, additional compensation to School Board employees in the form of a one-time

\$300.00 bonus to full-time employees and \$150.00 to part-time employees, ADA compliance upgrades, library and technology purchases and roof repair for Atkins Elementary School. The School Board met on December 10, 2012 and approved bringing these budget amendments before the Board of Supervisors. Dr. Robinson noted this money will not be spent until it has been received. He also discussed the interest payment on the QSCB loans made to U.S. Bank in the amount of \$48,859.57, bond issuance in the amount of \$28,531.67 and literary loan interest payments in the amount of \$11,122.17. The school system is aware this would require a public hearing. Saltville District Supervisor Roscoe D. Call made a motion to set a public hearing for January 8, 2013 at 6:00 p.m. to consider the budget amendment requests from Smyth County Public Schools. The motion was seconded by Royal Oak District Supervisor Regina H. Davidson.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

[6:10:55 PM](#) Mr. Carter asked the Board for a brief recess to follow up with the Budget Committee on an item. Chairman Blevins called a 10 minute recess.

[6:23:45 PM](#) Chairman Blevins called the meeting back to order.

[6:23:47 PM](#) Mr. Carter reported that with the closing of Rouse Fuel Center in Chilhowie the County had to take measures to secure a provider for on and off road diesel fuel. An RFP was put out with four providers solicited and responses were received from three of those. Based on bids received, the Committee is recommending the contract be awarded to Southern States. With Budget Committee recommendation, the Board approved to award the diesel fuel contract to Southern States Marion Cooperative at a delivered cost of daily market price plus 18 cents per gallon for on road and off road diesel. This contract is for a one year period beginning December 12, 2012 and ending December 11, 2013 with one additional twelve (12) month extension option.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

6:26:14 PM Mr. Atkins reminded the Board that when budget amendment ad goes out for the School Board's request it will also include all other budget amendment requests approved since July 1, 2012 because the amendment requests total over \$500,000.00.

6:27:38 PM Larry Souverielle, Chairman, SW VA Alliance for Manufacturing presented information on the status of the organization since CEO Bruce Kravitz' resignation. The group has done restructuring of the operating model and will now be managed through direct oversight instead of a higher level, autonomous person. Mr. Souverielle presented a handout to the Board and reviewed the work plan strategies and objectives of the organization. He then presented a short video highlighting manufacturing in our area.

6:44:56 PM Mr. Clegg Williams presented the Planning Commission recommendation on the CPV application for a special use permit to the Board. He reported the Planning Commission voted 4-1 to recommend the application for approval. Gener Gotiangco, Vice President of CPV, addressed questions from the Board. He reminded the Board this is the very first step in a long and rigorous process leading up to more detailed designs subject to review by other agencies. Impacts to air, water and roads will all be reviewed. VDOT has already confirmed access on Mulberry Lane. Fred Sellers with Arcadis Engineering answered questions concerning emissions and facility lighting. The outside lighting will be determined by FAA standards and will be primarily for safety and security. The smoke stacks are heavily regulated by DEQ and the EPA and no emissions from the proposed facility will be above any odor recognition thresholds. This will be one of the cleanest power plants constructed in the world with state of the art emissions controls. Atkins District Supervisor J. Howard Burton has talked with citizens in his district who are concerned with preservation of the woods and forest area near the site. CPV's intention is to only clear the land for the footprint of the facility. The land purchased will include 108 acres, but the facility will take only 40 acres and there will be woods remaining to the east and west. North Fork District Supervisor Ron C. Blevins questioned whether an environmental study or land appraisal surveys had been completed prior to the Planning Commission's recommendation to approve the special use permit as part of the County Ordinance. Mr. Williams indicated these items were not a requirement for granting a special use permit. He reviewed a portion of County Ordinance Section 6-2.3 concerning special use permits:

- a) It is designed, located and operated so as the public health, safety and welfare will be protected;
- b) It will not adversely affect other property in the area which it is located;
- c) It is within the listing of items requiring a special use permit as set forth in this ordinance;
- d) It conforms to all applicable provisions of this ordinance for the district in which it is to be located;

- e) It must have direct access on a public road which can safely and adequately handle the automobile and truck traffic generated.
- f) There must be adequate safeguards to prevent soil erosion on the site and erosion and sedimentation on neighboring downhill and downstream properties during and after development;
- g) There is a satisfactory plan and methods for sewage disposal as approved by state regulatory agencies.
- h) There is suitable provision for the protection of privacy on adjoining property which is now in residential use or which may develop in residential use under the provisions of this ordinance. In this section protection of privacy shall mean effective screening against visual intrusion.
- i) In the case of manufacturing, there shall be a satisfactory plan proposed to eliminate the adverse impact on any adjoining residential uses from any dust, smoke, odor, or glare that results from the operation of the manufacturing use;

With the recommendation of the Planning Commission, Royal Oak District Supervisor Regina H. Davidson made a motion to approve the request from CPV Smyth Generation Company, LLC for a Special Use Permit to establish an "Electric Generating Facility" on property currently owned by Industrial Development Authority of Smyth County located behind 369 and 371 Mulberry Lane in Atkins identified as Tax Map No. 48-A-45 and zoned Agricultural/Rural. The motion was seconded by Saltville District Supervisor Roscoe D. Call.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** North Fork District Supervisor Ron C. Blevins.

**ABSENT:** None.

[7:07:00 PM](#) Mr. Carter informed the Board the Governor has granted December 26<sup>th</sup> as a state holiday and County Offices will be closed December 24<sup>th</sup>, 25<sup>th</sup> and 26<sup>th</sup>.

[7:08:28 PM](#) Mr. Carter presented the Personnel Committee recommendation on a salary increase for David Pearcey, dispatch supervisor. His current salary is \$27,051 which is not in line with other dispatch supervisor salaries. Sheriff Bradley is requesting a \$200/month increase bringing the annual salary to \$29,451.00. No additional money is being requested from County funds as this increase will come from the wireless fund account maintained by the Sheriff's Department. This account is currently used to supplement dispatcher salaries at a rate of \$2,000.00 for dispatchers and \$3,000.00 for dispatch supervisors. This fund continues to build and currently has a \$114,000.00 balance so this increase is not depleting the funds



or causing them to go into a negative direction. The Personnel Committee reviewed this request and unanimously recommends the pay adjustment to the Board.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[7:14:56 PM](#) Rye Valley District Supervisor Rick K. Blevins, Chairman of the Appointment Committee presented their recommendations. Phyllis Griffith (Rye Valley District), Sherian Medley (Park District), Karen Gillespie (Atkins District), Nellie Harmon (North Fork District), Carol Nutter (Saltville District), Tina Henderson (Royal Oak District) and Rachel Rush (Chilhowie District) were recommended to serve an additional 1-year term on the Area Beautification Board expiring December 31, 2013.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[7:15:22 PM](#) John DeBusk III, Saltville District, was recommended for reappointment to the Board of Zoning Appeals for a 5 year term expiring December 31, 2017.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.



**ABSTAINERS:** None.

**ABSENT:** None.

[7:16:12 PM](#) R.B. Henderson, non-district alternate, was recommended for reappointment to Board of Zoning Appeals for a 5 year term expiring December 31, 2017.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[7:16:32 PM](#) Robert Shults, non-district alternate, was recommended for reappointment to Board of Zoning Appeals for a 5 year term expiring December 31, 2017.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[7:16:48 PM](#) Patton Graham, Atkins District representative on the Smyth-Bland Regional Library Board, is serving his last eligible term and his appointment expires December 31, 2012. Atkins District Supervisor J. Howard Burton nominated Nancy Smith to represent the Atkins District on the Smyth-Bland Regional Library Board for a 4 year term expiring December 31, 2016. The Committee recommends this appointment.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,

Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[7:17:19 PM](#) Atkins District Supervisor J. Howard Burton was recommended for reappointment to the District Three Governmental Cooperative Board for a 1 year term.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[7:17:40 PM](#) Vice Chair, Park District Supervisor M. Todd was Dishner recommended for reappointment to the District Three Governmental Cooperative Board as an alternate for a 1 year term.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[7:17:56 PM](#) Saltville District Supervisor Roscoe D. Call recommended for reappointment to the New River/Mount Rogers Workforce Investment Consortium Board as an alternate for a 1 year term.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,

Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[7:18:16 PM](#) Michael Carter, County Administrator, as the Board of Supervisors representative on the FEMA Emergency Services Board through Mountain CAP.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

[7:18:48 PM](#) Mrs. Clayton presented information on the next General Assembly session beginning January 9<sup>th</sup>. With concern over economic development in the County, a proposed legislation request is being presented to the Board for consideration. This legislation would allow mixed beverage licenses for designated areas along exits 39, 44 and 47. If the Board votes to support this proposed legislation, Delegate Annie B. Crockett-Stark would introduce the bill during the General Assembly. This would be helpful in attracting hotels and restaurants to these sites. Saltville District Supervisor Roscoe D. Call made a motion to approve the proposed legislation request on behalf of Smyth County allowing mixed beverage licenses for designated areas along exits 39, 44 and 47. North Fork District Supervisor Ron C. Blevins seconded the motion. Mrs. Clayton noted that there is no requirement for a public hearing, but any business coming to the area wishing to serve mixed beverages would have to apply for an ABC license which would be advertised for public comment. It was also noted by Mr. Simpson that there is a specific designation for the areas involved in the proposed legislation so there is no room for interpretation.

After consideration, the motion PREVAILED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** Atkins District Supervisor J. Atkins District Supervisor J. Howard Burton.

**ABSTAINERS:** None.

**ABSENT:** None.

[7:29:03 PM](#) Mrs. Morgan reported the Rapid Response Team (RRT) partnership through the U.S. Department of Labor held an initial planning meeting with the County and will meet with Merillat employees this week. The VEC and local community colleges will be providing job and career coaching to those affected by the plant closings and local job fairs are being scheduled. Merillat is also looking at applying for funding through the Trade Act. Royal Oak District Supervisor Regina H. Davidson thanked Mrs. Morgan for her work with this unfortunate situation.

[7:32:15 PM](#) Chairman Blevins opened the floor for old business. No items were discussed.

[7:32:32 PM](#) Chairman Blevins opened supervisor comment time. Royal Oak District Supervisor Regina H. Davidson thanked the representatives from CPV for taking a chance on Smyth County for their new facility. She also presented information concerning the Virginia Tourism Corporation and encouraged the County to think outside the box for bringing industry and retail into the community while continuing to promote recreation and tourism. She also encouraged participation Local Government Day in Richmond on January 31<sup>st</sup> and suggested getting together with neighboring communities to meet with state legislators. Rye Valley District Supervisor Rick K. Blevins wished everyone a Merry Christmas. Atkins District Supervisor J. Howard Burton noted the community is fortunate to have the CPV project and thinks they will be a good partner with the County based on what he's seen so far. Saltville District Supervisor Roscoe D. Call also expressed his thanks to CPV. Chairman, Chilhowie District Supervisor Wade H. Blevins thanked everyone for their support during his tenure as Chairman and he looks forward to a new year.

[7:39:00 PM](#) Saltville District Supervisor Roscoe D. Call made a motion to adjourn. The motion was seconded by North Fork District Supervisor Ron C. Blevins.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor Regina H. Davidson.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.