

# AGENDA

Tuesday, August 11, 2015  
4:00 PM

**4:00 CALL MEETING TO ORDER** (Chairman Wade H. Blevins, Jr.)

## **CLOSED SESSION**

Code of Virginia, Section 2.2-3711 –**A.3**; Discussion or consideration of the acquisition of real property for a public purpose and **A.5; Industrial/Business Prospects**; discussion concerning a business or industry considering expansion with no previous announcement being made.

## **5:00 CALL MEETING TO OPEN SESSION**

Invocation and Pledge of Allegiance

## **ADOPTION OF AGENDA**

Adopt the agenda and the additional agenda as presented

## **MINUTES OF PREVIOUS MEETINGS**

Request adoption of the July 14<sup>th</sup> and July 23<sup>rd</sup>, 2015 meeting minutes

## **FINANCIAL UPDATE**

Michael Carter – Inform the Board of the County's financial status

## **PAYMENT OF INVOICES**

Consideration of appropriations and accounts payable as listed on the additional agenda.

## **5:15 CITIZENS TIME**

## **NEW BUSINESS**

**5:30 Lisa Moore and Sarah Beamer-Mt. Rogers CSB Update (Pg. 39-42)**

**5:45 Public Hearing-Konnarock, Green Cove, Laurel Valley Community Assoc. Festival Application (Pg. 43-46)**

**6:00 Lavonda Brickey – Virginia Department of Health, Rabies Vaccine Advertisement**

**6:15 Lori Hester – Economic Development Strategic Plan Presentation**

**\*Planning Commission Recommendation- Michael Carter (Pg. 47-49)**

**\*Solid Waste Committee Recommendation- Rick Blevins, Chair (Pg. 50)**

**\*Water/Sewer Committee Recommendation- Roscoe Call, Chair (Pg. 51)**

**\*Request the Board to set a Public Hearing for September 8<sup>th</sup> at 6pm for VDOT Revenue Sharing Project for Green Hill Circle**

**OLD BUSINESS**

1. Collection of delinquent taxes. **(8-10-04)**
2. Financial Discussion. **(7-9-13)**
3. Mega-Site Project **(11-17-11)**

**Supervisor Comment Time**

**Meeting reminders:**

The Smyth County Board of Supervisors held its regular meeting at 4:00 p.m., **Tuesday, July 14, 2015**. 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:** 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 G. Blake Frazier (5)

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.; Saltville District Supervisor Roscoe D Call (2)

**STAFF:** County Administrator Michael Carter; Assistant County Administrator Scott Simpson; County Attorney Michelle Clayton; Administrative Assistant Kelly Woods; Director Community & Economic Development Lori Hester (5)

4:04:24 PM Vice Chair, Park District Supervisor M. Todd Dishner called the meeting to order.

A motion was made 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.3 **Land Acquisition; A.5; Industrial/Business Prospects**; discussion concerning a business or industry considering expansion with no previous announcement being made.

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, Atkins District Supervisor J. Howard Burton, North Fork District Supervisor Ron C. Blevins and Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

5:05:47 PM Vice Chairman, Park District Supervisor M. Todd Dishner called the meeting to order from closed session.

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** 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:** Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

5:06:22 PM Lori Hester, Director of Community and Economic Development gave the Invocation and Michelle Clayton, County Attorney led the Pledge of Allegiance.

5:07:15 PM A motion was made by Royal Oak District Supervisor G. Blake Frazier to adopt the Agenda and Additional Agenda. North Fork District Supervisor Ron C. Blevins seconded the motion.

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,  
Atkins District Supervisor J. Howard Burton,

North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

5:07:33 PM It was moved by North Fork District Supervisor Ron C. Blevins, seconded by Royal Oak District Supervisor G. Blake Frazier to approve the minutes of the June 9<sup>th</sup>, June 18<sup>th</sup> and June 30<sup>th</sup>, 2015 meetings.

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,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

5:07:57 PM Michael Carter, County Administrator presented the Board with information on the current FY15-16 budget and a current month analysis for appropriations. A FY15 yearend report will be provided next month after the computer system closes the books.

5:18:28 PM Vice Chairman, Park District Supervisor M. Todd Dishner opened citizen's time. Sharon Eure, 366 Old Airport Road Chilhowie, VA 24319 very upset the issue with her property regarding water runoff has not been taken care of. Ms. Eure informed the Board that she will take further action if the problem is not corrected.

5:26:35 PM Vice Chairman M. Todd Dishner recommended that a committee be formed to look into the issue. The committee will include Mrs. Clayton and Mr. Clegg Williams, Chilhowie District Supervisor Wade H. Blevins Jr., Park District Supervisor M. Todd Dishner and North Fork District Supervisor Ron C. Blevins.

5:28:25 PM With no one else wishing to speak, Vice Chairman, Park District Supervisor M. Todd Dishner closed citizen's time.

5:28:36 PM It was moved by Rye Valley District Supervisor Rick K. Blevins, seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$2,928,158.00 from the General Fund. The following is an explanation of the appropriations approved:

General County:	\$735,000.00
Social Services (July 15-July 30, 2015)	\$315,000.00
Schools-Operating Fund	
Instruction	\$271,543.00
Administration, Attendance & Health	\$16,604.00
Transportation	\$119,151.00
School Food Service	\$56,061.00
Technology	\$24,434.00
School Debt Service	\$1,000,000.00
School Textbook Fund	\$150,000.00

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,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

It was moved by Atkins District Supervisor J. Howard Burton seconded by Rye Valley District Supervisor Rick K. Blevins to appropriate \$826,568.20 for the Courthouse Project.

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,  
Atkins District Supervisor J. Howard Burton,  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** North Fork District Supervisor Ron C. Blevins

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

It was moved by Rye Valley District Supervisor Rick K. Blevins seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$8,431.11 from the Commonwealth Attorney Fund 760 for outstanding invoices.

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,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

It was moved by Atkins District Supervisor J. Howard Burton seconded by Royal Oak District Supervisor G. Blake Frazier to appropriate \$2,418.89 from Sheriff Fund 748 for outstanding invoices.

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,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

It was moved by Rye Valley District Supervisor Rick K. Blevins, seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$662,379.39 for the Accounts Payable listing.

5:33:14 PM Vice Chairman, Park District Supervisor M. Todd Dishner opened the Public Hearing for an Annual Musical or Entertainment Festival Permit from the Rich Valley Fair Association. Michael Carter, County Administrator read the following advertisement as published in the Smyth County News & Messenger.

#### **PUBLIC HEARING NOTICE**

The Smyth County Board of Supervisors will conduct a public hearing on Tuesday, July 14, 2015, at 5:30 p.m., or 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 24, 2015 thru August 1, 2015. 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 24, 2015 – 7:00 p.m. through the event completion, except music events which will end by midnight per the Smyth County Code Section 5-98.

Saturday, July 25, 2015 – 7:00 p.m. through the event completion, except music events which will end by midnight per the Smyth County Code Section 5-98.

Sunday, July 26, 2015 – 6:00 p.m. to 9:00 p.m.

Monday, July 27, 2015 – 7:00 p.m. through the event completion, except music events which will end by midnight per the Smyth County Code Section 5-98.

Tuesday, July 28, 2015 – 7:00 p.m. through the event completion, except music events which will end by midnight per the Smyth County Code Section 5-98.

Wednesday, July 29, 2015 – 7:00 p.m. through the event completion, except music events which will end by midnight per the Smyth County Code Section 5-98.

Thursday, July 30, 2015 – 7:00 p.m. through the event completion, except music events which will end by midnight per the Smyth County Code Section 5-98.

Friday, July 31, 2015 – 7:00 p.m. through the event completion, except music events which will end by midnight per the Smyth County Code Section 5-98.

Saturday, August 1, 2015 – 1:00 p.m. through 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, Smyth County ADA Coordinator, at (276) 783-3298 x8315 at least forty eight (48) hours prior to the public hearing.

Done by order of the Board of Supervisors  
Michael L. Carter, County Administrator

North Fork District Supervisor Ron C. Blevins made a motion to waive the reading of the rules. Rye Valley District Supervisor Rick K. Blevins seconded the motion.

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,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

5:36:46 PM With no one wishing to speak, Vice Chairman, Park District Supervisor M. Todd Dishner closed the Public Hearing.

North Fork District Supervisor Ron C. Blevins made a motion to waive the rules, and allow for the vote on the Rich Valley Fair Festival Permit to be made. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

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,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

North Fork District Supervisor Ron C. Blevins made a motion to approve the Rich Valley Fair festival permit application. Atkins District Supervisor J. Howard Burton seconded the motion. Rye Valley District Supervisor Rick asked that it be noted to the Rich Valley Fair Association if the permit application process for 2016 has not been received in the time frame as noted in the Smyth County Code, the application will not be approved by the Board of Supervisors. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

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,

Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

5:43:29 PM Arthur Barker, Grant Administrator for Smyth County Sheriff's Office presented information to the Board concerning two (2) grants that were approved for School Resource Officers. The approved amounts for each position are \$39,454.00. The local match for each position will be \$8,884.00. The match as well as the salary will come from the Sheriff's Office main budget under line item number 021090. North Fork District Supervisor Ron C. Blevins made a motion to approve the grant and local match as presented by Mr. Barker. Atkins District Supervisor J. Howard Burton seconded the motion.

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,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

5:48:01 PM Shannon Williams, 911 Coordinator presented information for the 2015FY Aid to Localities payments as presented below:

Agency	Disbursement Amount
Atkins Fire Department	\$2,068.50
Adwolfe Fire Department	\$2,068.50
Nebo Fire Department	\$2,068.50
Sugar Grove Fire Department	\$2,068.50
Chilhowie Fire Department	\$1,068.50
Saltville Fire Department	\$1,068.50

These disbursements total \$10,411.00.

North Fork District Supervisor Ron C. Blevins made a motion to approve the FY2015 Aid to Localities payments as presented. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

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,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

5:49:56 PM Commissioner of Revenue Jeff Richardson discussed the Personal Property Tax Relief Act (PPTRA). He noted the Board of Supervisors is required to establish the PPTRA tax relief rate to be applied to qualifying tax tickets each year. After discussion of the information presented by Mr. Richardson, North Fork District Supervisor Ron C. Blevins made a motion to set the PPTRA rate at 54% for 2015-2016 tax year as recommended by the Commissioner of Revenue. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

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,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

5:55:52 PM Scott Simpson, Assistant County Administrator presented a Resolution regarding the Adwolfe Sewer Project as shown below.

#### RESOLUTION OF GOVERNING BODY OF

#### SMYTH COUNTY

The governing body of the Smyth County, consisting of 7 members, in a duly called meeting held on the 14<sup>th</sup> day of July, 2015, at which a quorum was present RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) for the Adwolfe Sewer Project, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the County Administrator or N/A be authorized to execute on behalf of the Board of Supervisors, the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the required documents, is hereby entered into the permanent minutes of the meeting of this Board of Supervisors.

SMYTH COUNTY BOARD OF SUPERVISORS

Attest:

\_\_\_\_\_  
Michael L. Carter, Clerk

By \_\_\_\_\_  
Wade H. Blevins, Jr., Chairman BOS

CERTIFICATION

I hereby certify that the above resolution was duly adopted by the Board of Supervisors of Smyth County, at a duly assembled meeting on the 14<sup>th</sup> day of July, 2015.

\_\_\_\_\_  
Michael L. Carter, Clerk

Royal Oak District Supervisor G. Blake Frazier made a motion to adopt the resolution as presented. North Fork District Supervisor Ron C. Blevins seconded the motion.

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,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

5:57:36 PM Scott Simpson, Assistant County Administrator presented a Loan Resolution regarding the Adwolfe Sewer Project as shown below.

Board of Supervisors Meeting Minutes  
July 14, 2015

RUS BULLETIN 1780-27

Position 5

APPROVED  
OMB No 0572-0121

LOAN RESOLUTION  
(Public Bodies)

A RESOLUTION OF THE Board of Supervisors

OF THE SMYTH COUNTY

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A  
PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

ADWOLFE SEWER PROJECT

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Smyth County

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Two Million Forty-Four Thousand & 00/100

pursuant to the provisions of Public Finance Act of Virginia

; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture,  
(herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921  
et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event  
that no other acceptable purchaser for such bonds is found by the Association;

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-1, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defense the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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July 14, 2015

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11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 2,486,000.00

under the terms offered by the Government; that the Michael Carter

and Scott Simpson of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yes 5 Nays 0 Absent 2

IN WITNESS WHEREOF, the Board of Supervisors of the

Smyth County has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this 14<sup>th</sup> day of July, 2015

(SEAL)

Attest:

By Michael Carter  
Title County Administrator

Scott Simpson  
Title Assistant County Administrator

Board of Supervisors Meeting Minutes  
July 14, 2015

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CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as Assistant County Administrator of the Smyth County  
hereby certify that the Board of Supervisors of such Association is composed of  
\_\_\_\_\_ members, of whom \_\_\_\_\_ constituting a quorum, were present at a meeting thereof duly called and  
held on the \_\_\_\_\_ day of \_\_\_\_\_; and that the foregoing resolution was adopted at such meeting  
by the vote shown above, I further certify that as of \_\_\_\_\_  
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been  
rescinded or amended in any way.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_

Scott Simpson  
Title Assistant County Administrator

Royal Oak District Supervisor G. Blake Frazier made a motion to adopt the resolution as presented. North Fork District Supervisor Ron C. Blevins seconded the motion.

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,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

5:59:35 PM Rye Valley District Supervisor Rick K. Blevins made a motion to schedule a Public Hearing for the Konnarock Festival Permit for August 11, 2015 at 5:45 P.M. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

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,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

5:59:58 PM North Fork District Supervisor Ron C. Blevins made a motion to schedule a Public Hearing for the Green Hill Circle Road Project for August 11, 2015 at 6:00 P.M. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

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,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

6:00:35 PM Vice Chairman, Park District Supervisor M. Todd Dishner and Mr. Norman Sparks, Chairman of the Planning Commission, called the joint public hearing to order. Mr. Michael Carter, County Administrator read the advertisement as placed in the Smyth County News and Messenger.

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

Pursuant to Virginia Code §15.2-2292 of the Code of Virginia, (1950), as amended, the Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Tuesday, July 14, 2015, beginning at 6:00 P.M. in the Smyth County Office Building, Board of Supervisors Meeting Room, 121 Bagley Circle, Marion, Virginia, to consider the following amendments to the Zoning Ordinance of Smyth County, Virginia:

The proposed amendment will repeal the current definition of "Childcare center" and a portion of the definition of "Home Occupation" referring to "family day care establishment" and will be effective immediately upon adoption.

**New or amended definitions provide as follows:**

**Family day home.** Means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving six through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.

**Child day center.** Means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

**Home Occupation.** Replace the term "family day care establishment" with "family day home in accordance with Section 4-14 and as defined in Article X".

**Add to Article IV: General Provisions: Regulations of Family Day Homes**

**4-14.1** The care of five or fewer children for portions of a day shall be considered a "home occupation" and no conditions more restrictive than either Smyth County Zoning Ordinance Section 10-35 or those imposed on residences occupied by persons related by blood, marriage or adoption shall be imposed, in accordance with Va. Code §15.2-2292. Please note this requirement will be changed to "four or fewer children" by Virginia Code provisions mandated and effective July 1, 2016.

**4-14.2** The care of six through twelve children shall require notification by certified mail to the last known address of each adjacent property owner for an opportunity to object to the issuance of a Zoning permit. The Applicant is required to pay for the cost of the certified mailing which shall be handled by the Zoning Administrator's Office. If the Zoning Administrator received no written objection from a person so notified within 30 days of the date of sending the letter of notification and determines that the Family Day Home otherwise complies with the provisions of the ordinance, the Zoning Administrator may issue a Zoning permit. If denied, the applicant may file an application for a Special Use Permit with the Zoning Administrator as provided in Article VI.

Additional sections of the Zoning Ordinance where the term "childcare center" will be replaced with "Child Day Center" are as follows: 3-2.2 a; 3-3.2 a; 3-4.2 j; and 3-5.2 k.

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 amendments 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 between the hours of 8:00 a.m. and 5:00 p.m., 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. 8315 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

North Fork District Supervisor Ron C. Blevins made a motion to waive the reading of the rules.  
Rye Valley District Supervisor Rick K. Blevins seconded the motion.

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,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

6:07:06 PM Clegg Williams, Building and Zoning Administrator explained the purpose of the Public hearing and noted that we were trying to copy the state code guidelines for Family Day Homes.

6:10:22 PM No one signed up to wishing to speak.

6:10:28 PM Vice Chairman M. Todd Dishner and Chairman Sparks closed the joint public hearing.

6:10:54 PM Vice Chairman, Park District Supervisor M. Todd Dishner called for a 5 minute recess.

6:20:34 PM Vice Chairman, Park District Supervisor M. Todd Dishner called the meeting back to order from recess.

6:21:42 PM Bill Turman, Chief Animal Control Officer gave an update to the Board concerning the Animal Shelter. Mr. Turman informed the Board that as of July 7<sup>th</sup>, 2015 the County had been awarded ownership of cats that were being held in an ongoing hoarding investigation. 54 cats have been moved to Animal Rescue Agencies, and more are planned to be moved in the coming days. The use of work release inmates has been a very valuable resource and all staff has worked hard over the past month to care for the animals. This case has also placed a hardship on the supplies budget for the Animal Control Department. Mr. Carter reminded the Board that we will work to stay in budget, but later in the year if a transfer is needed, to please remember this incident.

6:28:06 PM Michael Carter, County Administrator presented information concerning a Resolution on Short Term Borrowing as presented below.

**A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SMYTH, VIRGINIA**

**AUTHORIZING THE ISSUANCE AND SALE OF  
THE COUNTY'S REVENUE ANTICIPATION NOTE**

WHEREAS, the Board of Supervisors (the "Board") of the County of Smyth, Virginia (the "County") proposes to authorize the issuance of a line-of-credit or revenue anticipation note in anticipation of the collection of the taxes and revenues of the County pursuant to Section 15.2-2629 of the Code of Virginia of 1950, as amended (the "Virginia Code"); and

WHEREAS, the County has elected, pursuant to Virginia Code Section 15.2-2639, to be treated as a city for purposes of incurring debt and issuing bonds;

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

Authorization of Note. The Board of Supervisors hereby authorizes the issuance and sale of the County's line-of-credit or revenue anticipation note (the "Note") in the maximum principal amount of \$5,000,000.00 in anticipation of the collection of the taxes and revenues of the County for the fiscal year ending June 30, 2016, pursuant to Section 15.2-2629 of the Virginia Code.

Details and Sale of Note. The Note shall be issued upon the terms established pursuant to this Resolution and upon such other terms as may be determined in the manner set forth in this Resolution. The Note shall be issued in fully registered form, shall be dated the date of its issuance and delivery, shall be in the form of a single registered note. The County Administrator and the County Treasurer, or either of them, is authorized and directed to accept a proposal for the purchase of the Note and to approve the terms of the Note, provided that the principal amount of the Note shall not exceed the amount set forth in paragraph 1, the Note shall mature not later than June 30, 2016 subject to such prepayment terms as may be approved by the County Administrator and the County Treasurer or either of them and the interest rate on the Note shall not exceed 5.0%, or if a variable rate or taxable rate is approved, the variable rate or taxable rate will be subject to a cap of 6.00%.

Pledge of Tax Revenues. The Note shall be payable from the collection of the taxes and revenues of the County for the fiscal year ending June 30, 2016.

Execution of Note. The Treasurer is authorized and directed to execute an appropriate negotiable Note and the Clerk of the Board of Supervisors is authorized and directed to affix the seal of the County thereto and such officers are authorized and directed to deliver the Note to the purchaser thereof.

Non-Arbitrage Certificate and Tax Covenants. The County Administrator and the Treasurer, or either of them, and such officers and agents of the County as either such officer

may designate are authorized and directed to execute a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Note and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended ("Code"), including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds."

Bank Qualification. The County Administrator and the Treasurer, either of whom may act, is authorized to designate the Note as a "qualified tax-exempt obligation" eligible for the exception from the disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance with the provisions of Section 265(b)(3) of the Code if, upon the advice of the County's bond counsel, the Note qualifies for such designation.

Further Actions. The County Administrator, the Treasurer, and such officers and agents of the County as either of them may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Note and all actions taken by such officers and agents in connection with the issuance and sale of the Note are ratified and confirmed.

On motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was adopted by a majority of the members of the Board of Supervisors present at a meeting of the Board of Supervisors duly called and held on July 14, 2015, by a recorded vote, the votes being recorded as follows:

MEMBER

VOTE

It was moved by North Fork District Supervisor Ron C Blevins, seconded by Royal Oak District Supervisor G. Blake Frazier to adopt the Resolution authorizing the issuance and sale of the County's Revenue Anticipation Note.

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,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

6:33:40 PM Michelle Clayton, County Attorney brought forward a request to extend the lease for the Mt. Rogers Community Services Board at the Cornerstone Building on Church Street. It is a one (1) year lease with month to month renewals afterwards.

Tax Map Id. No: 190-88-61C.

**THIS LEASE IS EXEMPT FROM RECORDATION TAXES PURSUANT TO SECTION 58.1-811 OF THE CODE OF VIRGINIA (1950, AS AMENDED).**

**LEASE AGREEMENT**

THIS LEASE, dated as of the 14<sup>th</sup> day of July, 2015, by and between Smyth County, Virginia, a political subdivision of the Commonwealth of Virginia, whose address is 121 Bagley Circle, Suite 100, Marion, Virginia 24354, (hereinafter referred to as "Landlord"), and Mount Rogers Community Services Board, whose address is 770 West Ridge Road, Wytheville, Virginia 24382, (hereinafter referred to as "Tenant").

**W I T N E S S E T H :**

THAT for and in consideration of the mutual agreements and covenants herein set forth, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. **Leased Premises.** The Landlord hereby lets, demises, and leases unto the Tenant, and the Tenant hereby leases and takes from the Landlord, for the term and upon the conditions hereinafter set forth, the structure located on the Landlord's property, which address is 115 North Church Street, Marion, Virginia 24354, such structure measuring approximately 4,000 usable square feet, and identifiable on the Smyth County Virginia Tax Map ID. No. 190-88-61C, being the same property that the Tenant conveyed to the Landlord by deed on June 23, 2011, and of record in the Office of the Clerk in the Smyth County Circuit Court, in Instrument No. 110001356, Deed Book 814, at Page 621. (hereinafter referred to as "the Leased Premises"). The Tenant shall have no rights, use, enjoyment, or right of way to the unimproved portion of the real property, including for parking purposes for the Tenant, Tenant's agents, servants, employees, visitors, or licensees, without prior written agreement by the parties in the form of a lease modification pursuant to the terms and conditions of this Lease.

2. **Term.** The term of this Lease commenced on June 23, 2011, expired on December 31, 2013, was extended to June 30, 2014, expired on June 30, 2015 and is hereby renewed until June 30, 2016 at which time the lease shall become a month-to-month lease. The

Tenant or the Landlord may, at the either party's option, extend this Lease upon written notice to the other party of not less than thirty (30) days prior to expiration of the original lease term and mutual agreement of both parties. The parties have elected by mutual agreement to extend the original term of the lease from an annual to a month-to-month basis such rate being a monthly rate of SIX HUNDRED SIXTY SIX DOLLARS AND 67 CENTS (\$666.67).

3. Rent. The Tenant shall pay to the Landlord a month-to-month rental amount of SIX HUNDRED AND SIXTY SIX DOLLARS AND 67 CENTS (\$666.67) PER MONTH for the period commencing with the date of this Lease and expiring June 30, 2016. The rental amount of SIX HUNDRED AND SIXTY SIX DOLLARS AND 67 CENTS (\$666.67) shall be due and payable by the first day of each month for the duration of the term of this Lease Agreement.

4. Use of Leased Premises. The Tenant, its agents, agencies, boards, commissions, and employees, shall use the Leased Premises only for its intended use as it may now or reasonably hereinafter be used, and shall not use for residential, industrial, or other non-intended commercial purposes.

5. No Quiet Possession. Because the Tenant has conveyed title to the Leased Premises to the Landlord, the Landlord makes no covenant that the Tenant shall have the quiet possession and enjoyment of the Leased Premises; nor does the Landlord make any other warranty regarding title.

6. Inspection and Condition of the Leased Premises. The Tenant acknowledges that as the former owner and current occupant of the Leased Premises, the Tenant is more familiar with the Leased Premises than the Landlord and, therefore, waives any claim the Tenant may have against Landlord arising from the condition of the Leased Premises. The Tenant hereby accepts the Leased Premises in an "as is" condition without the Landlord's representation or warranty with respect to condition or suitability for use.

7. Utilities. The Tenant covenants to pay when due and without demand all expenses incurred for telephone, electricity, gas, oil, cable television, and other utility services provided to the Leased Premises and all hazard and liability insurance premiums for insurance policies maintained by the Landlord or required by the Tenant hereunder.

8. Real Estate Taxes. The Tenant covenants to pay all real estate taxes assessed against the Leased Premises allocable to the term of this Lease upon demand by the Landlord.

9. Landlord Access to the Leased Premises. The Tenant agrees that the Landlord may, at reasonable times and upon reasonable notice, enter the Leased Premises (a) to inspect, survey and run tests with regard to the Leased Premises; (b) to exhibit the Leased Premises to prospective or actual purchasers, joint venturers, mortgagees, workmen or contractors; and (c) to place signs on the Leased Premises.

10. Injury to Persons or Property and Insurance by the Tenant. During the term of the Lease, the Tenant shall maintain and keep in force at Tenant's own expense public liability insurance on the Leased Premises in such amounts as the Landlord deems adequate and suitable. The Tenant shall indemnify the Landlord against and hold the Landlord harmless from any and all suits, actions, damages, liability, cost, and expense, including reasonable attorney fees, arising from or out of any act or failure to act of the Tenant, Tenant's agents, servants, employees, visitors, or licensees in or on the Leased Premises.
12. Assignment; Subordination. The Tenant agrees that the Tenant will not transfer or assign this Lease, or let or sublet the whole or any part of the Leased Premises, without the prior written consent of the Landlord, which consent may be withheld, delayed, or conditioned in the absolute discretion of the Landlord for any reason or no reason. The Landlord may assign any or all of the Landlord's rights under this Lease at any time and without the necessity of obtaining any prior consent of the Tenant.
13. Destruction by Casualty. The Landlord shall maintain hazard insurance with respect to the Leased Premises at the expense of the Tenant naming the Landlord as insured. In the event the Leased Premises are damaged by fire or other casualty but remains tenantable, the Tenant shall promptly repair the same. If the Leased Premises, or any part thereof, are damaged by fire or other casualty to such an extent as to be rendered untenable, this Lease shall terminate as of the date of such damage at the option of either the Landlord or the Tenant.
14. No Holdover. Unless the lease term is extended as provided in Section 2 above, upon termination of this Lease, the Tenant shall deliver possession of the Leased Premises to the Landlord together with a written instrument evidencing the termination and delivery of possession. In the event the Tenant holds over, the Landlord may seek to summarily evict the Tenant and recover damages, including without limitation, an amount equal to two (2) times the fair market rental value for the Leased Premises.
15. Cost of Enforcement and Waiver of Exemptions. The Tenant hereby agrees to pay all costs, expenses, fees, and charges incurred by the Landlord in enforcing, by legal action or otherwise, any of the provisions, covenants, or conditions of this Lease, including but not limited to reasonable attorney fees, and the Tenant hereby waives the benefit of any homestead or other exemption provided by law for the benefit of tenants or debtors with respect to the obligations of this Lease.
16. The Tenant's Covenants. The Tenant covenants and agrees: (a) to pay all charges payable hereunder; (b) not to use the Leased Premises for any purpose other than the use specified above; (c) to repair and maintain the Leased Premises (including, without limitation, structural components, the plumbing, heating and electrical systems) at the expense of the Tenant for any amount up to FIVE THOUSAND DOLLARS (\$5000.00) and to consult with

Landlord should a repair exceed that amount; (d) not to permit any lien to be filed against the Leased Premises on account of nonpayment of amounts payable with respect to labor or materials furnished in connection with any repairs, modifications or additions to the Leased Premises, or otherwise arising out of any action taken with respect to the Leased Premises, and, should any lien of any nature be filed against the Leased Premises as a result of the actions or inactions of the Tenant, to cause the lien to be released and removed by substitution of collateral, posting of bond or other appropriate action within thirty (30) days of its filing; (e) to comply with all laws, ordinances, rules and regulations applicable to the occupancy and use of the Leased Premises, including those related to environmental protection; (f) to surrender all keys to door locks upon termination of this Lease; (g) to maintain the Leased Premises in at least as good condition as the Leased Premises was when the Tenant took possession thereof; (h) not to deliberately or negligently alter, destroy, deface, damage or impair any part of the Leased Premises nor permit any other person to do so; (i) to give to the Landlord prompt written notice of any such damage to the Leased Premises; (j) not to allow any pets, other than service dogs or service animals, to occupy the Leased Premises at any time; and (k) not cause, permit or allow any underground storage tanks, hazardous materials or similar materials, as those or similar terms are defined under any current or future federal, state or local law, rule, regulation or ordinance, to be discharged, brought onto or permitted to remain on the Leased Premises.

17. Rights of the Landlord upon Default. The Tenant agrees that any of the following shall be deemed a default by the Tenant and a breach of this Lease: (a) a default in the payment of any payment due from Tenant; (b) a default by the Tenant in the performance of any other provision, covenant or condition of this Lease; and (c) any abandonment, desertion, or vacation of the Leased Premises by the Tenant. In the event of any such default by the Tenant and the failure of the Tenant to cure such default within ten (10) calendar days after written notice thereof, the Landlord and the Landlord's agents shall have the right to reenter and resume possession of the Leased Premises and terminate this Lease. No such entry or reletting shall deprive the Landlord of any other right, action or proceeding for possession or damage by statute or otherwise provided at law or in equity.

18. Option to Terminate Lease. Upon sixty (60) days written notice provided to the other party, either party may elect at its option to terminate the lease agreement. Such termination shall not be effective until mutual agreement of both parties is reached and executed by written agreement.

19. Entire Agreement. This Lease constitutes the entire agreement between the parties and may not be modified except by a written instrument executed by all of the parties hereto.

20. Applicable Laws and Notice. This Lease shall be construed, interpreted and applied according to the laws of the Commonwealth of Virginia, and shall be binding upon and inure to the benefit of the heirs, representatives, successors, permitted sublessees and assigns

of the parties. Any notice provided for or permitted by this Lease may be given in writing by registered or certified United States mail, postage prepaid, return receipt requested, addressed to the party to be notified at that party's address last designated by that party in writing to the other, or delivered personally to the Landlord or the Tenant, as the case may be, and shall be deemed conclusively to have been given on the date of mailing or personal delivery.

WITNESS the following signatures:

**LANDLORD, Smyth County, Virginia:**

By: \_\_\_\_\_  
Wade H. Blevins, Jr., Chairman, Board of Supervisors

Attest:

\_\_\_\_\_  
Michael L. Carter, Clerk

COMMONWEALTH OF VIRGINIA  
COUNTY OF SMYTH, to-wit:

This is to certify that Wade Blevins, Chairman to the Board of Supervisors, being first duly sworn, appeared before me this \_\_\_\_ day of \_\_\_\_\_, in Smyth County, Virginia, and acknowledged his signature to the foregoing Lease Agreement dated July 14, 2015, with due authority from the Board of Supervisors of Smyth County, Virginia.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
Registration Number: \_\_\_\_\_

**TENANT, Mount Rogers Community Service Board:**

By: \_\_\_\_\_  
Chairperson, Mount Rogers Community  
Services Board

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF \_\_\_\_\_, to-wit:

This is to certify that \_\_\_\_\_, Chairperson to the Mount Rogers Community Services Board, being first duly sworn, appeared before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015, in \_\_\_\_\_ City/County, Virginia, and acknowledged his signature to the foregoing Lease Agreement dated July 14, 2015, with due authority from the Mount Rogers Community Services Board of Directors.

\_\_\_\_\_

Notary Public

My Commission Expires: \_\_\_\_\_  
Registration Number: \_\_\_\_\_

**TENANT, Mount Rogers Community Service Board:**

This Lease Agreement is hereby approved by me, \_\_\_\_\_, as the designated and appointed Chief Contracting Officer for Mount Rogers Community Services Board by my employment contract.

By: \_\_\_\_\_  
**Chief Contracting Officer, Mount Rogers  
Community Services Board**

COMMONWEALTH OF VIRGINIA  
COUNTY OF SMYTH, to-wit:

This is to certify that \_\_\_\_\_, Chief Contracting Officer, being first duly sworn, appeared before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015, in Smyth County, Virginia, and acknowledged her signature to the foregoing Lease Agreement dated July 14, 2015, with due authority as Chief Contracting Officer from the Mount Rogers Community Services Board of Directors.

\_\_\_\_\_

Notary Public

My Commission Expires: \_\_\_\_\_  
Registration Number: \_\_\_\_\_

Pursuant to §15.2-1803 of the Code of Virginia, approved as to form:

By: \_\_\_\_\_  
**Michelle Clayton, County Attorney**

Royal Oak District Supervisor G. Blake Frazier made a motion to extend the lease to Mt. Rogers CSB as presented below. Rye Valley District Supervisor Rick K. Blevins seconded the motion.

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,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

6:40:32 PM North Fork District Supervisor Ron C. Blevins updated the Board concerning the Trail Closures and stated that at this time no action is needed to be taken by the Board of Supervisors.

6:43:39 PM Michael Carter, County Administrator brought forward a recommendation from the Budget Committee. It is the Committee's recommendation to allow Michael Carter to sign the engagement letter from Hicok, Fern & Company for the compiling of information for the County's audit. This will be for year ending June 30, 2015 at a fee of \$20,000 for Smyth County and \$3,500 for the Smyth County EDA.

After consideration, the recommendation 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,  
Atkins District Supervisor J. Howard Burton and  
Royal Oak District Supervisor G. Blake Frazier.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

Michael Carter brought forward a recommendation from the Budget Committee relating to the lease of a copier to be used in the Circuit Court Judge's office. Two proposals were received. It is the committee's recommendation to award the bid to Hungate Business Services in the amount of \$57.81 monthly, for a 60 month lease.

After consideration, the recommendation 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,  
Atkins District Supervisor J. Howard Burton and  
Royal Oak District Supervisor G. Blake Frazier.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

Michael Carter brought forward a recommendation from the Budget Committee relating to the lease of a copier to be used in the County Administrator's Office. Two proposals were received. It is the committee's recommendation to award the bid to Tri Cities Business Machines in the amount of \$209.57 monthly, for a 60 month lease.

After consideration, the recommendation 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,  
Atkins District Supervisor J. Howard Burton and  
Royal Oak District Supervisor G. Blake Frazier.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call.

6:48:12 PM Michael Carter, County Administrator brought forward a recommendation from the Solid Waste Committee. Mr. Carter stated the Committee had met on June 18, 2015 to discuss changing the procedure for the Landfill Charge Accounts. It is the Committee's recommendation to make changes as listed below:

- A request to generate past due letters beginning at 30 days past due:
  - 30 days past due clients will receive a letter stating the amount due and will inform them of the possibility of loss of privileges at the Landfill if payment is not made within 15 days from the date of the letter.

- A request to move the date of loss of privileges from 60 days to 45 days:
  - 45 days past due clients will receive a letter stating the amount due and their privileges have been placed on a temporary hold until their account is made current. They will be given 15 days from the date of the letter to satisfy their account.
  - A list of all clients who have been placed on this temporary hold will be sent to the staff at the landfill to prohibit their entry.
- A request to generate a 60 day past due letter from Smyth County Attorney, Michelle Clayton:
  - This letter will state the client has 30 days from the date of the letter to resolve their account in full or we will continue with legal action.
  - A request to send a Notice of Change letter to all landfill clients once changes have been approved:
    - This letter will state the above changes, include an effective date and to inform clients the Smyth County Board of Supervisors has voted on and approved these measures.

After consideration, the recommendation PASSED by the following vote:

**AYES:** Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C. Blevins,  
Rye Valley District Supervisor Rick K. Blevins,  
Atkins District Supervisor J. Howard Burton and  
Royal Oak District Supervisor G. Blake Frazier.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call

6:57:49 PM Royal Oak District Supervisor G. Blake Frazier brought a recommendation before the Board of Supervisors from the Courthouse Committee. Mr. Frazier stated the committee met on July 9, 2015 concerning the furnishings to be placed at the Courthouse. Five (5) proposals were received and after discussion it is the committee's recommendation to award up to \$175,000.00 for the refurbishing of the Courthouse. Included in this amount is the bid from Harris Office

Furniture in the amount of \$163,625.72, along with \$737.16 to increase the Circuit Court panels from 4-8 and to allow for minor adjustments to be made during the transition.

After consideration, the recommendation PASSED by the following vote:

**AYES:** Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C. Blevins,  
Rye Valley District Supervisor Rick K. Blevins,  
Atkins District Supervisor J. Howard Burton and  
Royal Oak District Supervisor G. Blake Frazier.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call

Royal Oak District Supervisor G. Blake Frazier brought a recommendation before the Board of Supervisors from the Courthouse Committee. Mr. Frazier stated the committee met on July 9, 2015 concerning the new phone system to be implemented at the Courthouse. Three (3) proposals were received and after discussion it is the committee's recommendation to award the service to BVU-Optinet in the amount of \$52,619.84.

After consideration, the recommendation PASSED by the following vote:

**AYES:** Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C. Blevins,  
Rye Valley District Supervisor Rick K. Blevins,  
Atkins District Supervisor J. Howard Burton and  
Royal Oak District Supervisor G. Blake Frazier.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call

7:02:51 PM Nothing concerning Old Business was discussed.

7:03:14 PM Michael Carter, County Administrator expressed his appreciation to the staff for all of their hard work.

7:06:03 PM Supervisor Comment Time-All Board members expressed their appreciation for the staff of Smyth County.

7:12:21 PM Rye Valley District Supervisor Rick K. Blevins made a motion to continue the meeting to July 23, 2015 at 4:00 P.M. Atkins District Supervisor J. Howard Burton seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Vice Chair, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Ron C. Blevins,  
Rye Valley District Supervisor Rick K. Blevins,  
Atkins District Supervisor J. Howard Burton and  
Royal Oak District Supervisor G. Blake Frazier.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Saltville District Supervisor Roscoe D. Call

Board of Supervisors Meeting Minutes  
July 23, 2015

The Smyth County Board of Supervisors held its continued meeting at 4:00 p.m., Thursday, July 23, 2015. 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; Saltville  
District Supervisor Roscoe D Call; Royal Oak District Supervisor  
G. Blake Frazier (4)

**ABSENT:** Rye Valley District Supervisor Rick K Blevins; North Fork District  
Supervisor Ron C Blevins; Atkins District Supervisor J. Howard  
Burton (3)

**STAFF:** Assistant County Administrator Scott Simpson; Administrative  
Assistant Kelly Woods; Director Community & Economic  
Development Lori Hester (3)

4:01:55 PM Chairman, Chilhowie District Supervisor Wade H Blevins, Jr. called the Board of Supervisors meeting to order.

4:02:08 PM Chairman, Chilhowie District Supervisor Wade H Blevins, Jr. opened citizen's time.

4:02:18 PM With no one wishing to speak Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. closed citizen's time.

4:02:22 PM It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Royal Oak District Supervisor G. Blake Frazier to appropriate \$1,331,986.87 from the General Fund. The following is an explanation of the appropriations approved:

General County:	\$670,054.87
Social Services (August 1-August 11, 2015)	\$60,000.00
Schools-Operating Fund	
Instruction	\$328,547.00
Administration, Attendance & Health	\$83,396.00
Transportation	\$10,849.00
Facilities	\$134,635.00
School Food Service	\$8,939.00
Technology	\$35,566.00

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,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins,

North Fork District Supervisor Ron C. Blevins and  
Atkins District Supervisor J. Howard Burton.

4:03:47 PM Royal Oak District Supervisor G. Blake Frazier brought forward a recommendation from the Insurance Committee regarding liability insurance for Trustees that perform work activities for the County. Mr. Frazier stated that liability insurance is available to the County through VACORP at a rate of \$2,500.00 yearly for up to 50 trustees. The committee's recommendation is to provide the liability insurance through VACORP at a rate of \$2,500.00 yearly.

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,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins and  
Atkins District Supervisor J. Howard Burton.

4:05:57 PM Scott Simpson, Assistant County Administrator brought forward a recommendation from the Ordinance Committee. It is the committee's recommendation to adopt a resolution to from a Joint Ordinance Committee with the Planning Commission as shown below.

**A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SMYTH, VIRGINIA**

**AUTHORIZING A JOINT BOARD OF SUPERVISORS AND PLANNING COMMISSION ORDINANCE  
COMMITTEE**

WHEREAS, the Board of Supervisors (the "Board") of the County of Smyth, Virginia (the "County") proposes to authorize the formation of a Joint Board of Supervisors and Planning Commission Ordinance Committee to review and recommend changes to the Zoning Ordinance or any other matters deemed appropriate by the Board; and

WHEREAS, the County has the authority to appoint a Planning Commission and to form committees to promote the development and serve the best interest of Smyth County; and

WHEREAS, the Planning Commission agrees that a Joint Ordinance Committee enhances the ability of both ordinance committees to draft changes to land use ordinances that will be most beneficial to the County.

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

Authorization Joint Ordinance Committee. The Board of Supervisors hereby authorizes the creation of a Joint Board of Supervisors and Planning Commission Ordinance Committee to review proposed amendments to the Smyth County Zoning Ordinance and other land use ordinances as requested.

Appointees to the Committee. The Joint Ordinance Committee shall consist of the members of the Board of Supervisors Ordinance Committee and the Planning Commission Ordinance Committee.

Leadership of the Committee. The Chair of the Joint Ordinance Committee shall be the Chair of the Board of Supervisors Ordinance Committee and the Vice-Chair shall be the Chair of the Planning Commission Ordinance Committee.

Quorum. A quorum of any scheduled meeting of the Joint Ordinance Committee shall consist of any four members of the Joint Ordinance Committee.

Votes. A majority vote of the members that are in attendance at any Joint Ordinance Committee meeting shall constitute approval or disapproval of a matter.

Recommendation to the Planning Commission. The Joint Ordinance Committee shall first make a recommendation to the Planning Commission to consider the proposed amendments and recommend a joint public hearing. A recommendation to hold a joint public hearing shall require the approval of a majority of the Planning Commission.

Joint Ordinance Committee Public Hearing. Upon the recommendation of the Planning Commission, the Board of Supervisors shall consider scheduling a Joint Public Hearing of the Planning Commission and the Board of Supervisors to consider the proposed amendments to the Smyth County Zoning Ordinance.

After the Joint Public Hearing. Upon completion of a properly advertised joint public hearing, the Planning Commission shall vote on whether to recommend the proposed amendments and forward them to the Board of Supervisors for consideration.

Board of Supervisors. The Board of Supervisors shall consider any recommendation from the Planning Commission to adopt the Zoning Amendments at the next regular Board meeting.

On a recommendation from the Ordinance Committee, the foregoing Resolution was adopted by a majority of the members of the Board of Supervisors present at a meeting of the Board of Supervisors duly called and held on July 23, 2015, by a recorded vote, the votes being recorded as follows:

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,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins and  
Atkins District Supervisor J. Howard Burton.

4:09:37 PM Scott Simpson, Assistant County Administrator brought forward a Letter of Support for SWIFA as shown below.

July 23, 2015

Ms. Sara G. Williams  
Grants Program Administrator - Southwest  
Virginia Tobacco Indemnification and Community Revitalization Commission  
One Partnership Circle  
P. O. Box 1987  
Abingdon, VA 24212

RE: SWIFA Application for Funding

Dear Ms. Williams:

It is our understanding the Smyth-Washington Regional Industrial Facilities Authority (SWIFA) is filing an application with the Tobacco Commission to improve water service to the Highlands Business Park. This letter is to express our strong support of this application. As you are aware, SWIFA's Highlands Business Park is located between Abingdon and Chilhowie in the Northeastern Part of Washington County. Although the park is located in Washington County, Smyth County is an equal partner and receives revenues and other economic gains from the park.

WCSA is completing a significant infrastructure improvement project which includes an additional raw water intake on the South Fork of the Holston River, a newly expanded water treatment plant with a capacity of 12 million gallon per day (MGD) and a new 4 million gallon storage facility. These improvements, totaling over \$25 million in construction costs, provide the foundation for a system capable of meeting the industrial, commercial and residential water needs of Washington County properties for years to come.

The improvements proposed in the pending SWIFA application include the storage and distribution system upgrades to allow WCSA to provide needed additional water capacity to Highlands Park, therefore making it a more attractive location for industries looking to locate in Southwest Virginia.

In summary, Smyth County is very appreciative of the assistance given us by The Tobacco Commission and we are hopeful that the application being prepared by SWIFA will receive your favorable consideration.

Sincerely,

Scott R. Simpson, P.E.  
Assistant County Administrator

Saltville District Supervisor Roscoe D. Call made a motion to approve the letter as presented by Mr. Simpson. Royal Oak District Supervisor G. Blake Frazier 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,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins and  
Atkins District Supervisor J. Howard Burton.

4:12:00 PM Scott Simpson, Assistant County Administrator presented a Resolution for a Tobacco Commission Grant Application to be submitted for The Back of the Dragon Overlook project as shown below.

#### RESOLUTION

WHEREAS, the Virginia Tobacco Indemnification and Community Revitalization Commission is soliciting applications for 2015 Economic Development Projects, including funding for Tourism: Outdoor Recreation, and

WHEREAS, the Smyth County Board of Supervisors has determined tourism plays a key role in economic development and

WHEREAS, the Smyth County Board of Supervisors has determined there is a need to attract additional tourists to the Back of the Dragon (Route 16 in Smyth County) to support the local economy by enhancing the experience of the tourists to generate word-of-mouth marketing, and

NOW, THEREFORE BE IT RESOLVED the Smyth County Board of Supervisors authorizes a grant application for \$184,000 in funding from the Tobacco Commission for the engineering design, environmental assessment, permitting, and construction of the proposed Back of the Dragon Smyth County Overlook, and

BE IT FURTHER RESOLVED the Smyth County Board of Supervisors recognizes the Tobacco Commission funds are limited to no more than ninety (90) percent of the cost of the project and the remaining ten (10) percent must come from other funding, however; this Back of the Dragon Smyth County Overlook project is requested at twenty (20) percent of the total cost from the Tobacco Commission and the remaining eighty (80) percent will come from VDOT MAP-21 funding.

BE IT FURTHER RESOLVED the Smyth County Board of Supervisors authorizes the Assistant County Administrator to sign and submit all grant-related documents for the Tobacco Commission Economic Development grant funding application.

Adopted by the Smyth County Board of Supervisors  
July 23, 2015

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Wade H. Blevins Jr.  
Chairman, Smyth County Board of Supervisors

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Scott R. Simpson, P.E.  
Assistant County Administrator

Saltville District Supervisor Roscoe D. Call made a motion to adopt the Resolution as presented by Mr. Simpson. Royal Oak District Supervisor G. Blake Frazier 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,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins and  
Atkins District Supervisor J. Howard Burton.

4:14:10 PM Nothing was discussed concerning old business.

4:15:14 PM Saltville District Supervisor Roscoe D. Call made a motion to adjourn the meeting. Vice Chair, Park District Supervisor M. Todd Dishner seconded the motion.

After consideration, the motion PASSED by the following vote:

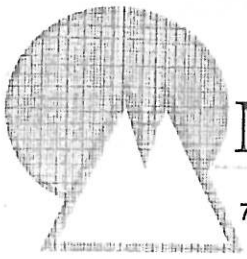
**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier.

Board of Supervisors Meeting Minutes  
July 23, 2015

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins and  
Atkins District Supervisor J. Howard Burton.



# Mount Rogers Community Services Board

770 WEST RIDGE ROAD

WYTHEVILLE, VA 24382

276-223-3200

EXECUTIVE DIRECTOR

Lisa H. Moore

BOARD OFFICERS

Chairperson

Joe Bean

Vice-Chairperson

Sandy Troth

Secretary

Beverly Mountain

Treasurer

Mary Coulson

July 20, 2015

Mr. Michael Carter, County Administrator  
Smyth County Board of Supervisors  
121 Bagley Circle, Suite 100  
Marion, VA 24354

Dear Mr. *Michael* Carter:

As you are aware, the Code of Virginia, section 37.2-508 requires Community Services Boards to submit to the local governments in our service areas for review and approval our performance contracts with the Department of Behavioral Health and Developmental Services (DBHDS).

We are enclosing both a hard copy summary and a complete copy on CD of our Board's FY 2016 Community Services Performance Contract for review and consideration prior to your next Board meeting. If you would like us to provide you a hard copy of the complete performance contract, please let us know.

If you have any questions concerning our performance contract, which we finalized with the DBHDS in late June, please give me a call. I will appreciate the opportunity to meet with either you or your Board, if necessary or desired, prior to any action on this item.

Sincerely,

Lisa Moore  
Executive Director

SB/sb

Enclosures



## **Fiscal Year (FY) 2016 Performance Contract Summary**

Mount Rogers Community Services Board (MRCSB) submitted the FY 2016 Performance Contract (PC) renewal to the Virginia Department of Behavioral Health and Development Services (DBHDS) in June 2015. This submission includes community services programming projected at a total of \$39,149,019. Community services program areas comprising this total are:

- \$23,291,645 for Mental Health Services
- \$12,397,080 for Developmental Services
- \$1,618,627 for Substance Abuse Services
- \$1,670,443 for Emergency Services
- \$171,224 for ancillary services (assessment and evaluation services, early intervention services, and consumer run services).

The PC for FY 2016 includes the following sections:

- Performance Contract (released May 8, 2015)—covering the FY 2016 renewal of the biennial PC for FY 2015 and FY 2016.
- Exhibits—including resources and services schedules as submitted on June 26, 2015.
- Administrative Requirements (released May 8, 2015).
- Partnership Agreement (released May 8, 2015).

The PC for FY 2016 includes detailed information concerning responsibilities and requirements regarding the following areas:

### **(1) Community Services Board Responsibilities**

- State hospital bed utilization
- Quality of care
- Reporting requirements
- Providing information
- Compliance requirements
- Regional programs
- Intensive care coordination
- Electronic health record
- Reviews
- Consideration of DBHDS comments

### **(2) Virginia Department of Behavioral Health and Development Services Responsibilities**

- Funding
- State facility services
- Quality of care
- Reporting requirements
- Compliance requirements
- Communication

- Regional programs
- Peer review process
- Electronic health record
- Reviews
- DBHDS comments

(3) State Requirements

- General state requirements
- Financial management
- Procurement
- Reimbursement
- Human resource management
- Information technology
- Planning
- Forensic services
- Access to services for individuals who are deaf, hard of hearing, late deafened, or deafblind
- Interagency relationships

(4) Federal Requirements

- General federal compliance requirements
- Disaster response and emergency service preparedness requirements
- Federal certification regarding lobbying for the mental health and substance abuse prevention and treatment block grants

(5) State and Federal Requirements

- Employment anti-discrimination
- Service delivery anti-discrimination

(6) Virginia Department of Behavioral Health and Development Services Requirements

- Information technology
- Planning

(7) Special Procedures and Requirements

- Continuity of care procedures
- Federal substance abuse treatment and prevention block grant requirements
- Unspent balances principles and procedures
- User acceptance testing process
- Continuous quality improvements (CQI) process
- Discharge assistance program (DAP) requirements

## PUBLIC HEARING NOTICE

The Smyth County Board of Supervisors will conduct a public hearing on Tuesday, August 11th, 2015 at 5:45 p.m., or 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 Konnarock, Green Cove, Laurel Valley Community Association has submitted a festival application for an event to be held on Sunday, September 20, 2015. This event will be held at the Konnarock Community Center, 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.

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, Smyth County ADA Coordinator, at (276) 783-3298 x8315 at least forty eight (48) hours prior to the public hearing.

Done by order of the Board of Supervisors  
Michael L. Carter, County Administrator

DATE &amp; TIME RECEIVED:

6/25/15  
2:08 PM.

## SMYTH COUNTY

121 Bagley Circle, Suite 100 - Marion, VA 24354

Phone: 276-783-3298 Ext. 1

APPLICATION FOR AN ANNUAL MUSICAL  
OR ENTERTAINMENT FESTIVAL(S)PLEASE PRINT AND ATTACH ALL INFORMATION

Note: The submission of this application does not guarantee the approval of the listed event(s). **All** information listed on this application is required to help determine if the event(s) complies with the Code of Smyth County.

Date Application Filed: 6-22-15Applicant/Contact Name: Anne D. PenningtonAddress: 29891 Jeb. STUART HWY. DAMASCUS, VA. 24436Phone: 276-388-3102Name of Organization: KONNAROCK Community Assoc. LAUREL VALLEY GREEN COVELocation of event(s): KONNAROCK Community Center

Pursuant with section 5-97 of the Smyth County Code (**revised code is attached, please read carefully**), the above organization hereby submits an application for a permit to conduct musical or entertainment festival(s) in Smyth County, Virginia, on the following date(s):

Day of the Week:	Date:	TIME: From	TIME: To
<u>Sunday</u>	<u>9-20-15</u>	<u>11:00 Am.</u>	<u>5:00 Pm.</u>

Pursuant to Section 5-96 (b) of the County Code, this application shall be filed by the last business day of the month of February or at least sixty (60) days prior to the first date of such festival(s).

The permit required by this article shall not be issued unless the following conditions are met and the following plans, statements and approvals submitted to the Board with the application:

- (1) *Promoters and backers.* A statement of the names and addresses of the promoters of the festival(s), and the financial backing of the festival(s).  
*KONNAROCK, GREENCOVE, LAUREL VALLEY COMMUNITY ASSOC. AND COMMUNITY.*
- (2) *Location and Site Plan.* A statement of the location of the proposed festival(s), the name(s) and address(es) of the owner(s) of the property on which such festival(s) is to be held, and the nature and interest of the applicant therein. The Site Plan may be an applicant prepared sketch and shall include the following items: *KONNAROCK, GREENCOVE, LAUREL VALLEY COMM. ASSOC. 6535 WHITE TOP RD. TROUTDALE, VA. 24378*
  - a. Dimensions of site, including length, width, and total size.
  - b. Location of the lot or parcel by vicinity map. The Site Plan shall also contain a north arrow, original date, revision dates, and graphical scale. *SEE MAP + SCALE*
  - c. Property lines of the proposed festival(s). If only a portion of the property is proposed for the festival(s), a "Limits of Festival(s)" shall also be shown.  
*ON COMMUNITY CENTER GROUNDS*
  - d. The name and address of the property owner of the site, if different than the applicant. *SAME*
  - e. The tax parcel number(s) of the parcels proposed for the festival(s). *86A 46B*
  - f. The names, route numbers, locations, and dimensions of existing public or private streets, alleys, and rights of way shall be shown. Any proposed rights of way for said festival(s) shall also be shown. *SEE MAP*
  - g. The location, type, and size of site access points such as driveways, curb openings, and crossovers. If existing cuts will serve the site they shall be shown. If new median cuts are proposed, their locations shall also be shown. *SEE MAP*
  - h. The location of buildings or structures existing or proposed for the site, including the distance between buildings or structures. *Food inside (music outside in GAZEBO)*
  - i. Location and design of all existing and proposed utilities, including water, sanitation, and electrical service. *PORTR Johns + BATHROOMS inside*
  - j. The location of any proposed bugger yards, screening, and fencing. *N/A*
  - k. A statement by the applicant that the site plan for said festival(s) will be built according to the plan. *ASSOCIATION Will COMPLY*
  - l. Any additional information requested by the Administrator or the Board.  
*Will COMPLY*

- (3) *Plans.* The following plans shall be submitted by the applicant to the agencies referenced below and said agencies approvals forwarded to the Administrator, or his designee, ten (10) days prior to the public hearing.
- a. *Sanitation facilities, garbage, trash and, sewage disposal.* A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations, and shall be approved by the Smyth County Health Department. *Bath Rooms inside, Port John's outside, GARBAGE AND TRASH TAKEN CARE OF BY ASSOC. MEMBERS*
  - b. *Food, water and lodging.* A plan for providing food, water, and lodging for the persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations, and shall be approved by the Smyth County Health Department. *will comply.*
  - c. *Medical facilities.* A plan for adequate medical facilities for persons at the festival, approved by the Smyth County Health Department. *Mt. Rogers Rescue Squad*
  - d. *Parking, crowd and traffic control.* A plan for adequate parking facilities and traffic control in and around the festival area, approved by the Smyth County Sheriff's Office. *Community Assoc. members will park cars + Sheriff's Dept. will control traffic*
  - e. *Fire protection.* A plan for adequate fire protection. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and if applicable shall be approved by the Virginia Department of Forestry. *Mt. Rogers Fire Dept.*
  - f. *Tickets.* The applicant is to provide a statement containing the total number of tickets to be offered for sale and the best reasonable estimate by the applicant of the number of persons expected to be in attendance.  
*TICKETS OFFERED - 600*  
*Estimated To Attend - 400*
- (4) *Lighting.* A statement specifying whether any outdoor lights or lighting is to be utilized, and if so, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the festival is located. *N/A*
- (5) *Loud music.* A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom shall be unreasonably audible beyond the property on which the festival is located. *Audibility Level will be controlled within Reason by Trained person*

- (6) *Administration and Public Notice:* The Administrator, or his designee, is responsible for receiving each application for Annual Musical or Entertainment Festival(s), and processing those application(s) as provided for in other Articles of this Chapter, including meeting the public notice requirements contained in §15.2-2204 of the Code of Virginia.
- (7) *Fee.* A non-refundable fee in the amount of \$200.00 shall be paid with each application. Mail check with complete application to:  
Smyth County – Treasurer  
Smyth County Administrator's Office  
121 Bagley Circle, Suite 100  
Marion VA 24354
- (8) *A Certificate of Liability Insurance* shall be submitted signifying the Board as "Certificate Holder" in the amount of, not less than, One Million Dollars (\$1,000,000.00) and shall cover medical pay. The date(s) of the festival(s) shall be within the effective dates of the Certificate of Liability Insurance. A copy of said Certificate shall be furnished to the Board with all other documentation before approval will be obtained by the applicant.  
(Code 1978, § 3-14)
- (9) *Failure to Comply.* Failure of the applicant to comply with the requirements of this Section 5-97 shall result in the application being returned to the applicant without any action by the Administrator, or his designee, or the Board.



## Smyth County Planning Commission

121 Bagley Circle, Suite 120, Marion, VA 24354  
Phone (276) 706-8316 Fax (276) 783-9314

Hazel L. Wagoner, Atkins District  
Graham Davidson Jr., Chilhowie District  
Norman Sparks, North Fork District  
Joel Pugh, Park District  
Robbie Doyle, Royal Oak District  
Paul D. Shepherd, Rye Valley District  
Wayne Venable, Saltville District  
Clegg Williams, Zoning Administrator  
Becca Creasy, Administrative Assistant

To: Michael L. Carter  
From: Clegg Williams *W*  
Date: July 15, 2015  
Subject: Recommendation from Planning Commission

At the Planning Commission's meeting on Tuesday, July 14, 2015 the following motion was rendered:

Commissioner Joel Pugh made a motion to recommend the Board adopt the attached text amendment to the Zoning Ordinance. Commissioner Hazel Wagoner seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Sparks, Pugh, Wagoner, Shepherd and Davidson  
**NAYS:** None.  
**ABSTAINERS:** None.  
**ABSENT:** Venable and Doyle.

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

Pursuant to Virginia Code §15.2-2292 of the Code of Virginia, (1950), as amended, the Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Tuesday, July 14, 2015, beginning at 6:00 P.M. in the Smyth County Office Building, Board of Supervisors Meeting Room, 121 Bagley Circle, Marion, Virginia, to consider the following amendments to the Zoning Ordinance of Smyth County, Virginia:

The proposed amendment will repeal the current definition of "Childcare center" and a portion of the definition of "Home Occupation" referring to "family day care establishment" and will be effective immediately upon adoption.

### **New or amended definitions provide as follows:**

**Family day home.** Means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving six through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.

**Child day center.** Means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

**Home Occupation.** Replace the term "family day care establishment" with "family day home in accordance with Section 4-14 and as defined in Article X".

### **Add to Article IV: General Provisions: Regulations of Family Day Homes**

**4-14.1** The care of five or fewer children for portions of a day shall be considered a "home occupation" and no conditions more restrictive than either Smyth County Zoning Ordinance Section 10-35 or those imposed on residences occupied by persons related by blood, marriage or adoption shall be imposed, in accordance with Va. Code §15.2-2292. Please note this requirement will be changed to "four or fewer children" by Virginia Code provisions mandated and effective July 1, 2016.

**4-14.2** The care of six through twelve children shall require notification by certified mail to the last known address of each adjacent property owner for an opportunity to object to the issuance of a Zoning permit. The Applicant is required to pay for the cost of the certified mailing which shall be handled by the Zoning Administrator's Office. If the Zoning Administrator received no written objection from a person so notified within 30 days of the date of sending the letter of notification and determines that the Family Day Home otherwise complies with the provisions of the ordinance, the Zoning Administrator may issue a Zoning permit. If denied, the applicant may file an application for a Special Use Permit with the Zoning Administrator as provided in Article VI.

Additional sections of the Zoning Ordinance where the term "childcare center" will be replaced with "Child Day Center" are as follows: 3-2.2 a; 3-3.2 a; 3-4.2 j; and 3-5.2 k.

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 amendments 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 between the hours of 8:00 a.m. and 5:00 p.m., 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. 8315 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

A meeting of the Smyth County Solid Waste Committee was held at the County Office Building on Wednesday, July 29, 2015 at 3:30 P.M.

**Committee Members Present:** Rye Valley District Supervisor Rick K. Blevins, Chair  
Chilhowie District Supervisor Wade H. Blevins, Jr.

**Committee Members Absent:** Atkins District Supervisor, J. Howard Burton

**Staff Members:** Michael Carter, County Administrator  
Scott Simpson, Assistant County Administrator  
Kendra Hayden, Administrative Assistant

Chairman, Rye Valley District Supervisor Rick K. Blevins called the meeting to order at 3:31 pm.

Michael Carter, County Administrator reported to the committee the rates from both the City of Bristol and W-L Hauling will increase by a total of more than \$2 per ton effective October, 2015. To aid in covering the County's increased cost; he recommends raising the tipping fees at the landfill from \$52.00 per ton to \$56.00 per ton.

Discussion continued regarding the rate increase terms and conditions, comparison of rates to other counties and further opportunities.

Chilhowie District Supervisor, Wade H. Blevins, Jr. made a motion to recommend a public hearing regarding the rate increase on tipping fees from \$52.00 per ton to \$56.00 per ton to the full Board of Supervisors at the next scheduled meeting for August 11, 2015. Rye Valley District Supervisor Rick K. Blevins, Chair seconded the motion. All agreed unanimously.

With nothing further to discuss, Chairman, Rye Valley District Supervisor Rick K. Blevins adjourned the meeting at 3:59 P.M.

A meeting of the Smyth County Water and Sewer Committee was held at the County Office Building on Thursday, July 30, 2015 at 4:30 p.m.

**Committee Members Present:**

Rye Valley District Supervisor Rick K. Blevins  
Saltville District Supervisor Roscoe D. Call, Chair

**Committee Members Absent:**

Royal Oak District Supervisor G. Blake Frazier, Chair

**Staff Members Present:**

Michael Carter, County Administrator  
Scott Simpson, Assistant County Administrator  
Kelly Woods, Administrative Assistant  
Lori Hester, Director of Community and Economic Development  
Michelle Clayton, County Attorney  
Mike Neal, Water/Sewer Department Manager

**Others Present:**

Doug Henderlite, Vice President Thomas Bridge Water Board of Trustees

The meeting was called to order at 4:32 p.m. by Chairman Roscoe D. Call.

Scott Simpson, Assistant County Administrator presented information concerning the County's request to engage in conversation with the Thomas Bridge Water Corporation to bill sewer customers who are on the Thomas Bridge Water System. Discussion continued on this item.

Rye Valley District Supervisor Rick K. Blevins made a motion to allow staff to contact the Thomas Bridge Water concerning the request for them to bill for sewer to assist the County in the collection of active accounts in the service area. All agreed unanimously.

Scott Simpson, Assistant County Administrator then presented information on RFP's received for the Adwolfe Sewer Project Engineering. Two (2) proposals were received. After discussion, Rye Valley District Supervisor Rick K. Blevins made a motion to award the proposal to CHA Consulting for Engineering Services for the upcoming Adwolfe Sewer Project. All agreed unanimously.

Michelle Clayton, County Attorney presented information concerning the Town of Marion's 10% Water rate increase. Discussion continued on this item. After discussion, Rye Valley District Supervisor Rick K. Blevins made a motion to approve sending a letter to the Town of Marion requesting information identifying the need for the increase and any other supporting documents justifying the rate. All agreed unanimously.

Scott Simpson, Assistant County Administrator presented one Water/Sewer account that needs to be written off as uncollectable. The account is for Minnie Stamper, whom is deceased and her property has been sold. The amount uncollected is \$527.16. Smyth County has exhausted all efforts to collect on the account, therefore, Rye Valley District Supervisor Rick K. Blevins made a motion to write the account off as uncollectable for Minnie Stamper in the amount of \$527.16. All agreed unanimously.

All recommendations will be presented to the Board of Supervisors at the next scheduled meeting on August 11, 2015.

With nothing further to discuss, the meeting was adjourned at 5:28 P.M.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in financial matters. The text suggests that organizations should implement robust systems to track every aspect of their operations, from procurement to sales.

2. The second section addresses the challenges faced by organizations in managing their resources effectively. It highlights the need for strategic planning and the allocation of resources based on long-term goals. The author argues that without a clear vision and a well-defined strategy, organizations risk inefficiency and failure. This section also touches upon the importance of regular communication and collaboration between different departments to ensure that everyone is working towards the same objectives.

3. The third part of the document focuses on the role of technology in modern business operations. It discusses how digital tools and platforms can streamline processes, reduce costs, and improve overall productivity. The text mentions various software solutions for project management, data analysis, and customer relationship management. It also notes that while technology offers many benefits, it is crucial to ensure that it is used responsibly and that data security is maintained at all times.

4. The final section of the document provides a summary of the key points discussed and offers some concluding thoughts. It reiterates the importance of a holistic approach to business management, where all aspects of the organization are considered and optimized. The author encourages organizations to embrace change and innovation, as these are the only ways to stay competitive in a rapidly evolving market. The document concludes with a call to action, urging leaders to take the insights provided and implement them in their respective organizations.