

# AGENDA

Tuesday January 13, 2015  
4:00 PM

**4:00 CALL MEETING TO ORDER** (Michael Carter, County Administrator)

## **CLOSED SESSION**

Code of Virginia, Section 2.2-3711 – **A.1**; Discussion, consideration, or interviews of prospective candidates for employment and **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, 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 (Lisa Richardson, Human Resources)

## **ADOPTION OF AGENDA**

Adopt the agenda and the additional agenda as presented

## **ELECTION OF OFFICERS:**

Calendar year 2015

Chairman

Vice Chairman

Clerk

Deputy Clerk

**Adopt meeting schedule**

**Adopt Rules of Procedures- Michelle Clayton**

**Adopt holiday schedule as approved by the Governor and as amended throughout the year**

**MINUTES OF PREVIOUS MEETINGS**

Request adoption of the December 9<sup>th</sup> and December 18<sup>th</sup>, 2014 minutes

**FINANCIAL STATUS**

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 Sarah Gillespie-Chamber of Commerce**

**\*Smyth-Wythe Airport Commission at-large Commissioner Appointment**

**\*Planning Commission Recommendation for Melvin Thweatt**

**\*VDOT Road Abandonment- Michael Carter**

**\*FOIA Charges- Michelle Clayton**

**\*Courthouse Update- Scott Simpson**

**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**

**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. 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 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 charge 10 cents for each black and white copy, 20 cents for each color copy, and \$5.00 per disc. Please note that FOIA does not permit any charges over actual costs.)*
- 6) Amends Rule 8.1 to add "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.*

\* Comments in *italics* are for explanatory purposes for the Members and are not to be included in the final resolution in the minutes.

**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.

On motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_ and 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, Blake Frazier

After consideration, the motion PASSED by the following vote:

AYES:

NAYS:

ABSTAINERS:

ABSENT:

DATE:



SMYTH COUNTY  
BOARD OF SUPERVISORS



RULES OF PROCEDURES  
ADOPTED SEPTEMBER 9, 2003

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Amended January 13, 2015

## **SMYTH COUNTY BOARD OF SUPERVISORS - RULES OF PROCEDURE**

Be It Resolved, the Smyth County Board of Supervisors does hereby accept and adopt these Rules of Procedure in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Code of Virginia 1950, as amended.

The official title of the governing body is "Smyth County Board of Supervisors" (Board).

### **ARTICLE 1 - Members**

**1.1 Members.** The Smyth County Board of Supervisors consists of seven (7) members, one elected from each of the seven (7) election districts. Each member is elected for a term of four (4) years. Terms of office of the members run concurrently with the calendar year.

**2.1 Chairperson.** A Chairperson of the Board shall be elected from its members, by a plurality vote, at the first meeting of each calendar year. The Chairperson shall preside over all meetings, represent the Board at official functions and ceremonial events, and make such appointments as are not required by law to be made by the Board as a body.

**2.2 Vice Chairperson.** A Vice Chairperson of the Board shall be elected from its members, by a plurality vote, at the first meeting of each calendar year. The Vice Chairperson shall preside in the absence of the Chairperson, and perform such other duties as may be assigned by the Board.

**2.3**    Chairperson Pro-Tem.    A Chairperson Pro-Tem may be appointed by the Chairperson or Vice Chairperson in the absence of both, before he/she leaves the room. In the event no Chairperson Pro-Tem has been appointed, one shall be selected by the members remaining. This person shall preside in the absence of the Chairperson and Vice Chairperson.

**2.4**    Term of Office.    The Chairperson and Vice Chairperson shall each be elected for a one (1) year term. Either, or both, may be re-elected for one or more additional one year terms.

**2.5**    Clerk and Deputy Clerks.    The County Administrator shall serve as Clerk to the Board. The Board may, at its first meeting of each calendar year, or as needed, designate one or more deputy clerks, who shall serve at the pleasure of the Board. Their duties shall be those set forth in Section 15.2-1538 and 15.2-1539, Title 15.2, Code of Virginia 1950, as amended, and by resolution of the Board adopted from time to time.

### ARTICLE III - Meetings

**3.1**    Annual Meeting.    The first meeting held after the newly elected members of the Board have qualified, and the first meeting held of each succeeding year shall be known as the annual meeting. At such annual meeting, the Board shall establish the days, times, and places for the regular meeting of the Board for the next twelve months. (§15.2-1416, Code of Virginia of 1950)

**3.2    Regular Meetings.**    The Board shall meet in regular session at least once each month upon such day or days as have been established. The Board may subsequently establish different days, times, or places for such regular meetings by passing a resolution to that effect and providing the notice required by § 15.2-1416. However, when the day established as a regular meeting day falls on a legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the Board. (Section 15.2-1416, Code of Virginia 1950, as amended)

**3.3    Special Meetings.**    A special meeting of the Board may be called by the Chairperson, and shall be called at the request of two or more members, which request shall be in writing addressed to the Clerk of the Board, specifying the time and place of the proposed special meeting and the matter to be discussed. Upon receipt of the request, the Clerk shall immediately notify in writing each member of the Board, the County Administrator, the Sheriff, and the County Attorney to attend the special meeting at the given time and place and for the given purpose. Such notice shall be sent by first class or served by the Sheriff, or both, at least five (5) days before the date of the special meeting, except in a declared emergency, in which instance the notice may conform to the necessity of the emergency. No matter other than those specified in the notice shall be considered at such meeting unless all members are present and agree to such action by unanimous vote. (Sections 15.2-1417 and 15.2-1418, et al, of the Code of Virginia of 1950, as amended.)

**3.4**    Notice to Public.    The Clerk shall notify the general news media of the time and place of all such meetings, and the matters to be considered.

**3.5**    Public Hearings.    Public hearings shall be held after proper notice has been given. (§ 15.2-2204, § 15.2-2506, etc., or special provisions or the Code of Virginia of 1950, as amended)

**3.6**    Adjourned Meetings.    Any regular or special meeting may be adjourned by a majority of the members of the Board present to a date and time certain prior to the next meeting.

**3.7**    Place of Meetings.    All meetings shall be held in the Smyth County Board of Supervisors' Board Room, 121 Bagley Circle, Suite 100, Marion, Virginia, unless a different meeting place shall have been established and notice given and published as required by the Code of Virginia of 1950, as amended.

**3.8**    Open Meetings.    All meetings shall be open to the public, provided that the Board may, for the purpose provided for in the Virginia Freedom of Information Act, upon motion made, seconded, and duly adopted, meet in executive session. No resolution, ordinance, rule, contract, regulation, or motion adopted, passed, or agreed to in executive or closed meeting shall become effective unless following such meeting the Board reconvenes in open meeting and, by affirmative vote of the members, such action, ordinance, rule, contract, regulation, or motion is approved in open session.

#### ARTICLE IV - Quorum and Actions

4.1 Quorum. A majority of all the members of the Board shall constitute a quorum. The Chairperson shall be included and counted in determining the presence or absence of a quorum.

4.2 Required Absence. No action shall be taken by the Board unless there shall be present at least a quorum, provided, however, that the temporary absence from the meeting room of members sufficient to constitute a quorum shall not be deemed to prevent the hearing of presentations of the discussion of matters submitted to the Board. The Clerk, County Administrator, or Deputy Clerk, shall suggest the absence of a quorum prior to taking of any action by the Board. Failure of the Clerk, County Administrator, or Deputy Clerk, or any other member to suggest the absence of a quorum shall not be deemed to alter the effect of this rule requiring a quorum as a prerequisite to any action.

4.3 Actions of the Board. Actions of the Board shall be taken in one of the following ways:

1) Ordinances. Where required by law, action shall be by the adoption of ordinances. Ordinances shall be proposed for adoption, notice given, and adoption accomplished as provided for by general law.

2) Resolutions. Where it is not required by law, or it is desired by the Board to act without the adoption of an ordinance, action may be taken by the adoption of a resolution.

3) Contracts. In certain instances action may be required by contracts.

Contracts shall be proposed in writing and a copy shall be delivered to the Clerk and all members of the Board, or a duly appointed committee of the Board, prior to proposing adoption by the Board. The County Attorney shall advise the Board on the legality of each contract prior to approval by the Board.

4) Motions. Where action of the Board is required on a matter simply stated, action may be taken by oral motion only.

4.4 Voting. Votes shall be taken on all motions made and seconded.

However, a vote shall be taken if the question is called, unless a member objects, even if a motion to call the question has not been seconded.

4.5 Roll Call Vote. A roll call vote shall be taken at the request of any member when such a request is made prior to the taking up of any other business. A roll call vote shall be taken on the final vote on any ordinance or contract, or when required by law.

4.6 Restating the Question or Amending the Motion. If requested by one or more Board members, the Chairperson shall restate the question prior to the taking of a vote, provided, however, that the Chairperson may request that another member restate the question if in his or her opinion that will expedite the decision thereof.

Upon the second of a motion, a member may move for an amendment or substitution of the motion for either clarification or substantive change of the motion. A vote shall be taken on the amended or substituted motion. The approved motion shall then be put up for a vote.\*

\* This section amended on January 13, 2015 at the Annual Board of Supervisors Meeting.

**4.7 Unanimous Consent.** Where no formal action is required, and no objection is heard, a request of a member shall be deemed a request of the Board without further action, when such a request is made at a meeting with a quorum present, and the Chairperson states that such a request shall be deemed a request of the Board.

**4.8 Tie Votes.** When a tie vote occurs:

- 1) If one or more Supervisors are absent, the question shall be passed by until the next meeting, regular or special, at which time it must be put to a vote again (even though all members may not be present). If the tie remains unbroken, the Clerk must record the vote and the question shall be recorded as failing to carry.
- 2) If all Supervisors are present when the tie vote first occurs, even if a Supervisor abstains, the Clerk must record the vote and the question shall be recorded as failing to carry.

**4.9 Reconsideration.** If all members are present for a meeting, action may be reconsidered only upon a motion of a member voting with the prevailing side on the original vote, which motion must be made on the same or immediate subsequent regular meeting. A motion to reconsider may be seconded by any member. If a member was absent for the entire meeting when such action was taken, the absent member may make a motion to reconsider at the immediate subsequent regular meeting or a continuation of the present meeting, whichever next occurs. Action on a question pending reconsideration at the next meeting shall be taken only following notice to all members of the Board given prior to the action being reconsidered, unless such action is taken at the same meeting as the original action. In instances involving the reconsideration of the adoption of



an ordinance, notice of the proposed option of a new ordinance shall be given in accordance with law prior to action on the reconsidered question.

**4.10 ~~Items not appearing on the agenda~~ Request for funds not budgeted:**

- ~~1) In order to properly represent the citizens of the County and to be fully advised on all matters coming before the Board, and in order to act maturely and intelligently on any issue introduced to the Board which is not on the agenda, upon the request of any two members of the Board, the matter so presented, either in written or oral form, shall be continued until the next regular or special called meeting for action thereon, and may be referred to a committee study and recommendation.~~
- 2)- Request for funds not budgeted must be submitted in writing by filing the appropriate form, completely explaining the request for funds. This form can be obtained in the County Administrator's Office and is to be submitted to the County Administrator for review. The County Administrator will then forward the request to the Budget Committee which will make a recommendation to the Board.\*

\*This section amended June 26, 2008, continued Board of Supervisors meeting.

\* This section amended January 13, 2015 at the Annual Board of Supervisors meeting.

**ARTICLE V - Order of Business**

**5.1 Commencement of Meeting.** At 4:00 p.m. to hold closed session and return to open session at 5:00p.m. for public meeting and at the specified hour for continued or special meetings, the presiding officer shall call the meeting to order, provide for the invocation, and direct the Clerk to note the presence or absence of members. A Quorum shall be required to commence the meeting at the appointed hour.\*

\*This section amended January 10, 2012, regular Board of Supervisors meeting.

**5.2 Agenda.** The Chairperson, with the County Administrator, shall prepare an agenda for each meeting. Any member having matters he or she desires to have considered at the next meeting shall submit these items to the County Administrator for inclusion in the agenda. After the invocation, the first order of business shall be the adoption by the Board of the agenda for the meeting. Any member may request an item added to the agenda, but if two members object to consideration at the meeting it shall be retained on the agenda until the next meeting of the Board. ~~Once the agenda is fixed for a meeting, additions may be made only by a two-thirds vote of the members present at the meeting.~~

The agenda may contain matters carried over from previous meetings, under continued Board matters. These items shall be considered at the conclusion of the agenda for the particular meeting day, except at the direction of the Chairman, or at the request of two members.

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

\*This section amended January 10, 2012, regular Board of Supervisors meeting.

\*This section amended January 13, 2015 at the Annual Board of Supervisors meeting.

**5.4 Order on Agenda.** After adoption of the agenda for the meeting, without requirement of suspension of the Rules or motion, the Chairperson may call items in the order of business in a different order than the order of business set forth on the agenda, provided that the Board may by adopted motion overrule such a decision by the Chairperson. The Chairperson shall make every reasonable effort not to change the designated time for citizen's time as set forth on the agenda. All public hearings shall be held at the designed time as provided in required notices, or as soon thereafter as may be heard. \*

\*This section amended October 11, 2011, regular Board of Supervisor meeting.

**5.5 Minutes.** The Clerk shall keep the minutes of the meetings of the Board. At the request of any member, made at the time of said presentation of discussion, the minutes shall include a summary of the substance of the presentation or debate. The Clerk may also maintain one recording by means of an electronic device of the proceedings of all Board meetings except for Executive Sessions. A copy of the minutes of the transcribed proceedings shall be kept on file in the County Administrator's Office for the general public. Copies of documents or discs of recordings may be purchased under Smyth County's fee schedule pertaining to the Freedom of Information Act.\*

\* This section amended on January 13, 2015 at the Annual Board of Supervisors meeting.

**5.6 Approval of Minutes.** The Clerk or Deputy Clerk shall promptly transcribe the minutes following completion of the meeting and shall submit copies to the County Administrator for distribution on or before the Friday preceding the

meeting at which their approval will be on the agenda. Approval of the minutes shall be the next item on each agenda following the invocation and approval of the agenda, and shall be approved, or corrected and approved without reading.

**5.7**    Matters having to do with Agencies.      Matters involving agencies which are not under the administrative supervision of the County Administrator shall not be placed on the agenda or considered by the Board until the affected agency shall have been given a reasonable opportunity to furnish the members of the Board with background information or data on issues which involve these agencies. Such information shall be delivered to the Clerk at least seven (7) days prior to a regular, special, or continued meeting date.

#### ARTICLE VI - Order in Conduct of Business

**6.1**    Persons Addressing the Board.      These persons shall limit their presentation to the time allotted by the Chairperson on the agenda, unless the Board, by majority consent, shall extend such time. The Chairperson, in fixing such time, shall take into account the complexity of the matter, its importance in relation to other business of the Board, and time available on the meeting date sought. Insofar as is practicable, persons addressing the Board shall furnish the Clerk and members of the Board with a written copy of their remarks.

**6.2**    Public Hearings.      In instances in which persons address the Board, through the Chairperson, without having first been allotted a specific time on the agenda, they shall limit their remarks as follows, except in extraordinary circumstances:

- 1)      Person speaking for himself or his immediate neighborhood - three (3) minutes.

2) Person speaking for an organization whose membership is representative of an entire district - five (5) minutes.

3) Person speaking for an organization whose membership is representative of the entire county - ten (10) minutes.

4) Except in emergency circumstances, no action shall be taken by the Board following a public hearing, and the issue shall be continued until the next regular meeting.

**6.3 Recognition.** Recognition shall be given only by the presiding officer. No person shall address the Board without having first been recognized. When all public testimony has concluded, and the Board is considering and discussing the matter, no person shall thereafter be recognized to address the Board.

**6.4 Cumulative or Repetitive Testimony.** Cumulative or repetitive testimony shall not be permitted on any matter, and persons of the same position as a previous speaker shall state their name and the positions with which they agree.

**6.5 Questions.** Questions by Board Members shall be reserved, insofar as possible, for the end of a presentation to avoid interrupting the speaker, disrupting the timekeeping process, and duplicating ground the speaker may cover.

**6.6 Oaths and Affirmations.** Oaths and Affirmations may be administered and taken by the Chairperson or person presiding in his stead, when a majority of the Board deems it appropriate to take sworn testimony. Such action may be taken by the adoption of a motion to place a specific individual under oath, or to place all of those who will speak to a given item of business under oath. The Chair may

place an individual under oath at any time before or during his presentation. Any such person shall be deemed to remain under oath as to the matter with respect to which he was sworn, for the remainder of the duration of the meeting.

**6.7 Discussion and Debate by the Board.** Except at the conclusion of a public hearing, discussion and debate by the Board shall be conducted following the presentation of testimony on the item of business pending. Members shall not speak to the item until recognized by the Chair. A member who has spoken to the item shall not again be recognized until each other member desiring to speak shall have an opportunity to speak. Except in matters considered at a public hearing, after the Board shall have acted, any member shall have the right to state a protest against the action, and his reasons therefore, for a time not to exceed two (2) minutes.

#### ARTICLE VII - Decorum

**7.1 By Board Members.** Shall be maintained in order to expedite disposition of the business before the Board. Questions and remarks shall be limited to those relevant to the pending business. Members shall not converse with other members or with other persons in any manner having a disturbing effect on the conduct of business. Members shall address all remarks to the Chairperson as presiding officer.

**7.2 By Other Persons.** Shall be maintained by the Chair, who may request such assistance as to the Chairperson appears necessary.

1) Persons addressing the Board shall limit their remarks to those relevant to the pending items, and to answering questions. They shall address the Board as a whole, unless answering an individual member's questions. The presiding officer

shall call the speaker to order, if out-of-order remarks, or other indecorous conduct persists, the presiding officer shall order the speaker from the lectern. The order with gavel, if not heeded, will then cause the Sheriff or his designee to carry out the order.

2) Persons whose allotted time to speak has expired shall be warned by the presiding officer to conclude in one minute, after which such person shall leave the lectern, unless he is asked by Chairperson to remain to answer questions from the Board.

3) No persons in attendance shall be allowed to voice remarks except as recognized by the presiding officer after audibly stating their name and who they represent. Groups in the audience creating an atmosphere detrimental or disturbing the conduct of the meeting will be asked to leave by the presiding officer.

4) No person shall bring into the Board Room any firearm, sign, banner, or other such item; provided, that models, photos, maps, charts, drawings, and other such demonstrative materials intended for use in a presentation by a specific person shall be permitted.

#### ARTICLE VIII - Miscellaneous

**8.1** Roberts Rules of Order. The newly revised Roberts Rules of Order shall govern the conduct of all meetings of the Board to the extent that they are not inconsistent with these rules and the laws of the Commonwealth of Virginia. The Clerk shall make available at all meetings a copy of the newly revised Roberts Rules of Order. The failure of the Board to strictly comply with Roberts Rules of Order shall not invalidate any action of the Board.\*

\* Amended on January 13, 2015 at the Annual Board of Supervisors meeting.

**8.2**    Amendment of the Rules.        An amendment of the Rules may be accomplished by a majority vote of the entire membership, provided that such amendment may not be voted upon at any meeting unless the text of the proposed amendment has been presented to at least one previous meeting to which the date for a vote has also been established. Any proposed amendment shall be subject to further amendment at the meeting at which the vote is taken.

**8.3**    Suspension of the Rules.        Suspension of the Rules may occur whenever the Board shall by a majority vote adopt a motion to suspend the rules. In such event, the rules shall be deemed suspended only with respect to the specific matter of question not then in accordance with the rules.

This resolution was duly considered and adopted by the Smyth County Board of Supervisors at its regular meeting on September 9, 2003, the members voting:

AYES:	7
NAYS:	0
ABSENT:	0



# Commonwealth of Virginia 2015 Pay and Holiday Calendar

## State Holidays

### January 1

New Year's Day

### January 2

8 hours additional holiday time

### January 16

Lee-Jackson Day

### January 19

Martin Luther King, Jr. Day

### February 16

George Washington Day

### May 25

Memorial Day

### July 3

Independence Day

### September 7

Labor Day

### October 12

Columbus Day

### November 11

Veterans Day

### November 25

4 hours additional holiday time

### November 26

Thanksgiving

### November 27

Day After Thanksgiving

### December 24

8 hours additional holiday time

### December 25

Christmas

Please note: In some agencies, the holiday and payday schedule may vary from what is shown here. If you have questions, see your agency human resources officer.

Denotes Payday ☐

Denotes Holiday ☐

Denotes Additional Time Off ☐

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Virginia Department of  
HUMAN RESOURCE  
MANAGEMENT

## January

S	M	T	W	T	F	S
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## April

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31						

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## August

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## September

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## October

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## November

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## December

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The Smyth County Board of Supervisors held its regular meeting at 4:00 p.m., **Tuesday, December 9, 2014**. 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; Atkins District  
Supervisor J. Howard Burton; Saltville District Supervisor  
Roscoe D Call; Royal Oak District Supervisor G. Blake Frazier (7)

**ABSENT:** North Fork District Supervisor Ron C Blevins (1)

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

4:03:20 PM A motion was made by Rye Valley District Supervisor Rick K. 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. Park District Supervisor M. Todd Dishner seconded the motion. After consideration, the motion PASSED by the following vote:

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

4:29:56 PM North Fork District Supervisor Ron C. Blevins entered the meeting.

5:02:11 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. called the meeting to order for open session.

5:02:15 PM It was moved by Rye Valley District Supervisor Rick K. Blevins, seconded by Park District Supervisor M. Todd Dishner to adopt the following resolution certifying the business conducted in closed session as follows:

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

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

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

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

After consideration, the motion PASSED by the following vote:

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

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

5:02:43 PM Lori Hester, Director of Community and Economic Development gave the invocation and Kelly Woods, Administrative Assistant led the Pledge of Allegiance.

5:03:23 PM A motion was made by Royal Oak District Supervisor G. Blake Frazier, seconded by North Fork District Supervisor Ron C. Blevins to adopt the agenda and additional agenda as presented.

After consideration, the motion PASSED by the following vote:

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

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

5:03:40 PM A motion was made by Atkins District Supervisor J. Howard Burton, seconded by Saltville District Supervisor Roscoe D. Call to approve the minutes from the October 28<sup>th</sup>, November 12<sup>th</sup>, and November 24<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.

5:04:01 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.

5:09:26 PM It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$5,790,000.00 from the General Fund. The following is an explanation of the appropriations approved:

General County:	\$1,665,000.00
Social Services (December 10-December 31, 2014)	\$310,000.00
Social Services (January 1-January 13, 2015)	\$60,000.00
Schools-Operating Fund	\$3,700,000.00
School Textbook Fund	\$25,000.00
School Debt and Capital Outlay Fund	\$30,000.00

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 \$663,997.61 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 Royal Oak District Supervisor G. Blake Frazier to appropriate \$957,582.93 for the Accounts Payable listing.

After consideration, the motion PASSED by the following vote:

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

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

5:11:24 PM Jeff Richardson, Commissioner of Revenue informed the Board that new laws require Mopeds to be licensed. Currently there is no written ordinance in Smyth County to assess Mopeds. North Fork District Supervisor Ron C. Blevins made a motion for the Board to refer the matter to the Ordinance Committee. 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.

5:16:54 PM Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr., opened citizen's time. Wilson Leonard, Chairman for the Smyth-Wythe Airport Commission gave an update on easements the Airport is trying to acquire and updated the Board on the repaving of the runway.

5:22:18 PM With no one else wishing to speak, Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. closed citizens time.

5:22:27 PM Tom Elliott, Regional Director with Virginia's @Corridor presented a slide show to the Board as an effort to encourage the Board to continue supporting the @Corridor. Discussion between the Board and Mr. Elliott ensued after the slide show presentation.

6:05:07 PM Derek Orr with the Octagon House Foundation gave the Board an update on the project. Mr. Orr asked the Board for a resolution or letter of support to help aid them with grant applications. Rye Valley District Supervisor Rick K. Blevins made a motion to support the Octagon House Project and provide them with a letter. 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.

6:10:58 PM Michael Carter, County Administrator presented a Resolution for the Smyth-Wythe Airport Commission as shown below.

**Whereas**, Smyth County, the Town of Marion, the Town of Wytheville and Wythe County have participated in creating and funding the Smyth Wythe Airport Commission; and,

**Whereas**, Smyth County, the Town of Marion, the Town of Wytheville and Wythe County support the continued maintenance and improvements to the airport that serves the funding localities and others; and,

**Whereas**, Smyth County, the Town of Marion, the Town of Wytheville and Wythe County are committed to the continued success of the Smyth Wythe Airport Commission; and,

**Whereas**, Smyth County, the Town of Marion, the Town of Wytheville and Wythe County are committed to providing guidance to the Smyth Wythe Airport Commission; and,

**Whereas**, Smyth County, the Town of Marion, the Town of Wytheville and Wythe County require that all agencies that are jointly funded provide information prior to any commitment of funds to the total project scope, schedule and funding streams required to fund the project; and,

**Whereas**, Smyth County, the Town of Marion, the Town of Wytheville and Wythe County require that all agencies that are jointly funded follow all procurement guidelines of the localities and state and the Commission keep available for inspection the procurement of all services and contracts.

**Now, Therefore, Be It Resolved** the Governing Bodies of Smyth County, the Town of Marion, the Town of Wytheville and Wythe County strongly recommend the following:



1. An annual presentation be made jointly to the Governing Bodies prior to any budget adoption.
2. Provide detailed cost estimates, funding streams, schedules of all projects for approval of all the Governing Bodies prior to committing any funds to the project.
3. Develop pricing for all services at the airport to include total cost including labor and utilities for hangar rental and fuel sales.
4. Communicate requirements of the airport to include both existing and changes to state and federal laws governing airports.

Atkins District Supervisor J. Howard Burton made a motion to adopt the resolution as read by Mr. Carter. 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.

6:14:04 PM Michelle Clayton, County Attorney presented information concerning a legislative bill that Thomas Bridge Water Corporation is trying to pass thru legislation. Royal Oak District Supervisor G. Blake Frazier made a motion to support the bill as presented by Mrs. Clayton. 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  
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.

6:15:56 PM Park District Supervisor M. Todd Dishner made a recommendation on behalf of the Animal Control Committee to approve the following Animal Damage Claims:

	<u>NAME</u>	<u>APPROVED</u>
1)	David Salks, 1 Hog	\$250.00
2.)	Donnie Counts, 1 Lamb	\$120.00

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.

6:16:44 PM Royal Oak District Supervisor G. Blake Frazier brought a recommendation before the Board from the Courthouse Committee. Mr. Frazier stated the committee met on December 2, 2014 concerning a change order on the Courthouse Project from BurWil Construction in the amount of \$55,800.91. It is the committee's recommendation to accept this change order from BurWil Construction.

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.

6:17:45 PM Roscoe Call, Saltville District Supervisor brought a recommendation before the Board concerning bids for repair of the guttering on the County Office Building. Bids were solicited and only one (1) was received from Bluff Mountain Builders, Inc., in the amount of \$6,850.00. It is the committee's recommendation to accept this bid, and move forward with the repairs.

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.



6:19:09 PM Michael Carter, County Administrator reviewed the recommendations of the Appointment Committee. The following recommendations were considered by the Board:

**District Specific**

**Area Beautification – 1 year term**

Rye Valley District	Phyllis Griffith
Park District	Sherian Medley
Chilhowie District	Rachel Rush Beverly
North Fork District	Nellie Harmon

**Board of Zoning Appeals – 5 year term**

Royal Oak District	Newell Johnson
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**Mt. Rogers Community Services Board- 3 year term**

Beverly Mountain

**Southwest Virginia Community Corrections Board-2 year term**

Michael Carter  
R. David Bradley  
Roy F. Evans

**Mt. Rogers/New River Workforce Investment Consortium Board- 1 year term**

J. Howard Burton  
G. Blake Frazier, Alternate

**Smyth-Wythe Airport Commission-4 year term**

Curtis Pennington

**Transportation Rural Technical Committee – 2 year term**

Scott Simpson

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.

6:27:21 PM Personnel Committee Recommendations-Michael Carter, County Administrator stated that he would like for these recommendations to be discussed on December 18, 2014, during the continued Board meeting.

6:28:04 PM Royal Oak District Supervisor G. Blake Frazier brought a recommendation before the Board from the Economic and Industrial Regional Development Committee. Mr. Frazier stated the committee met on October 6, 2014 and it was the committee's recommendation to withdraw from the Virginia's @Corridor effective immediately, to provide more focused marketing efforts on Smyth County moving forward.

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.  
North Fork District Supervisor Ron C. Blevins

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

6:40:16 PM Michelle Clayton, County Attorney stated that a recommendation had been presented to her to form a committee to discuss ways of honoring the memory of those who have served the County, for example Mr. John Tate. Rye Valley District Supervisor Rick K. Blevins made a motion to establish a committee for this purpose. 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,  
Atkins District Supervisor J. Howard Burton,  
Saltville District Supervisor Roscoe D. Call and  
Royal Oak District Supervisor G. Blake Frazier.  
North Fork District Supervisor Ron C. Blevins

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

6:44:02 PM Nothing was discussed concerning Old Business.

6:44:08 PM Supervisor Comment Time- Royal Oak District Supervisor G. Blake Frazier stated that he is very pleased with the progress made in the County in 2014. All remaining Supervisors were in agreement with Mr. Frazier.

6:46:31 PM Royal Oak District Supervisor G. Blake Frazier made a motion to continue the meeting until Thursday, December 18, 2014 at 7:00 p.m. North Fork District Supervisor Ron C. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

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

Vice Chair, Park District Supervisor M. Todd Dishner,  
Rye Valley District Supervisor Rick K. Blevins,  
North Fork District Supervisor Ron C. Blevins,  
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

The Smyth County Board of Supervisors held its continued meeting at 7:00 p.m., **Thursday, December 18, 2014**. 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; North Fork District Supervisor Ron C Blevins; Atkins District Supervisor J. Howard Burton (4)

**ABSENT:** Rye Valley District Supervisor Rick K Blevins; Saltville District Supervisor Roscoe D Call; Royal Oak District Supervisor G. Blake Frazier (3)

**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)

At 7:00 p.m. Mr. Wade Blevins, Chairman of the Board of Supervisors, and Mr. Norman Sparks, Chairman of the Planning Commission, called the joint public hearing to order. Mr. Michael Carter, County Administrator read the advertisement as placed in the Smyth County News and Messenger; as well as the rules of procedure during public hearings.

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

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, December 18, 2014, at 7:00 P.M. or as soon after 7:00 P.M. as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application(s) to the Zoning Ordinance of Smyth County, Virginia:

*An application from Charles Melvin Thweatt, which has been forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an amendment to the official Zoning Map at Atkins, Virginia, to rezone approximately 1.8 acres, more or less, from Industrial to Commercial. The Smyth County Comprehensive Plan does not identify a density range and the general usage of this property has most recently been vacant. The property is located at 5735 Atkins Tank Road in Atkins, Virginia, and is identified as Tax Map No. 48B-6-1, 48B-A-4 and a portion of 4B-1-1 and can be found within Grid No. 90 of the State Plane Grid Index.*

At this public hearing, subject to the rules of procedure of the Board of Supervisors and Planning Commission of Smyth County, Virginia, any person may appear and state his/her views thereon.

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

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Building and Zoning Department at (276) 706-8315 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

No one chose to speak on this application.

Chairman Wade Blevins and Chairman Sparks closed the joint public hearing at 7:10 p.m.

7:12:44 PM Chairman, Chilhowie District Supervisor Wade H Blevins, Jr. called the Board of Supervisors meeting to order.

7:13:01 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.

7:13:40 PM Financial Update-Michael Carter, County Administrator presented the Board with information on the current FY14-15 budget and a current month analysis.

7:21:01 PM Michael Carter, County Administrator presented recommendations from the Personnel Committee as shown below.

## **CURRENT SMYTH COUNTY PERSONNEL MANUAL**

Nothing currently addresses smoking areas, employee breaks, or attire.

## **PROPOSED SMYTH COUNTY PERSONNEL MANUAL**

*Breaks:* Reasonable break periods are provided during working hours for employees. Employees may take up to 15 (fifteen) minutes during the morning work period and 10 (ten) minutes during the afternoon work period. Breaks must be scheduled so that adequate office coverage and services are provided. Break periods must not be abused and must not be used to extend lunch periods or shorten the duration of the workday. Excessive break periods or too much time spent away from performing established job duties will be handled according to disciplinary procedures.

*Use of Tobacco Products on County Property:* Smoking and the use of electronic cigarettes within all County buildings and facilities is prohibited. It is allowed on the property grounds in established smoking areas only. Smoking breaks may be taken during employee's break time (as listed above) as permitted by the Smyth County Employee Handbook. Excessive smoke breaks are prohibited and are subject to disciplinary procedures.

*Dress Code:* During work hours, employees are considered to be representatives of the County and are required to dress in a manner that portrays a professional image. Employees are expected to dress for work as is dictated by the working environment or departmental requirements. Clothing should be clean, neat in appearance, and free from wear and tear. Clothing may not display profanity, illegal, racial or sexual connotations. Where uniforms are provided, employees shall wear same and maintain them in good condition.

After consideration, the motion PASSED by the following vote:

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

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins, Saltville District Supervisor Roscoe D. Call and Royal Oak District Supervisor G. Blake Frazier.

7:27:00 PM Nothing was discussed concerning old business.

7:27:44 PM North Fork District Supervisor Ron C. Blevins made a motion to add Courthouse Project Update to the agenda. 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,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins, Saltville District Supervisor Roscoe D. Call and Royal Oak District Supervisor G. Blake Frazier.

7:27:25 PM Scott Simpson, Assistant County Administrator presented the Board with an update concerning the Courthouse project. Mr. Simpson state the project is on schedule and making great progress.

7:32:02 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. 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,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins, Saltville District Supervisor Roscoe D. Call and Royal Oak District Supervisor G. Blake Frazier.

It was moved by North Fork District Supervisor Ron C. Blevins, seconded by Atkins District Supervisor J. Howard Burton 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.

7:52:02 PM North Fork District Supervisor Ron C. Blevins made a motion to adjourn the meeting. 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,  
North Fork District Supervisor Ron C. Blevins,  
Atkins District Supervisor J. Howard Burton

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Rye Valley District Supervisor Rick K. Blevins, Saltville District Supervisor Roscoe D. Call and Royal Oak District Supervisor G. Blake Frazier.





## Smyth County Planning Commission

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

Hazel Wagoner, Atkins District  
Graham Davidson, Chillhowie District  
Norman Sparks, North Fork District  
Joel Pugh, Park District  
Robbie Doyle, Royal Oak District  
Pokey Harris, Rye Valley District  
Wayne Venable, Saltville District  
Clegg Williams, Zoning Administrator  
Becca Marean, Administrative Assistant

To: Michael L. Carter

From: Becca Marean *Becca*

Date: December 19, 2014

Subject: Recommendation from Planning Commission  
Map Amendment request from Charles Melvin Thweatt (Tax Map Nos.  
48B-6-1, 48B-A-4, and a portion of 48B-1-1)

At the joint public hearing on Thursday, December 18, 2014 the following motion was rendered:

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.



## 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

The Board of Supervisors of Smyth County, in regular meeting on the 13th day of January, 2015, adopted the following:

### **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

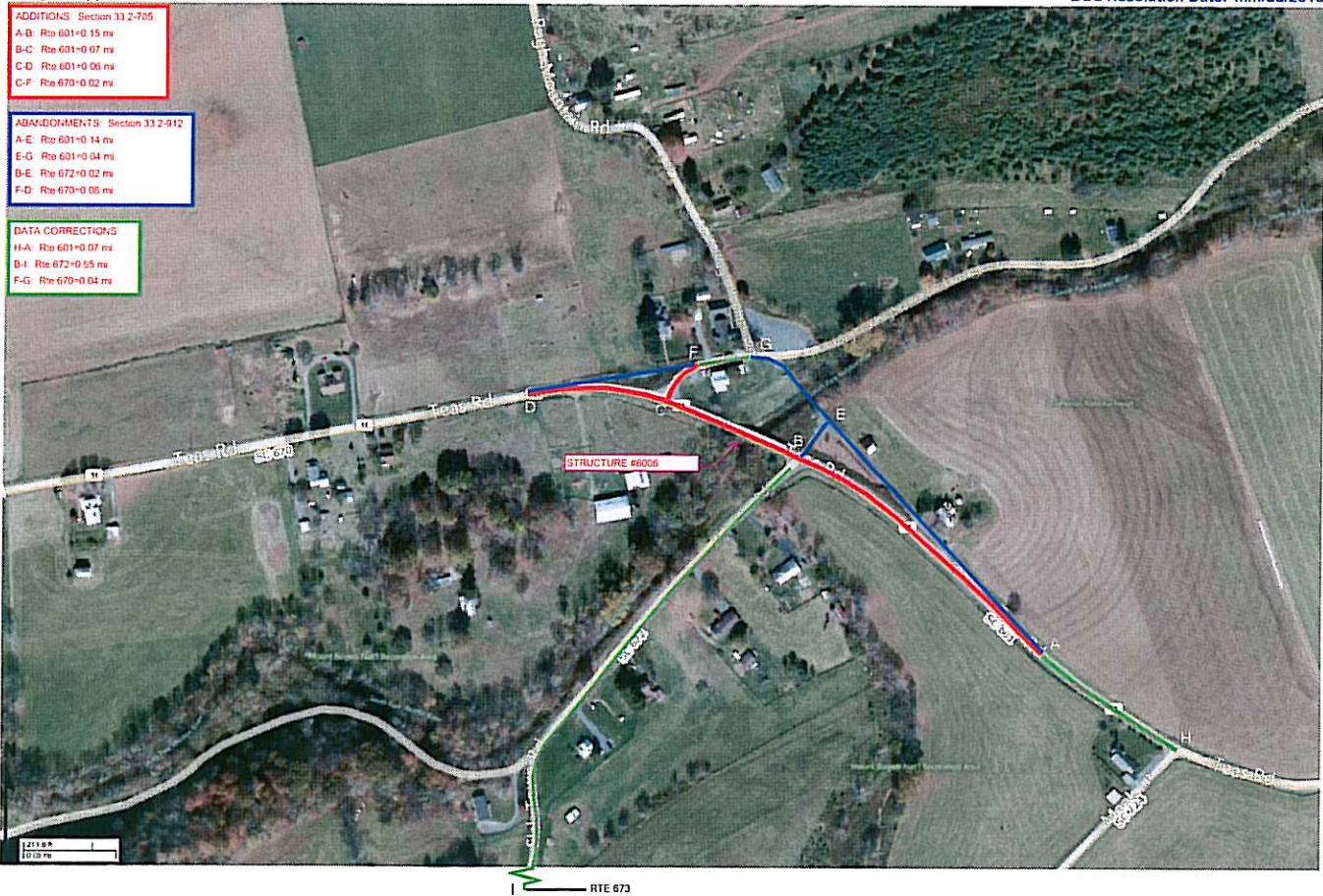
BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add segment(s) A-B, B-C, C-D, and C-F to the secondary system of state highways, pursuant to §33.2-705 of the Code of Virginia, for which sections this Board hereby guarantees the right of way to be clear and unrestricted,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

0601-086-153, C501

Bridge & Approaches S. Fork Holston River

BOS Resolution Date: mm/dd/2015



In the County of Smyth

By resolution of the governing body adopted January 13, 2015

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

A Copy Testee

Signed (County Official): \_\_\_\_\_

Report of Changes in the Secondary System of State-Highways

Project/Subdivision 0601-086-153 C501

Type Change to the Secondary System of State Highways: Abandonment

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

Reason for Change: Abandonment, VDOT Project Related

Pursuant to Code of Virginia Statute: §33.2-912

Street Name and/or Route Number

◆ Teas Road, State Route Number 670

Old Route Number: 0

- From: .04 mi W Int Rt 601 & Rt 670 (F)

To: .12 mi W Int Rt 601 & Rt 670 (D), a distance of: 0.08 miles.

Street Name and/or Route Number

◆ Slab Town Road, State Route Number 672

Old Route Number: 0

- From: Int New Rt 601 & Rt 672 (B)

To: Int Old Rt 601 & Old Rt 672 (E), a distance of: 0.02 miles.

Street Name and/or Route Number

◆ Teas Road, State Route Number 601

Old Route Number: 0

- From: .07 mi NW Int Rt 601 & Rt 724 (A)

To: Int Old Rt 601 & Old Rt 672 (E), a distance of: 0.14 miles.

Street Name and/or Route Number

◆ Teas Road, State Route Number 601

Old Route Number: 0

- From: Int Old Rt 601 & Old Rt 672 (E)

To: Int Rt 601 & Rt 670 (G), a distance of: 0.04 miles.



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

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Project/Subdivision 0601-086-153 C501

Type Change to the Secondary System of State Highways: Addition

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

Reason for Change: VDOT Project

Pursuant to Code of Virginia Statute: §33.2-705

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**Street Name and/or Route Number**

◆ Teas Road, State Route Number 601

Old Route Number: 0

- 
- From: Int New Rt 601 & New Rt 670 (C)

To: Int New Rt 601 & Rt 672 (B), a distance of: 0.07 miles.

Recordation Reference: N/A

Right of Way width (feet) = 50'+

**Street Name and/or Route Number**

◆ Teas Road, State Route Number 601

Old Route Number: 0

- 
- From: Int New Rt 601 & Rt 672 (B)

To: .07 mi N Int Rt 601 & Rt 724 (A), a distance of: 0.15 miles.

Recordation Reference: N/A

Right of Way width (feet) = 50'+

**Street Name and/or Route Number**

◆ Teas Road, State Route Number 601

Old Route Number: 0

- 
- From: .06 mi W Int New Rt 601 & New Rt 670 (D)

To: Int New Rt 601 & New Rt 670 (C), a distance of: 0.06 miles.

Recordation Reference: N/A

Right of Way width (feet) = 50'+

**Street Name and/or Route Number**

◆ VA Highlander Rd, State Route Number 670

Old Route Number: 0

- 
- From: Int New Rt 670 & New Rt 601 (C)

To: .04 mi W Int Rt 670 & Rt 601 (F), a distance of: 0.02 miles.

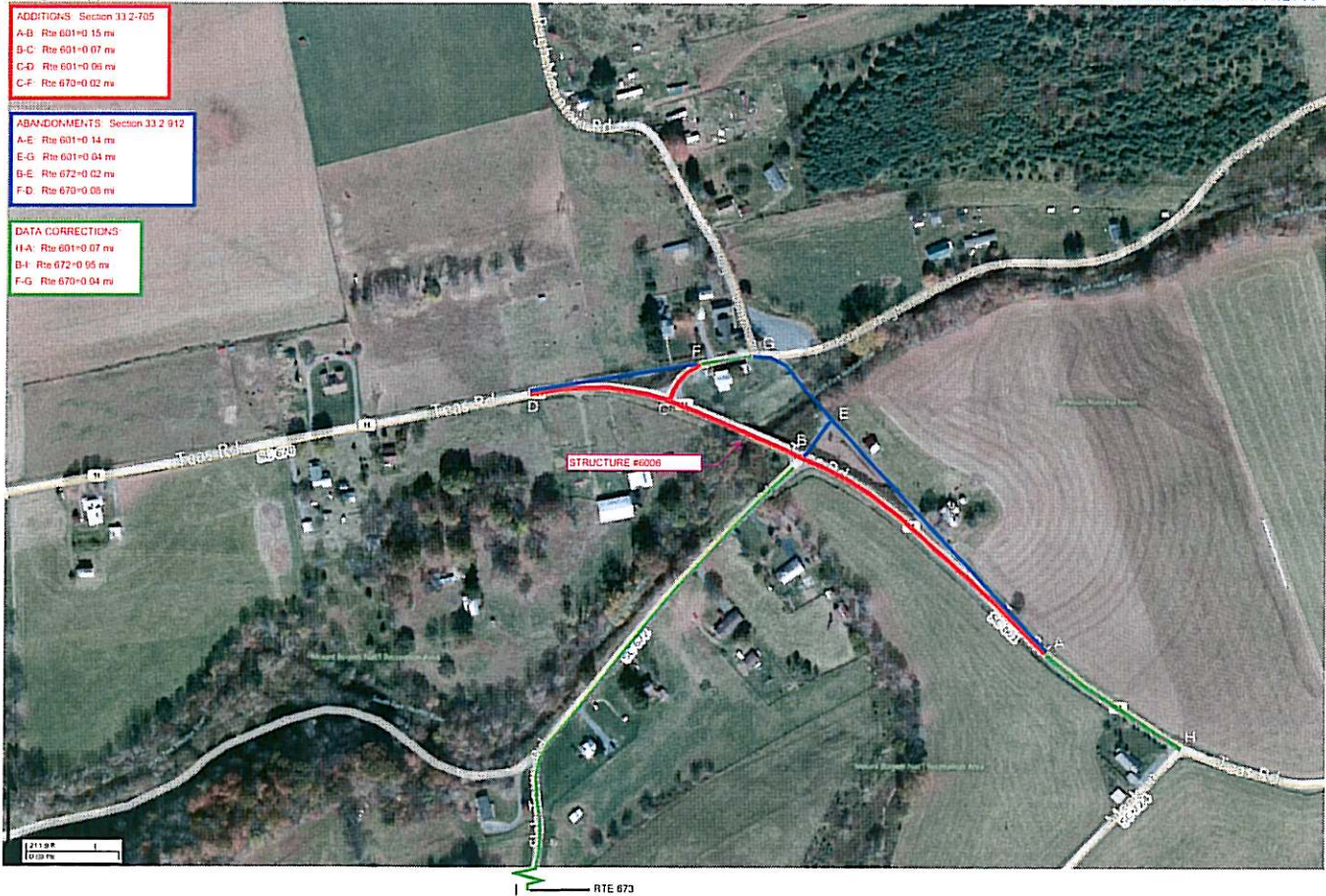
Recordation Reference: N/A

Right of Way width (feet) = 50'+

0601-086-153, C501

Bridge & Approaches S. Fork Holston River

BOS Resolution Date: 01/13/2015





## County Attorney for Smyth County

121 Bagley Circle, Suite 100, Marion, VA 24354  
Phone (276) 783-3298, ext. 8311 Fax (276) 783-9314  
[mclayton@smythcounty.org](mailto:mclayton@smythcounty.org)

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### MEMORANDUM

To: Michael Carter, Lisa Richardson, Diane Spence, Kelly Woods  
From: Michelle Clayton  
Date: January 5, 2015  
Subject: FOIA Charges

At the Annual Meeting of the Board of Supervisors, I suggest the following:

- 50 cent charge be amended to reflect the actual cost per copy as required by the statute. The average cost estimated provided from the FOIA Council was between 3 and 12 cents per copy, depending on the size of the locality.
- Requests under \$5 be provided at no charge. It seems such an administrative hassle that I would suggest smaller requests be provided at no charge. These could be cumulative per requester, however.
- All staff should suggest to the requester that the information be sent electronically to save paper and postage. This cannot be required, however.
- FOIA is never be used to make money – charging less is almost required since it is an inexact science.
- If people are to be charged, it should be standard for all requesters to pay and county employees should be trained to handle the calculation and collection.

For detailed information on FOIA charges, see:  
<http://foiacouncil.dls.virginia.gov/ref/FOIACHarges.pdf>

It includes a convoluted way to calculate the charge per copy.

Know your actual costs--do periodic cost analysis to determine actual costs. To determine your per page copying cost, try this formula. First, calculate the copy machine maintenance based on the maintenance contract per year divided by the average number of copies made per year. Second, divide the yearly toner cost by the average number of copies made per year. Third, calculate the paper costs by dividing the cost for the number of reams of paper by the number of sheets in a ream. Finally, add together the maintenance charge per copy with the toner cost per copy and the paper cost per copy to get your per page copying cost.