

# AGENDA

Tuesday, February 10, 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.5; Industrial/Business Prospects**; discussion concerning a business or industry considering expansion with no previous announcement being made, and **A.7 Legal**; discussion with legal counsel and staff pertaining to actual or probable litigation.

## **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 January 13, 2015 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 Brown Edwards-Audit Report- Richard Linnen**
- **5:45 SWIFA Update- Harry Dean**
- **6:00 Planning Commission 2014 Annual Report- Clegg Williams**
- **Nuisance Ordinance Complaint- Clegg Williams**
- **Rich Valley Convenience Station Lease- Michael Carter**

- **Budget Transfer for Animal Control Department- Scott Simpson**
- **Chilhowie Fire & EMS Resolution- Michelle Clayton**
- **Pear Street- Michelle Clayton**
- **Water/Sewer Committee Recommendations- Roscoe Call, Chairman**
- **Ordinance Committee Recommendations- Ron Blevins, Chairman**

**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, January 13, 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; Rye Valley District Supervisor Rick K. Blevins; North Fork District Supervisor Ron C. Blevins; Atkins District Supervisor J. Howard Burton; Saltville District Supervisor Roscoe D. Call; Royal Oak District Supervisor G. Blake Frazier (7)

**ABSENT:** None (0)

**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)

4:06:32 PM Michael Carter, County Administrator called the meeting to order.

4:06:41 PM A motion was made by North Fork District Supervisor Ron C. Blevins to enter into closed session under Code of Virginia, Section 2.2-3711-A.5; **Industrial/Business Prospects**; discussion concerning a business or industry considering expansion with no previous announcement being made, and **A.7 Legal**; discussion with legal counsel and staff pertaining to actual or probable litigation. Rye Valley District Supervisor Rick K. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Park District Supervisor M. Todd Dishner  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

5:04:49 PM Michael Carter, County Administrator called meeting back to order from Closed session.

It was moved by North Fork District Supervisor Ron C. Blevins, seconded by Saltville District Supervisor Roscoe D. Call to adopt the following Resolution certifying the business conducted in closed session as follows:

#### **RESOLUTION CERTIFICATION OF CLOSED SESSION**

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

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

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

5:05:29 PM Lori Hester, Director of Community and Economic Development gave the Invocation and Lisa Richardson, Manager of Human Resources led the Pledge of Allegiance.

5:07:06 PM A motion was made by Royal Oak District Supervisor G. Blake Frazier to adopt the Agenda and Additional Agenda, with the deletion of FOIA Charges and the addition of scheduling a VDOT public hearing for road abandonment. North Fork District Supervisor Ron C. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Park District Supervisor M. Todd Dishner  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

5:08:38 PM Michael Carter, County Administrator opened the floor to discussion and nominations for the Election of Chairman for the calendar year of 2015.

Saltville District Supervisor Roscoe D. Call made a motion to nominate Chilhowie District Supervisor Wade H. Blevins, Jr. as Chairman. The motion was seconded by Royal Oak District Supervisor G. Blake Frazier. Rye Valley District Supervisor Rick K. Blevins made a motion to close the nominations, seconded by North Fork District Supervisor Ron C. Blevins.

After consideration, the motion PASSED by the following vote:

**AYES:** Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Park District Supervisor M. Todd Dishner  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

Michael Carter, County Administrator called for a vote on Chilhowie District Supervisor Wade H. Blevins, Jr.'s nomination for Chairman.

After consideration, the motion PASSED by the following vote:

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

**NAYS:** None.

**ABSTAINERS:** Chilhowie District Supervisor Wade H. Blevins, Jr.

**ABSENT:** None.

Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. opened the floor for nominations of Vice Chairman for calendar year 2015.

Saltville District Supervisor Roscoe D. Call nominated Park District Supervisor M. Todd Dishner as Vice Chairman. The motion was seconded by Rye Valley District Supervisor Rick K. Blevins. Royal Oak District Supervisor G. Blake Frazier made a motion to close the nominations for Vice Chairman. The motion was seconded by North Fork District Supervisor Ron C. Blevins.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** Park District Supervisor M. Todd Dishner.

**ABSENT:** None.

Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. called for a vote on Park District Supervisor M. Todd Dishner's nomination for Vice Chairman.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** Park District Supervisor M. Todd Dishner.

**ABSENT:** None.

Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. opened the floor for nominations for Clerk for the calendar year 2015. Saltville District Supervisor Roscoe D. Call nominated Michael Carter for Clerk.

The motion was seconded by Vice Chair Park District Supervisor M. Todd Dishner. Royal Oak District Supervisor G. Blake Frazier made a motion to close nominations, seconded by North Fork District Supervisor Ron C. Blevins.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,

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

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. called for a vote on Michael Carter's nomination for Clerk.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. opened the floor for nominations of Deputy Clerk for the calendar year 2015. Saltville District Supervisor Roscoe D. Call nominated Scott Simpson for Deputy Clerk. The motion was seconded by North Fork District Supervisor Ron C. Blevins. Royal Oak District Supervisor G. Blake Frazier made a motion to close the nominations, seconded by North Fork District Supervisor Ron C. Blevins.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. called for a vote on Scott Simpson's nomination for Deputy Clerk.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,

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

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

5:11:37 PM Michael Carter, County Administrator asked the Board their desired meeting schedule for the calendar year 2015 and suggested the meetings stay as scheduled on the 2<sup>nd</sup> Tuesday of each month, with the exception of November. November's meeting will be held on Thursday, November 19<sup>th</sup>, due to the Thanksgiving Holiday and the VACO Conference. Saltville District Supervisor Roscoe D. Call made a motion to continue with the regular meeting schedule on the second Tuesday of each month, with closed session beginning at 4:00 P.M. 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,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

5:13:56 PM A motion was made by Saltville District Supervisor Roscoe D. Call to adopt the Board of Supervisors Rules of Procedures as amended below. North Fork District Supervisor Ron C. Blevins seconded the motion.

**A RESOLUTION  
INTRODUCED JANUARY 13, 2015  
SMYTH COUNTY BOARD OF SUPERVISORS**

To amend the Rules of Procedure adopted September 9, 2003 for the following purposes:

- 1) Amending Rule 4.6 to provide and clarify the mechanism by which a motion may be amended or substituted after it has been seconded. This amendment may be used in cases where a motion was seconded but there needs to be more clarity or a substantive change in the motion on the floor. A member will move for an amendment (or substitution, if more substantive) to the motion at hand and there will be a vote. A member will move to replace the motion at hand and a vote. The vote will be taken on the amended or substituted motion.
- 2) Deleting Rule 4.10(1) because it contradicts Rule 5.2 regarding the addition of agenda items at a meeting. Retaining 4.10(2) because it pertains to requests for funds not budgeted. Rule 5.2 is the current way that the Board handles additions to the minutes by adding items prior to approval of the agenda. Rule 4.10(1) provides additions must be carried over to the next meeting which is too restrictive and unnecessary.
- 3) Amending Rule 5.2 to remove conflicting language that would permit additions to the agenda after the agenda has been set in the first order of business. The provision

contradicts the prior statement which provides that two (2) Members objecting to an addition can have it held over until the next meeting.

- 4) Amending Rule 5.3 relating to "Citizens' Time" to permit citizens to address the Board on items that are on the agenda unless there was a public hearing on the issue prior to the meeting. It is important to note that there is no constitutional requirement to have a time for the public to speak (except for advertised public hearings) and that some counties and cities do not provide this time and, if they do, there are often restrictions to what can be discussed including not permitting items that are on the agenda. This proposed amendment would loosen the rule to permit a citizen to speak to something on the agenda so long as it was not already discussed in an advertised public hearing.
- 5) Amending Rule 5.5 to provide the copies of documents or discs may be purchased under Smyth County's fee schedule pertaining to the Freedom of Information Act requests. (The fee schedule being suggested to the Board will be to permit a limit of \$5 per citizen per year with afterward charges of 10 cents for each black and white copy and 15 cents for each color copy. Please note that FOIA does not permit any charges over actual costs.)
- 6) Amends Rule 8.1 to add that "The failure of the Board to strictly comply with Roberts Rules of Order shall not invalidate any action of the Board." Roberts Rules are used to provide a format for meetings and actions of the Board to make the meeting more efficient and provide structure. Roberts Rules are not meant to provide a mechanism to invalidate clear actions by a local governing body. Already, votes taken without a second have not been viewed by courts as invalidating the action. While continuing to follow Roberts Rules as well as possible is highly desirable, occasional lapses should not put into question clear actions taken by the Board.

**BE IT RESOLVED BY THE SMYTH COUNTY BOARD OF SUPERVISORS:**

That the Rules of Procedure for the County of Smyth, Virginia, adopted by Resolution on September 9, 2003, be and are hereby amended and adopted as set forth in the attachment to this resolution. These amendments shall be effective immediately.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

5:23:36 PM A motion was made by North Fork District Supervisor Ron C. Blevins to adopt the 2015 state holiday schedule as approved by the Governor and amended throughout the year. The motion was seconded by Rye Valley District Supervisor Rick K. Blevins.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,

Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

5:24:46 PM It was moved by Royal Oak District Supervisor G. Blake Frazier, seconded by North Fork District Supervisor Ron C. Blevins to approve the minutes of the December 9<sup>th</sup> and December 18<sup>th</sup>, 2014 meetings.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

5:27:28 PM Financial Update-Michael Carter, County Administrator presented the Board with information on the current FY14-15 budget and a current month analysis for appropriations.

5:33:19 PM It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$5,890,000.00 from the General Fund. The following is an explanation of the appropriations approved:

General County:	\$1,700,000.00
Social Services (January 14-January 31, 2015)	\$310,000.00
Social Services (February 1-February 10, 2015)	\$60,000.00
Schools-Operating Fund	\$3,800,000.00
School Debt and Capital Outlay Fund	\$20,000.00

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

It was moved by Saltville District Supervisor Roscoe D. Call seconded by Royal Oak District Supervisor G. Blake Frazier to appropriate \$786,720.07 for the Courthouse Project.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner  
Rye Valley District Supervisor Rick K. Blevins,  
Atkins District Supervisor J. Howard Burton  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

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

**ABSTAINERS:** None.

**ABSENT:** None

It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$150.00 from the Water/Sewer Deposit Refund account.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner  
Rye Valley District Supervisor Rick K. Blevins,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None

It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Royal Oak District Supervisor G. Blake Frazier to appropriate \$2,623.35 from Fund 748.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner  
Rye Valley District Supervisor Rick K. Blevins,  
Atkins District Supervisor J. Howard Burton,  
North Fork District Supervisor Ron C. Blevins  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None

It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$978,433.90 for the Accounts Payable listing.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.  
**ABSTAINERS:** None.  
**ABSENT:** None.

5:35:37 PM Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr., opened citizen's time. With no one wishing to speak, Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. closed citizen's time.

5:36:12 PM Sarah Gillespie, Director of Smyth County Chamber of Commerce presented an update on the Chamber to the Board. Mrs. Gillespie stated the Chamber would be holding a Small Business Boot Camp March 2, 2014 thru April 30, 2014.

5:45:31 PM Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. called for a recess of 5 minutes.

6:05:31 PM Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. called the meeting back to order.

6:05:35 PM Atkins District Supervisor J. Howard Burton made a motion to re-appoint Billy Dungan as the Smyth Wythe Airport Commission member at large. 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  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.  
**ABSTAINERS:** None.  
**ABSENT:** None.

6:06:39 PM Michael Carter, County Administrator presented a Planning Commission Recommendation as shown below.

Commissioner Wayne Venable made a motion to recommend approval of Charles Melvin Thweatt's request for a Map Amendment to the Official Zoning Map of Smyth County, Virginia from Industrial to Commercial. Commissioner Graham Davidson seconded the motion.

After consideration, the motion PASSED by the following vote:

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

North Fork District Supervisor Ron C. Blevins made a motion to approve the recommendation as presented by the Planning Commission. Atkins District Supervisor J. Howard Burton seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,

Atkins District Supervisor J. Howard Burton  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

6:07:45 PM Michael Carter, County Administrator presented a Resolution from VDOT concerning a Road Abandonment.

### RESOLUTION

WHEREAS, the Virginia Department of Transportation has constructed Route 601, Teas Road, on a new alignment under Project 0601-086-153, C501, B616; and

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

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

NOW, THEREFORE, BE IT RESOLVED, this Board hereby abandons segment(s) A-E, E-G, B-E, and F-D from the secondary system of state highways, pursuant to §33.2-912 of the Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add segment(s) A-B, B-C, C-D, and C-F to the secondary system of state highways, pursuant to §33.2-705 of the Code of Virginia, for which sections this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills and drainage, and

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

Saltville District Supervisor Roscoe D. Call made a motion to approve the resolution as presented. 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  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

6:11:29 PM North Fork District Supervisor Ron C. Blevins made a motion to schedule a Public Hearing for VDOT Road Abandonment for Route 779 to February 10<sup>th</sup>, 2015 at 6:00 P.M. Rye Valley District Supervisor M. Todd Dishner seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

6:15:05 PM Scott Simpson, Assistant County Administrator presented the Board with an update concerning the Courthouse project. Mr. Simpson stated that decking has been placed on the first and second floor and the project is on schedule and making great progress.

6:16:24 PM Michael Carter, County Administrator brought a recommendation before the Board of Supervisors from the Budget Committee to amend the FY 14-15 Budget as listed below.

<u>Account Number</u>	<u>Title</u>	<u>2014-2015 Original</u>	<u>2014-2015 Amended</u>	<u>Difference</u>
4-748-010001-0001	Purchase Equipment	\$0.00	\$60,000.00	\$60,000.00
4-501-085040-0080	Chilhowie Sludge Lab	\$8,000.00	\$19,689.00	\$11,689.00
4-744-010000-1003	Part-time Sal.&Wages	\$180,000.00	\$360,000.00	\$180,000.00
4-744-010000-2001	FICA	\$16,106.00	\$29,876.00	\$13,770.00
3-748-010001-0001	Money collected in Court	\$0.00	\$60,000.00	\$60,000.00
3-015001-0002	Sewer Payments	\$272,780.00	\$292,469.00	\$11,689.00
3-010000-0001	Court Fines	\$780,000.00	\$935,016.00	\$155,016.00
3-014010-0004	County Share Sheriff Radar	\$180,000.00	\$218,754.00	\$38,754.00

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,  
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:** None.

6:36:51 PM Nothing was discussed concerning old business.

6:37:00 PM Supervisor Comment Time-Rye Valley District Supervisor Rick K. Blevins made a motion to reappoint Graham Davidson as the Chilhowie District Representative to the Planning Commission. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Saltville District Supervisor Roscoe D. Call,  
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:** None.

Saltville District Supervisor Roscoe D. Call made a motion to reappoint Wayne Veneable as the Saltville District Representative to the Planning Commission. Rye Valley District Supervisor Rick K. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Saltville District Supervisor Roscoe D. Call,  
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:** None.

Rye Valley District Supervisor Rick K. Blevins made a motion to reappoint Cameron Wolfe and Bill Huber to the Local Board of Building Code Appeals. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Saltville District Supervisor Roscoe D. Call,  
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:** None.

6:42:38 PM Royal Oak District Supervisor G. Blake Frazier made a motion to adjourn the meeting. North Fork District Supervisor Ron C. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,  
Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier.

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

DRAFT

# SMYTH COUNTY PLANNING COMMISSION 2014 ANNUAL REPORT



## Planning Commission Members and Officers for 2014

Norman Sparks, Chairman	North Fork District
Joel Pugh, Vice Chairman	Park District
Wayne Venable, Secretary	Saltville District
Charles Wassum	Atkins District <sup>1</sup>
Graham Davidson	Chilhowie District
Robbie Doyle	Royal Oak District
L. V. "Pokey" Harris	Rye Valley District

## Support Staff

Clegg Williams	Building & Zoning Department Administrator
Becca Marean	Building & Zoning Department Administrative Assistant
Michelle Clayton	County Attorney

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<sup>1</sup> Hazel Wagoner represented the Atkins District from November 24, 2014 to December 31, 2014, upon Charles Wassum's resignation.

The Planning Commission was responsible in 2014 for review and approval or recommendations on applications to the following county ordinances:

- Zoning Ordinance
- Subdivision Ordinance
- Manufactured Home Ordinance
- Other matters as requested by the Board of Supervisors

### Zoning Ordinance

After public hearings, the Planning Commission reviewed and made recommendations to the Board of Supervisors on applications to the Zoning Ordinance for Special Use Permits, Text Amendments, and Map Amendments in 2014 on the following:

Applicant	Special Use Permit	Text Amend.	Map Amend.	Airport	Description	Recommendation	Date
Rebecca Michele Thomas	X				733 Wet Springs Road, Chilhowie (Childcare Center)	Approval	1-23-14
Tammy Miller	X				208 Myers Street, Marion (Childcare Center)	Approval*	3-27-14
Larry and Debra Hall	X				776 & 792 Cleghorn Valley Road, Chilhowie (expansion of non-conforming use – Portable Toilet Business)	Approval	6-26-14
Kelly Richardson			X		107 Thomas Bridge Road, Marion (Agricultural to Commercial)	Approval	7-26-14
Edward and Bryan Stokes	X				130 Plum Creek Road, Chilhowie (Mini-Warehouse)	Approval	8-28-14
William R. Stevenson	X				Behind 6275 Lee Hwy & 6306 Mill Lane, Atkins (expansion of non-conforming use – Manufactured Home Park)	Approval	9-25-14
Charles Melvin Thweatt			X		5735 Atkins Tank Road, Atkins (Industrial to Commercial)	Approval	12-18-14

\* Approval was contingent or stipulations were placed on the approval.

Pursuant to Section 7-1.6 j) of the Zoning Ordinance the Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board of Zoning Appeals, and such opinion shall be made part of the record of the public hearing. No applications were made in 2014.

### Subdivision Ordinance

Article 3 of the Subdivision Ordinance requires the Smyth County Planning Commission to approve (or disapprove) proposed subdivisions. Also, under Article 3.2, the Commission has the authority to grant variances to the ordinance. During 2014, the Commission considered the following applications to the Subdivision Ordinance.

Applicant	Location	Re-subdivision	Site Plan	Variances				Decision	Date
				Right-of-Way	Access	Permanent Occupancy	Subdivision		
John Clark (Olin Corporation)	Saltville Hwy & Possum Hollow Road, Saltville						X	Approval	3-27-14
Charles Trivitt	163 Trivitt Lane, Marion			X				Approval*	3-27-14
Jimmy and Donna King	7737 Lee Hwy, Rural Retreat		X					Approval	6-26-14
Dennis and Jean Brown	Lot 9, Big Horn Estates, Chilhowie					X		Denial	8-28-14
Robin T. Street	2430 Hwy 107, Saltville		X					Approval	9-25-14

\* Approval was contingent or stipulations were placed on the approval.

### Plat Approval

Name	Location	Decision	Date	No. of Lots
None				
<b>Total Lots</b>				<b>0</b>

### **Miscellaneous Notes**

Beginning January 1, 2012, the Clerk's Office, in conjunction with The Building and Zoning Department, started requiring all surveys be reviewed, approved, and signed by appointed staff prior to being submitted for recording and in 2013 the Board appointed staff as the official agent(s) charged with reviewing and approving Lot Line Vacations. Since both procedures have been adopted The Building and Zoning Department has experienced an extremely high volume of reviewing plats (boundary line survey, family divisions, lot line vacation surveys, boundary line adjustments, etc.). Therefore an exact number or estimation of plats approved by the office is too numerous; however, office procedures are being reviewed.

On April 24, 2014, the Planning Commission recommended the final draft of the proposed Subdivision Ordinance be forwarded to the Board for approval, which was ultimately approved.

On August 28, 2014, the Planning Commission was asked to set a public hearing for a text and map amendment to the 2013 Comprehensive Plan to include the CPV site on Mulberry Lane in Atkins. The public hearing was set for September 25, 2014, when the Planning Commission recommended the amendments be approved by the Board.

On September 25, 2014, Conservation Easements were highly debated when the County was asked to provide a letter of support. It was ultimately recommended to provide letters of supports for all Conservation Easements.

### **Goal(s) for 2015**

- Review Zoning Ordinance with the County Attorney



## Smyth County Board of Supervisors

121 Bagley Circle, Suite 100, Marion, VA 24354  
Phone (276) 783-3298 Fax (276) 783-9314  
[www.smythcounty.org](http://www.smythcounty.org)

*Michael L. Carter*  
County Administrator

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

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January 6, 2015,

Carolyn T. Pratt  
6385 Blue Grass Trail  
Saltville, VA 24370

Dear Mrs. Pratt:

Enclosed please find an Option to Renew notice letter for the lease agreement that the County has with you for the property known as the Rich Valley Convenience Station. The Lease will increase the rental amount by \$150 per year to \$1350 per year for another five year period from May 1, 2015 until April 30, 2020.

Alternatively, Smyth County would be interested in purchasing the property from you for an appropriate amount. If you would like to discuss selling the property rather than continuing with the lease for another five year period, please let me know so that we can make arrangements and discuss a sale price.

Thank you for your consideration of this request.

Yours very truly,

Michael Carter  
County Administrator  
Smyth County

Exempt from recording taxes under §58.1-811 (A) (3)

**THIS LEASE** made this the 6<sup>th</sup> day of January, 2015, by and between CAROLYN T. PRATT of Smyth County, Virginia, hereinafter referred to as “Lessor”, and SMYTH COUNTY, VIRGINIA, a Body Politic, with an address of 121 Bagley Circle, Suite 100, Marion, Virginia, 24354, hereinafter referred to as “Lessee.”

**WITNESSETH**

The Lessor and Lessee intend to be legally bound by this lease, with the Lessor renting the property hereinafter described to the Lessee, and the Lessee hiring the said property from the Lessor, and in consideration of the premises and covenants herein they agree as follows:

1. Leased Property: Lessor hereby leases unto the Lessee, and Lessee hereby agrees to lease from the Lessor, the Premises, described as a tract of land, fronting on State Route 42, located in the North Fork Election District, Smyth County, Virginia, in the Rich Valley section of the County. The leased Premises, with an additional area for a right of way to the Premises, is shown on a plat dated April 17, 1995, prepared by Kenneth M. Sells, C.L.S. This is a renewal of an existing lease dated April 8, 2005 and recorded in the Clerk’s Office of the Circuit Court of Smyth County, Virginia in Deed Book 711, Page 545 and renewed on March 26, 2010. This plat of the Premises leased hereby is recorded in Deed Book 465, Page 499, and reference is hereby made to this plat for a full description of the land covered by this Lease, and showing the right of way granted to the Lessee.

2. Term: In accordance with an extension of the original lease agreement between the Lessor and the Lessee, the term of this lease shall be for five (5) years beginning on May 1, 2015 and ending at midnight on April 30, 2020, subject to the right of the Lessee to terminate this lease as provided in Section 8 or Section 12. In addition, the Lessee shall have the right to

renew this lease for an additional five (5) year term beginning immediately upon the termination for this extended lease term, and as provided in the March 26, 2010 lease. If the Lessee should desire to again extend the term of this lease, it shall give unto Lessor at least ninety (90) days written notice of its intention to renew, and the parties shall negotiate in good faith for the lease payment for a subsequent five (5) year term and any other new terms.

3. Rent: The Lessee agrees to pay unto the Lessor the sum of **THIRTEEN HUNDRED AND FIFTY DOLLARS (\$1350.00)** annually for the lease of these premises, the payment for the first year to be made upon the execution of this Lease for the period of May 1, 2015 to April 30, 2016, the receipt of which said first year's payment is acknowledged by the Lessor upon execution of this lease renewal. The Lessee agrees to pay annual installments of rent in the amount of **THIRTEEN HUNDRED AND FIFTY DOLLARS (\$1350.00)** on or before April 1, 2016, and by the same date of each successive year during the term hereof. In the event that this lease is again extended by the option granted to the Lessee, rent shall continue to be paid annually on the same schedule. All rental payments shall be paid to Carolyn T. Pratt, or her assigns, at 6386 Blue Grass Trail, Saltville, Virginia 24370 or such other address as she may designate in writing.

4. Utilities: Lessor shall make available any necessary rights of way in order for the Lessee to secure utilities to the premises. The Lessee shall be fully responsible for their installation or repair, and for of any and all utility bills, including water, electric, heat, gas or lights during the term of this lease or the extension thereof.

5. Maintenance: The Lessee agrees that it will keep and maintain the premises in good condition during the term of this lease, or any extension. The Lessee shall be permitted to construct any buildings or structures on the premises, and at the termination of this lease, Lessee

shall be permitted a reasonable time to remove any such buildings or structures at Lessee's option, and to remove any equipment, machinery or scales, etc., in and about the use of the Premises for a convenience station. This period of removal shall not exceed ninety (90) days.

6. Insurance: Lessee agrees to carry liability insurance on the Premises and to name the Lessor as an additional insured thereon. The amount of such insurance shall not be less than **FIVE HUNDRED THOUSAND DOLLARS** (\$500,000.00) single limit coverage.

7. Alterations and Improvements:

A. It is agreed that Lessee may make such alterations or improvements upon the Premises as it deems proper for its purposes. In any such improvements the Lessee shall reseed areas not paved or graveled for use by the Lessee, and shall keep the property in a neat and tidy condition during the term of this Lease, considering the use to which the same is being put for a convenience station for public services to the citizens of Smyth County, Virginia.

B. The Lessor further agrees that the Lessee may grade the adjacent premises, not covered by this Lease, in order to improve the sight distance to the Premises leased hereunder. Such grading shall be done only to provide adequate sight distance. In the event that the Lessee grades such premises it may grade or remove rock and soil, trees, brush and undergrowth from the leased premises. At the conclusion of such grading or removal, the Lessee shall seed and reseed the adjacent premises until an adequate stand of grass is available. In the event that this area should again grow up so that it blocks the sight distance, then the Lessee may remove, mow or trim the same.

8. Condemnation: If the leased premises shall be taken or condemned by any competent authority, or conveyed to such authority in view of a threatened or eminent condemnation, this Lease shall thereupon be terminated as of the date of such taking or

conveyance, with an adjustment of rental to such date; provided, however, if only part of the leased premises should be taken or condemned or conveyed and the same does not destroy the practical use of the Premises by Lessee for its purposes, then Lessee shall have the option of continuing to lease for the remainder of the Premises with a fair abatement of rent.

9. Default: Lessee shall be in default in the event that rental payments hereunder have not been made within thirty (30) days of the due date, or if there is any failure by Lessee to perform the obligations hereunder, or by any breach of the terms of this Lease, and the Lessor gives written notice thereof to the Lessee and the Lessee does not immediately (within thirty (30) days)) cure such default, or begins to cure such default and proceed promptly until the same has been cured.

10. Taxes: Lessor shall pay the real estate due and payable on the real property leased. Lessee shall be responsible for the payment of any assessment for improvements upon the premises. The Lessee is a tax exempt body and no taxes should accrue on account of its use hereof. In the event that such taxes on improvements are assessed against Lessor, the Lessee shall either pay or provide for the release of such taxes. It is agreed between the parties hereto that the Lessee may record a short form memorandum of this lease, and the Lessor agrees to execute the same for recording. Any such recording shall be at the cost of the Lessee.

11. Use of premises: The parties acknowledge that Lessee will use the premises for the collection and temporary storage of solid waste and as a recycling center. This is known as a "convenience station." If Lessee leases any other site in or near the area of the leased lot on Route 42 for use as a convenience station during the term of this lease, and pays a rental amount greater than the rental paid to Lessor herein, the rent payable to Lessor shall be increased to an

amount equal to the amount paid under such other rout 42 leased area for the remainder of the term of this lease.

12. Lessee's Right of Termination: Lessee shall have the right to terminate this lease at any time by giving the Lessor sixty (60) days written notice of termination. Rent for the year of such termination shall be pro-rated to the date of termination and all rent subsequent to the date of termination shall be canceled. Upon termination of the lease, either by notice, or at the end of a term, Lessee shall vacate the premises, leaving the premises clean and free of debris.

13. Binding Effect: The provisions of this Lease shall apply to, bind and inure to the benefit of the parties, their successors, legal representatives and assigns, and any conveyance of the property herein the Lessor agrees that she will specifically make such conveyance subject to the terms and conditions of this Lease.

14. Notices: It is agreed between the parties hereto that any notices herein shall be deemed to have been given if mailed in an envelope certified or registered mail, return receipt requested, or hand delivered to the following addresses:

If to the Lessor: Carolyn T. Pratt  
6285 Blue Grass Trail  
Saltville, Virginia 24370

If to the Lessee: Smyth County  
Attn: County Attorney  
121 Bagley Circle, Suite 100  
Marion, Virginia 24354

***[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK]***

***[SEAL AND CERTIFICATIONS ON THE FOLLOWING PAGE]***

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

*Carolyn Pratt*

\_\_\_\_\_  
Carolyn T. Pratt, Lessor

**SMYTH COUNTY BOARD OF SUPERVISORS**

By: \_\_\_\_\_

Wade H. Blevins, Jr., Chairman

**COMMONWEALTH OF VIRGINIA,  
COUNTY OF SMYTH, to wit:**

The foregoing instrument dated January 6, 2015 was acknowledged before me, a notary Public of the Commonwealth of Virginia, in Marion, Virginia on this 23 day of January, 2015 by Carolyn T. Pratt.

*Louise J. Linn*  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: 7/31/17

Notary ID #: 25072

**COMMONWEALTH OF VIRGINIA,  
COUNTY OF SMYTH, to wit:**

The foregoing instrument dated January 6, 2015, was acknowledged before me, a Notary Public for the Commonwealth of Virginia, on this \_\_\_\_ day of January, 2015 by Wade H. Blevins, Jr., Chairman of the Smyth County Board of Supervisors.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

Notary ID #: \_\_\_\_\_



---

## Smyth County Building and Zoning Department

121 Bagley Circle, Suite 120, Marion, VA 24354  
Phone (276) 783-3298 Ext. 2 Fax (276) 783-9314  
*buildingandzoning@smythcounty.org*

Zoning Ordinance  
Floodplain Ordinance  
Subdivision Ordinance  
Erosion Control Ordinance  
Manufactured Home Ordinance  
Virginia Uniform Statewide Building Code

---

To: Michael Carter

From: Clegg Williams *W*

Date: January 14, 2015

Re: Nuisance Ordinance Complaint

Attached is a copy of the file concerning numerous complaints we have received about an abandoned structure located at 150 Park Drive in Saltville. We have been unable to resolve the matter and were unsuccessful in contacting the owner indicated on the tax ticket.

I am requesting that the Board authorize legal action to bring the site into compliance with the Nuisance Ordinance. Would you please have the matter placed on the agenda of the Board of Supervisors for their next scheduled meeting?

Thank you for your assistance. Please contact me if you have any questions.

Attachments

---

*Clegg Williams*  
Department Administrator

*Gary "Bud" Owens*  
Building Official

*James "Jim" Blevins*  
Building Inspector

*Becca Marean*  
Administrative Assistant

*Betty Tilson*  
Secretary

---



**Smyth County**  
**Building and Zoning Department**

121 Bagley Circle, Suite 120, Marion, VA 24354  
Phone (276) 783-3298 Ext. 2 Fax (276) 783-9314  
[buildingandzoning@smythcounty.org](mailto:buildingandzoning@smythcounty.org)

Zoning Ordinance  
Floodplain Ordinance  
Subdivision Ordinance  
Erosion Control Ordinance  
Manufactured Home Ordinance  
Virginia Uniform Statewide Building Code

December 10, 2014

**REGULAR FIRST CLASS AND CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**7011 2970 0000 2168 4127**

Velva K. Waddell  
150 Park Drive  
Saltville, Virginia 24370

Re: Abandoned Structure at 150 Park Drive, Saltville (Tax Map Nos. 41B-2-18 and 41B-2-19)

Dear Ms. Waddell:

We have received a written complaint that the abandoned structure addressed as 150 Park Drive is a nuisance. We visited the property and took the enclosed photographs.

Article 2-1 of the Smyth County Nuisance Ordinance defines a nuisance as:

- (a) *Unsafe, dangerous, or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety of the occupants or the public.*
- (b) *The accumulation of any and all ashes, trash, garbage, refuse, litter, scrap metal, debris, and other substances which might endanger the health or safety of other residents of the County.*
- (c) *Dangerous or unhealthy substances which have escaped, spilled, been released, or allowed to accumulate.*

If this matter is not resolved ten (10) days prior to the next scheduled Board of Supervisors meeting on January 13, 2015, I will have this matter placed on their agenda for discussion. You have the right to appear before the Board on that date. At this meeting the Board will review the information gathered. You, as the property owner, may address the Board. Please contact me immediately to discuss this matter.

Velva K. Waddell  
December 10, 2014  
Page 2 of 2

Please send me a letter outlining how and when you plan to bring the property into compliance or contact me when you receive this notice, and we will discuss the matter.

Sincerely,

  
Clegg Williams

Enclosure

cc: Michelle Clayton, County Attorney  
Michael Carter, County Administrator  
Scott Simpson, Assistant County Administrator  
Roscoe D. Call, Saltville District Supervisor

*Clegg Williams*  
*Department Administrator*

*Gary "Bud" Owens*  
*Building Official*

*James "Jim" Blevins*  
*Building Inspector*

*Becca Marean*  
*Administrative Assistant*

*Betty Tilson*  
*Secretary*

---

Complaint – Velva K. Waddell  
150 Park Drive, Saltville





**Smyth County**  
 Building & Zoning Dept.  
 121 Bagley Circle Ste. 120  
 Marion, Virginia 24354

**RECEIVED**  
 JAN 12 2015  
 Signal for return  
 letter BT



7011 2970 0000 2168 4127

ROANOKE VA 240



02 1P \$006.480  
 0001860125 DEC 11 2014  
 MAILED FROM ZIP CODE 24354

**CERTIFIED MAIL™**

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**VELVA K WADDELL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

DEC 11 2014

Postmark Here

Seq# 0  
 Street, Apt. No. or PO Box No. 150 Park Drive  
 City, State, ZIP+4® Saltville VA 24370

7011 2970 0000 2168 4127

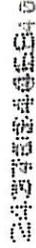
(S)

Velva K. Waddell  
 150 Park Drive  
 Saltville, Virg

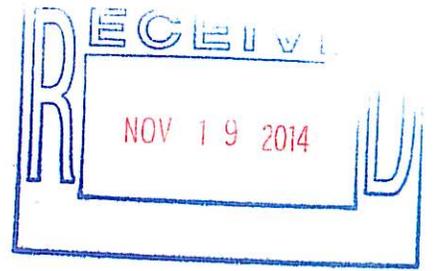
GF  
 AH

1st NOTICE  
 2nd NOTICE  
 RETURNED

NIXIE 274 SE 1009 0001/06/15  
 RETURN TO SENDER  
 UNCLAIMED  
 UNABLE TO FORWARD  
 BC: 24354514045 \*2871-06389-11-99



327



November 12, 2014

Mr. Clegg Williams  
121 Bagiev Circle  
Suite 100  
Marion, Virginia 24354

Dear Mr. Williams

We, the owners of property in Pleasant Heights, Saltville are concerned about a house here that is now vacant. We think that the house needs to be torn down or possibly burned down. We do not know who owns the property but doubt that taxes are up to date. The house was occupied by an elderly lady who has passed way, another lady who we hear is in the nursing home. The other two occupants moved out recently. The last couple of months that these two young men lived in the house, it had no water or electricity.

This house is located at 150 Park Drive. People who have been in the house say that it smells terrible and that there is trash all over the place. In fact a fence was build right outside the sliding glass doors in the back to house the dogs and giving them full access to the house. Part of the stench is due to dog feces on the floors.

Although we harbor no ill will toward the former occupants of the house, we are concerned not only about our property decreasing in value, we are concerned about health risks. We don't want rats, mice, or any other vermin migrating to our homes.

We respectfully ask that you do something about this "blight" in our neighborhood.

NAME	ADDRESS
Nancy Hammond	131 Harmony Dr. Saltville, Va.
Betty Jewley	276 Locust Point Rd. Saltville, VA
Don Colman	276 Locust Point RD. SALTVILLE, VA
Elyse C. Addison	239 Locust Point Rd Saltville Va
B. D. Atkinson	" " " " " "
J. J. & Sue Olmstead	214 Locust Point Rd. SALTVILLE
Paul & Ellen Lee	158 Fenway Drive, Saltville VA
Don & Bonita Smith	139 Hillcrest Cr., Saltville, Va
Gary & Page Arnold	260 Locust Point Rd. Saltville, Va.

Bill + Sharon Cahill  
Charles + Vivian Boardman  
Bill + Sue Harper  
Kelley Harmon  
Doris C. Price  
David + Brandi Atkins  
Cecil + Peggy Hayton  
Juni Puckett  
Ond B. Cullen  
Betty + Peggy Martin  
Biloke Faye  
Brunella Faye

265 Locust Pt Rd. Saltville, VA  
127 Old Rock Rd. Saltville, Va.  
142 Harmony Dr. Saltville  
142 Harmony Dr. Saltville  
130 Harmony Dr. Saltville, Va.  
153 Locus AT Rd. SALTVILLE, VA.  
130 Harmony Dr. Saltville, Va.  
120 Harmony Dr. Saltville, VA  
120 Harmony Dr. Saltville Va.  
140 Old Rock Rd. Saltville, VA  
126 PARK DR " "  
126 PARK DR " "

Contact # 276(496) 7626

David Osborne  
Betty Fawley

Sincerely

Pleasant Heights Residents

**SMYTH COUNTY ANIMAL CONTROL**

287 FOX VALLEY ROAD  
121 BAGLEY CIRCLE, SUITE 100  
MARION, VA 24354  
TELEPHONE 276-646-2222 FAX 276-646-5148

January, 2015

**Attention: Michael Carter**

Smyth County Budget Committee  
121 Bagley Circle, Suite 100  
Marion, VA 24354

**IN RE: BUDGET-LINE ITEM TRANSFER**

Please transfer funds from line item 035010-5420-Animal control supplies & equipment to the following line items.

035010-5102-PROPANE SERVICE-\$8,000.00

*\$8,000.00*  
*W/T*

*W/T*

Chief ACO

*W.A. Turman*  
W.A. Turman

## RESOLUTION

WHEREAS, the Code of Virginia § 27-6.1 provides that the governing body of any city, town or county may establish as a department of government a fire/EMS department and may designate it by any name consistent with the names of its other governmental units. The head of such fire department shall be known as "the chief" or "the director." As many other officers and employees may be employed in such fire/EMS department as the governing body may approve;

WHEREAS, the Code of Virginia § 15.2-955 provides that no volunteer rescue squad, emergency medical service organization or other organization providing similar type services, or volunteer firefighting organization shall be established in any locality on or after July 1, 1984, without the prior approval by resolution of the governing body, i.e. the Smyth County Board of Supervisors;

WHEREAS, the Code of Virginia § 15.2-955 also provides that each locality shall seek to ensure that emergency medical services are maintained throughout the entire community;

WHEREAS, the Code of the Town of Chilhowie, Virginia § 2.1 provides that the Town of Chilhowie shall have all powers conferred upon towns under the Constitution of Virginia and all other laws of the Commonwealth. All powers set forth in the Code of Virginia § 15.1-837 through 15.1-907 are hereby specifically conferred upon the Town of Chilhowie;

WHEREAS, the Code of the Town of Chilhowie, Virginia, § 26-26, pursuant to § 27-6.1 of the Code of Virginia, established a fire department known as the "Town of Chilhowie Fire & EMS Department" with the responsibilities of fire suppression, rescue, technical rescue, emergency medical services, hazardous materials response, fire code enforcement, fire investigations and fire prevention activities;

WHEREAS, Emergency Medical Services Agency or "EMS Agency" means a person licensed by the Office of EMS to engage in the business, service, or regular activity, whether or not for profit, of transporting immediate medical care to persons who are sick, injured, or otherwise incapacitate;

WHEREAS, the Virginia Administrative Code 12VAC5-31-10, defines "Designated Emergency Response Agency" ("DERA") as an EMS agency recognized by an ordinance or a resolution of the governing body of any county, city or town as an integral part of the official public safety program of the county, city or town with a responsibility for providing emergency medical response;

WHEREAS, the County may from time-to-time review the status of already recognized and approved EMS agencies operating within its boundaries;

NOW, THEREFORE, BE IT RESOLVED, on this 13<sup>th</sup> day of January, 2015, by the Smyth County Board of Supervisors:

Smyth County hereby recognizes that the Town of Chilhowie Fire & EMS Department is a DERA designated agency and that it is an integral part of the official public safety system of the county.

Adopted this 13<sup>th</sup> day of January, 2015.

By: \_\_\_\_\_  
Wade Blevins, Chair for the Smyth County  
Board of Supervisors

1 of 3 Originals

**RESOLUTION  
REGARDING SPECIAL ASSESSMENT OF OWNERS OF  
PARCELS ABUTTING PEAR STREET  
IN THE PARK MAGISTERIAL DISTRICT  
FOR THE PURPOSE OF ROAD IMPROVEMENT PURSUANT TO  
VIRGINIA CODE SECTION 33.2-335**

WHEREAS, by resolution adopted by this Board of Supervisors on February 10, 2015 this Board resolved to request the Virginia Department of Transportation to improve the street described below to standards sufficient for acceptance into the secondary system of state highways pursuant to Virginia Code Section 33.2-335 to be funded by advance pro rata payment of the holders of speculative interests and by special assessment of the owners of other parcels abutting Pear Street, as more specifically described in paragraph one, below ("Project Street"), and

WHEREAS, based on the Department's cost estimate of \$24,000.00 for improvement of Project Street, this Board has determined, as prescribed by Virginia Code section 33.2-335, that there are no speculative interests in the properties abutting Pear Street; and

WHEREAS, in accordance with the requirements of Virginia Code section 15.2-2409, each owner of property abutting Project Street was provided notice of the proposed special assessment and had an opportunity to comment before the Board on September 9, 2014 meeting, and

WHEREAS, it appears to the Board that the owners of more than seventy-five percent (75%) of the parcels of land abutting Project Street desire to have it improved and brought into the secondary system of state highways by the Department and that to do so would be in the best interests of all owners of the parcels of land abutting Project Street; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia:

1. Pursuant to § 33.2-335 Code of Virginia, improvement for the purpose of rural addition of the street identified below shall be funded, as described in this resolution, by advance pro rata payment from the holders of speculative interests and by special assessment of the owners of parcels abutting said street:

Name of Street:	Pear Street
From:	Harris Lane
To:	Meyers Street
Guaranteed Right-of-Way Width:	40 feet
Plat Date:	<u>July 1961</u> (Plat Book 6, Page 168).

2. The County shall accept payments made by or on behalf of the holders of speculative interests in amounts proportionate to their ownership interests as required by Virginia Code Section 33.2-335(C)(1), and as listed above. These contributions shall be appropriated for the purpose of the Project Street improvement project. However, if the cost of the road improvement project is less than the amount originally estimated by the Department, the County shall recalculate the amount required from holders of speculative interests and shall, if necessary, refund appropriate amounts.
3. The amount to be paid by special assessment against the properties abutting Project Street shall be determined upon completion of the road improvement project. After final determination of the assessment, the County Attorney shall cause to be recorded in the deed books and judgment docket of the Circuit Court of Smyth County an amendment of the estimated amount shown herein to show the amount finally assessed or apportioned, if such amount differs from the estimated amount.
4. The County Attorney shall report to the Treasurer of Smyth County the amount assessed against each landowner, or for which the landowner is liable by agreement, as soon as practicable, and the Treasurer shall enter the same as provided for other taxes.
5. The Board agrees to the special assessment of the landowners on Project Street listed below. Each parcel shall be assessed equally in an amount not to exceed \$3,000.00 per parcel, not including applicable interest.

<u>Owner</u>	<u>Parcel</u>
A&J Rentals, LLC	46B-1-48
John and Melissa Graham	46B-2-22
Gary and Charlotte Levitt	46B-2-20
Marvin and Shirley Sutherland	46B-1-50

6. At completion of the road improvement project and receipt of the bill for services from the Department, the County shall remit to the Department the County's share of the costs of road improvements.
7. In accordance with Virginia Code Section 15.2-2413, each owner listed above may pay the amount finally assessed or apportioned or fixed by agreement in ten (10) annual installments, bearing annual interest at the rate of one-year United States Treasury Bills on August 15, 2014 (.10percent). The Treasurer will begin billing each landowner after the work for improvement is completed, and payment shall be due at the time real estate taxes on the property are due and payable. Should the landowner not pay the entire amount finally assessed or apportioned or fixed by agreement when the first payment is due and payable, interest shall begin to accrue on the remaining balance at that time at the above-stated rate.

8. The amount finally assessed against or apportioned to each landowner, or fixed by agreement, as docketed in the judgment docket of the clerk's office shall be a lien enforceable in equity from the time when the work of improvement is completed. Upon payment in full of the amount due, including interest if applicable, the lien shall be released by noting the release in the judgment docket. The Treasurer of Smyth County or his designee is authorized to request the release of the lien upon payment in full of the total amount due pursuant to this resolution. No notation of the release need be made to this document.
  
9. The County Attorney is directed to have this resolution recorded in the deed books of the Clerk's Office of the Circuit Court of Smyth County and indexed in the grantor's index of said office in the names of the above-referenced property owners. Furthermore, the County Attorney is directed to cause an abstract of this resolution to be recorded in the judgment docket of said office showing the ownership and location of the property to be affected by the proposed improvement and the estimated amount that will be assessed against or apportioned to each landowner or fixed by agreement and the same shall be indexed in the name of the owner of the property.

On motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_ and the Resolution carried by the following vote:

Supervisors

Vote

Chairman, Chilhowie District Supervisor, Wade H Blevins, Jr.  
 Vice Chair, Park District Supervisor, M. Todd Dishner  
 Rye Valley District Supervisor, Rick K Blevins  
 North Fork District Supervisor, Ron C Blevins  
 Atkins District Supervisor, J. Howard Burton  
 Saltville District Supervisor, Roscoe D Call  
 Royal Oak District Supervisor, G. Blake Frazier

After consideration, the motion PASSED by the following vote:

AYES:  
 NAYS:  
 ABSTAINERS:  
 ABSENT:

**RESOLUTION  
ON PEAR STREET FUNDING ALLOCATION**

At a regularly scheduled meeting of the Smyth County Board of Supervisors held on Tuesday, February 10, 2015, the following Resolution was adopted.

WHEREAS, the Smyth County Board of Supervisors voted on October 28, 2013 to allocate funds for the Pear Street Rural Addition Project through VDOT Revenue Sharing:

WHEREAS, the Smyth County Board of Supervisors desires to now pre-pay to VDOT the Landowners one-half of construction expense for an allocation of funds for the Rural Addition Project for Pear Street; and

NOW, THEREFORE, BE IT RESOLVED THAT: the Smyth County Board of Supervisors hereby supports the payment of up to \$12,000 through the Virginia Department of Transportation Revenue Sharing Program.

On motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_ and the Resolution carried by the following vote:

Supervisors

Vote

Chairman, Chilhowie District Supervisor, Wade H Blevins, Jr.  
Vice Chair, Park District Supervisor, M. Todd Dishner  
Rye Valley District Supervisor, Rick K Blevins  
North Fork District Supervisor, Ron C Blevins  
Atkins District Supervisor, J. Howard Burton  
Saltville District Supervisor, Roscoe D Call  
Royal Oak District Supervisor, G. Blake Frazier

After consideration, the motion PASSED by the following vote:

AYES:

NAYS:

ABSTAINERS:

ABSENT:

**Water & Sewer Committee Meeting**

Monday, February 2, 2015

4:05 p.m.

**Committee Members Present**

Saltville District Supervisor Roscoe D. Call, Chair

Rye Valley District Supervisor Rick K. Blevins

**Committee Members Absent**

Royal Oak District Supervisor G. Blake Frazier

**Staff Members Present**

Michael Carter, County Administrator

Scott Simpson, Assistant County Administrator

Mike Neal, Water/Sewer Department Foreman

Michelle Clayton, County Attorney

Saltville District Supervisor Roscoe D. Call, Chairman called the meeting to order at 4:05 P.M.

**Citizen Time:**

Steve Frye

333 Pagetown Road

Saltville, VA

Mr. Frye spoke concerning his water bill and the struggle to receive them in a timely manner. He stated that he had paid his bill on time for over 20 years and did not receive one of his bills last month and they almost turned off his water. He asked the committee for suggestions on how to prevent this from happening to customers who are in good standing year after year and possibly come up with a system to warn these customers.

Saltville District Supervisor Roscoe D. Call suggested that Mr. Frye call his bank and set up his bank account to draft his water bill automatically every month or to pay ahead.

Scott Simpson, Assistant County Administrator stated the committee had looked into this problem in the past and discovered that it would take too many man hours and money to address this issue.

Michael Carter, County Administrator called for other suggestions.

Rye Valley District Supervisor Rick K. Blevins suggested email reminders and to collect the database of names by adding a request for email addresses on an existing letter to customers to avoid extra letters and man-hours; and possibly add a link to the website as well.

The committee unanimously agreed to look into this matter further.

Scott Simpson, Assistant County Administrator spoke regarding the Terms of Service Agreements and requested a recommendation to renew the following Agreement's for Professional

Architect/Engineering Services:

1. Anderson & Associates
2. CHA Consulting, Inc

3. Draper & Aden Associates, Inc.
4. ECS Mid-Atlantic, LLC
5. The Lane Group, Inc.

Rye Valley District Supervisor Rick K. Blevins made a motion to recommend to the Board of Supervisors at the February 10, 2014 meeting to renew all Terms of Service Agreements as presented by Mr. Simpson. Saltville District Supervisor Roscoe D. Call seconded the motion. All members unanimously agreed.

Scott Simpson, Assistant County Administrator spoke concerning the Konnarock Rehabilitation Contract. Mr. Simpson stated that the County has been soliciting bids over the past year. The budget for this project was \$16,000.00 and all bids came in below that budget. Mr. Simpson requested approval on the bid from Boyer Well Drilling out of Rural Retreat; their bid came in at \$10,400.00, with an additional \$1,930.00 to perform water quality testing. Mr. Simpson requested the remaining \$3,670.00 be used to allow for VDH engineering. He also stated that Boyer Well Drilling could begin work as soon as the weather broke.

Rye Valley District Supervisor Rick K. Blevins made the motion to recommend to the Board of Supervisors at the February 10, 2014 meeting to award the bid of \$10,400.00 from Boyer Well Drilling and additional \$1,930.00 to perform water quality testing and \$3,670.00 be used to allow for VDH Engineering. Saltville District Supervisor Roscoe D. Call seconded the motion and all agreed unanimously.

**The Water & Sewer Department Line Item Increase Request**

Mr. Simpson requested a budget transfer, stating that no new money was needed only a change in line items. The Water/Sewer Department requested a reduction in line item 501-085010-5422 of \$3,830.00 to be disbursed to the following line items accordingly:

Permits	501-085010-3037	\$570.00
Telephone	501-085010-5203	\$3100.00
Equipment Calibration	501-085010-5415	\$160.00

Michael Carter, County Administrator requested the excess of money in water testing be noted for the upcoming budget.

Rye Valley District Supervisor Rick K. Blevins made a motion to recommend to the Board of Supervisors at the February 10, 2014 meeting to transfer \$3,830.00 in total from line item 501-085010-5422 to the above forenamed line items accordingly. Saltville District Supervisor Roscoe D. Call seconded the motion. All members unanimously agreed.

**The Water & Sewer Department Budget Amendment**

Scott Simpson, Assistant County Administrator requested a transfer of \$14,000.00 from line item 501-085030-0001 (Town of Marion) to line item 501-085030-0003 (Town of Saltville) to cover expenses from the previous fiscal year in which a large invoice was not paid and it must be covered in this current Fiscal Year 2015.

Rye Valley District Supervisor Rick K. Blevins asked if the Town of Marion can handle that much of a transfer to which Mr. Simpson replied, yes and then he stated the Town of Marion budget is on pace and will be able to recoup that cost in next year's budget.

Rye Valley District Supervisor Rick K. Blevins made a motion to recommend to the Board of Supervisors at the next scheduled meeting to amend The Water & Sewer Department's budget with a line item transfer from 501-085030-0001 (Town of Marion) to 501-085030-0003 (Town of Saltville) and requested that this item be looked into further for next year's budget. Saltville District Supervisor Roscoe D. Call seconded the motion. All members unanimously agreed.

Scott Simpson, Assistant County Administrator then informed the committee the Water & Sewer Department requests the following transfers to cover expenses in the amount of \$2200.00 from line item 501-085020-0102 (Water Purchases – Atkins ) to be disbursed as follows: ↪

Industrial Park Low	501-085020-0105	\$1500.00
Nick's Creek	501-085020-0107	\$700.00

Rye Valley District Supervisor Rick K. Blevins made a motion to recommend to the Board of Supervisors at the next scheduled meeting a transfer of \$2200.00 in total from line item 501-085020-0102 (Water Purchases – Atkins) to the above forenamed line items accordingly. Saltville District Supervisor Roscoe D. Call seconded the motion. All members unanimously agreed.

Mr. Simpson then requested of the committee a transfer of \$1500.00 be made from line item 501-085020-0304 (Midway) to line item 501-085020-0302 (Allison Gap) to cover expenses. Mr. Simpson then stated that line item 0302 was not included in the adopted budget by oversight.

Rye Valley District Supervisor Rick K. Blevins made a motion to recommend to the Board of Supervisors at the next scheduled meeting a transfer of \$1500.00 in total from line item 501-085020-0304 (Midway) to line item 501-085020-0302 (Allison Gap). Saltville District Supervisor Roscoe D. Call seconded the motion. All members unanimously agreed.

#### **Ebenezer Well Authorization**

Mr. Simpson then spoke regarding the authorization to proceed with finding a new location for a well in the Ebenezer area. Mr. Simpson stated the County has tried over the last year to acquire a location for said well but could not come to an agreement with the land owners. Mr. Simpson said there is another piece of land that they would like inquire about but the land owner was a member of the Board of Supervisors. Mr. Simpson requested clarification from the committee if this would pose a problem. Rye Valley District Supervisor Rick K. Blevins stated that as long as it is a very clear process and everything is done as it would be with any other land owner, he doesn't foresee a problem. Michelle Clayton, County Attorney stated that as long as we allow full disclosure, she doesn't think there would be a problem either. Michael Carter, County Administrator asked Mrs. Clayton if they should seek a Conflict of Interest Opinion from the Commonwealth Attorney's Office and she agreed that would be in our best interest.

Rye Valley District Supervisor Rick K. Blevins made a motion to proceed with finding a new location for a well in the Ebenezer area and to move forward with a Conflict of Interest Opinion from the Commonwealth Attorney's Office regarding a member of the Board of Supervisor's land to be used for the well. Saltville District Supervisor Roscoe D. Call seconded the motion. All members unanimously agreed.

The meeting adjourned at 4:37 p.m.

**Ordinance Committee Meeting**

Monday, February 2, 2015

4:39 p.m.

**Committee Members Present**

North Fork District Supervisor Ron C. Blevins, Chair

Saltville District Supervisor Roscoe D. Call

**Committee Members Absent**

Royal Oak District Supervisor G. Blake Frazier

**Staff Members Present**

Jeff Richardson, Commissioner of Revenue

Michelle Clayton, County Attorney

Michael Carter, County Administrator

Scott Simpson, Assistant County Administrator

North Fork District Supervisor Ron C. Blevins, Chairman called the meeting to order at 4:39 P.M.

**Adoption of Amended Personal Property Tax – Exempt Household Items**

Mrs. Clayton presented information concerning mopeds and requested the committee to either include mopeds in the personal property items or to exclude them as exempt household items. Discussed continued.

North Fork District Supervisor Ron C. Blevins made a motion to recommend to the Board of Supervisors at the February 10, 2014 meeting to declare mopeds as an exemption of household items. Saltville District Supervisor Roscoe D. Call seconded the motion and all agreed unanimously.

**Exempt from Taxation**

North Fork District Supervisor Ron C. Blevins made the motion to declare a Farm Winery exempt from personal property taxation prior to retail and Saltville District Supervisor Roscoe D. Call seconded the motion. All members unanimously agreed to include farm wineries in the list of farm exemptions.

Michelle Clayton, County Attorney then asked the committee for clarification on whether to tax tagged vehicles and omit antique vehicles. She informed the committee that all identified items in the exemption ordinance are exempt from the personal property tax, but everything that is not listed will be taxed. The committee discussed recommending that tagged vehicles (mopeds and antique vehicles) not be exempt as a household item, but all-terrain vehicles and off-road motorcycles would be listed as exempt.

Saltville District Supervisor Roscoe D. Call made a motion to recommend to the Board of Supervisors at the February 10, 2014 meeting to exempt all household items listed except tagged vehicles. North Fork District Supervisor Ron C. Blevins seconded the motion. All members unanimously agreed. The committee also recommends that a public hearing be scheduled in March.

**Amending of Family Home Daycare**

Michelle Clayton, County Attorney stated there has never been any code for Smyth County regarding the matter of Family Home Daycare and suggested that they follow the Virginia code verbatim. Mrs. Clayton stated that this would give a Family Home Daycare the same rights as a home business with 5 or

less children; and with 6-12 children, pending the approval of their neighboring homeowners, they would then be able to apply for a special use permit.

Saltville District Supervisor Roscoe D. Call made a motion to recommend to the Board of Supervisors at the February 10, 2014 meeting to amend Family Home Daycare to follow the Virginia code verbatim and to require the approval of neighboring homeowners for a home daycare of 6-12 children. North Fork District Supervisor Ron C. Blevins seconded the motion. All members unanimously agreed.

Michelle Clayton, County Attorney then discussed the need for a joint meeting with the Planning Commission and Ordinance Committee. Michael Carter, County Administrator discussed needing clarification regarding a joint meeting that would eliminate multiple meetings/votes and posed the question if there could be only a joint committee recommendation. Mrs. Clayton concurred.

North Fork District Supervisor Ron C. Blevins made the motion to call for a joint committee meeting with the Planning Commission and the Ordinance Committee for only a committee recommendation, Saltville District Supervisor Roscoe D. Call seconded the motion. All members unanimously agreed.

**Footnote**

Mrs. Clayton noted that she is contemplating putting the ordinance on our website.

The meeting adjourned at 5:10 p.m.