

AGENDA

Thursday, November 12, 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.1; Personnel Matters;** Discussion, consideration, or interviews of prospective candidates for employment and **A.3; Real Property Acquisition;** 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

ADOPTION OF AGENDA

Adopt the agenda and the additional agenda as presented

MINUTES OF PREVIOUS MEETINGS (Pgs.3-34)

Request adoption of the September 24th, October 13th and October 27th, 2015 Meetings.

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

5:30 Teresa Barringer-SWVA Training Center PAC Representative

NEW BUSINESS

***Schedule Public Hearing for Back of the Dragon Road Project-Scott Simpson (Pg.35)**

***Special Tax Assessment Release-Michelle Clayton**

***Budget Committee Recommendations-Wade Blevins (Pgs.36-41)**

***Department of Social Services Request to allow for bonuses to be given to employees- Chris Austin**

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 continued meeting at 7:00 p.m., **Thursday, September 24, 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; Atkins District Supervisor J. Howard Burton; North Fork District Supervisor Ron C. Blevins; Saltville District Supervisor Roscoe D Call; Royal Oak District Supervisor G. Blake Frazier (7)

Chilhowie District Planning Commissioner Graham Davidson Jr.; Vice Chair; Rye Valley Dist Planning Commissioner Paul D. Shepherd; Vice- Chair, Park District Planning Commissioner Joel Pugh; Chairman, North Fork Dist. Planning Commissioner Norman Sparks; Saltville District Planning Commissioner Wayne Venable; Atkins District Planning Commissioner Hazel Wagoner (7)

STAFF:

County Administrator Michael Carter; Administrative Assistant Becca Creasy; Assistant County Administrator Scott Simpson; Building & Zoning Administrator Clegg Williams; Administrative Assistant Kelly Woods (5)

7:00:40 PM 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, September 24, 2015, 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 Ridgeview Contractors LLC for a Special Use Permit to operate a Service Business. The property is located at 585 Fox Valley Road (Tax Map No. 55-A-14) in Marion, and is zoned Agricultural/Rural.

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

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

In compliance with the Americans with Disabilities 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
Normal K. Sparks, Chairman of the Planning Commission

Carol Hash of Ridgeview Contractors, LLC was present to address questions and concerns. She stated that Ridgeview is contracted by VDOT for five years to provide traffic control for work on I-81. After five years their contract can be renewed yearly. They are scheduled to work Monday through Friday usually from 6 a.m. to 6 p.m., they have three full time employees, five trucks with crash cushions and two service trucks. They are also responsible for responding to accidents along I-81 that requires traffic control 24 hours a day. The dwelling is essentially used as a dispatch station for processing paperwork but typically no one is there. Maintenance of vehicles is conducted elsewhere.

Marivene Slemph, Algie Crouse and Susan Massey all spoke in opposition with concerns about increased traffic of oversized vehicles and the beauty and tranquility of Fox Valley Road being disrupted by "commercial uses."

There was discussion regarding the rodeo and service business approved by the Board for Seth and Brandi Heath on the other end of Fox Valley Road. It was explained that those applications were approved in the past and the Board and Commission could only address the application for Ridgeview Contractors. Mr. and Mrs. Heath were present and explained their service business is for snow removal along I-81, not traffic control, and the two businesses are two separate entities.

No one else spoke on the application.

Board of Supervisors Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. and Planning District Commission Chairman Norman Sparks closed the joint public hearing.

7:44:21 PM Chairman, Chilhowie District Supervisor Wade H Blevins, Jr. called the Board of Supervisors meeting to order.

7:44:27 PM Arthur Barker, Grants Administrator for Smyth County Sheriff's Office presented information on the Highway Safety Grants through the Sheriff's Department. The request is for two (2) grants through the Virginia Department of Motor Vehicles in the amount of \$15,090.00. These grants require a local match of \$7,545.00 and will be used to enforce speed control for the County. The Sheriff's Office is asking the Board to approve the grant and the local proposed match.

Saltville District Supervisor Roscoe D. Call made a motion to approve the grant and local match as presented by Mr. Barker. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Saltville District Supervisor Roscoe D. Call,
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.

7:49:09 PM Arthur Barker, Grants Administrator for Smyth County Sheriff's Office presented information on the VSTOP Program through the Sheriff's Department. The request is to allow Mr. Barker to apply for the grant.

Park District Supervisor M. Todd Dishner made a motion to allow Arthur Barker to apply for the VSTOP grant program. 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,
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.

8:02:58 PM It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Rye Valley District Supervisor Rick K. Blevins to appropriate \$3,698,183.25 from the General Fund. The following is an explanation of the appropriations approved:

General County:	\$689,200.25
Schools-Operating Fund	
Instruction	\$2,531,409.00
Administration, Attendance & Health	\$100,000.00
Transportation	\$120,632.00
Facilities	\$146,485.00
School Food Service	\$96,077.00
Technology	\$14,380.00

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

8:04:11 PM Michael Carter, County Administrator presented a resolution as shown below for the Green Hill VDOT Revenue Sharing Project.

RESOLUTION
REGARDING SPECIAL ASSESSMENT OF OWNERS OF PARCELS ABUTTING GREEN HILL
CIRCLE
IN CHILHOWIE MAGISTERIAL DISTRICT
FOR ROAD IMPROVEMENT PURSUANT TO VIRGINIA CODE § 33.2-335

WHEREAS, by resolution adopted by this Board of Supervisors on November 12, 2014, 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 Green Hill Circle, as more specifically described in paragraph one.

WHEREAS, based on the Department's cost estimate of \$78,832.00 for improvement of Greenhill Circle, this Board has determined, as prescribed by Virginia Code section 33.2-335, that there are no speculative interests in the properties abutting Green Hill Circle; and

WHEREAS, in accordance with the requirements of Virginia Code section 15.2-2409, each owner of property abutting Greenhill Circle was provided notice of the proposed special assessment and had an opportunity to comment before the Board on September 8, 2015 meeting, and

WHEREAS, it appears to the Board that the owners of more than seventy-five percent (75%) of the parcels of land abutting Greenhill Circle 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 Greenhill Circle; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Smyth 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:	Green Hill Circle
From:	Flatwood Acres Drive
To:	Chalet Street
Guaranteed Right-of-Way Width:	40 feet
Plat Date:	February 3, 1969

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 Greenhill Circle improvement project. However, if the cost of the road improvement project is

less than the amount originally estimated by the Department, the County shall re-calculate 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 Greenhill Circle 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 Greenhill Circle listed below. Each parcel shall be assessed equally in an amount not to exceed \$2628.00 per parcel, not including applicable interest.

<u>Owner</u>	<u>Parcel</u>
Ronald L. and Maria C. Olinger	64A-4-1
Michael L. and Shelia E. Lampkins	64A-4-2
Christopher and Jennifer Hash	64A-4-3
Patsy H. Burgess	64A-4-4
Willard H. and Suzanne R. Lester	64A-4-5
Joe E. and Susie H. Threkeld	64A-4-6
Linda O. Stanberry	64A-4-7
Richard Lee and Mary H. Ryan	64A-4-8
Lester C. and Gaile A. Owens	64A-4-9
Rhonda G. Taylor	64A-4-10
Stephen D. Lewis Et Al	64A-4-11
Ronald L. and Karen H. Gillespie	64A-4-12
Heather Lewis Trivette	64A-4-13
Verna Odette Forbes	64A-4-14
Diane Lynn Brown Hester	64A-4-15

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 4, 2015 (.37 percent). 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 Ron C. Blevins, seconded by Supervisor M. Todd Dishner and the Resolution carried by the following vote:

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

After consideration, the motion PASSED by the following vote:

AYES: 7
NAYS: 0
ABSTAINERS: 0
ABSENT: 0

8:09:41 PM Royal Oak District Supervisor G. Blake Frazier made a motion to approve the proposed Solid Waste Tipping Fee changes as heard during a Public Hearing on Tuesday, September 8, 2015 and shown below. These changes will be effective October 1, 2015. Saltville District Supervisor Roscoe D. Call seconded the motion.

- \$56/ton flat rate for waste delivered to the Transfer Station
- Tires:
 - Less than 16" - \$2.50 each
 - 17" - 24" - \$7.50 each
 - 25" or greater - \$13.25 each
 - Cut or chipped tires - \$165/ton

After consideration, 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,
Saltville District Supervisor Roscoe D. Call,
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.

8:10:47 PM Rye Valley District Supervisor Rick K. Blevins made a motion to approve the Konnarock Retreat House festival permit application. Saltville District Supervisor Roscoe D. Call seconded the motion. It was noted by Mr. Carter the application fee has been received and all paperwork is in order.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

8:11:11 PM Saltville District Supervisor Roscoe D. Call brought forward a recommendation from the Water/Sewer Committee. It is the committee's recommendation to accept the agreement from CHA Consulting for Engineering Services for the Adwolfe Sewer Project.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

8:15:39 PM Saltville District Supervisor Roscoe D. Call brought forward a recommendation from the Building and Grounds Committee. It is the committee's recommendation to facilitate conveyance of School properties the County currently owns to the School Board.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

8:17:26 PM Scott Simpson, Assistant County Administrator presented the Board with an update on the construction of the Courthouse.

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.1**; Discussion, consideration, or interviews of prospective candidates for employment and **A.5; Industrial/Business**

Prospects; discussion concerning a business or industry considering expansion with no previous announcement being made. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

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

After consideration, the motion PASSED by the following vote:

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

North Fork District Supervisor Ron C. Blevins made a motion to adjourn the meeting.
Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Board of Supervisors Meeting Minutes
October 13, 2015

The Smyth County Board of Supervisors held its regular meeting at 4:00 p.m., Tuesday, October 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: 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 (6)

ABSENT: Chairman, Chilhowie District Supervisor Wade H Blevins, Jr. (1)

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)

4:03:34 PM Vice Chairman, Park District Supervisor M. Todd Dishner called the meeting to order.

A motion was made by Rye Valley District Supervisor Rick K. Blevins, seconded by Saltville District Supervisor Roscoe D. Call to enter into closed session under Code of Virginia, Section 2.2-3711-A.1 Personnel; 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.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.

4:09:00 PM Royal Oak District Supervisor G. Blake Frazier entered the meeting.

5:05:55 PM Vice Chairman, Park District Supervisor M. Todd Dishner called the meeting to order from closed session.

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

RESOLUTION
CERTIFICATION OF CLOSED SESSION

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

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

NOW, THEREFORE, BE IT RESOLVED 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.

5:06:32 PM Lori Hester, Director of Community and Economic Development gave the Invocation and Norma Teaters, CSA Coordinator led the Pledge of Allegiance.

5:07:45 PM A motion was made by Rye Valley District Supervisor Rick K. Blevins to adopt the Agenda and Additional Agenda. North Fork District Supervisor Ron C. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.

5:07:46 PM It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to approve the minutes of the September 3rd and September 8th, 2015 meetings.

After consideration, the motion PASSED by the following vote:

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

Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.

5:08:09 PM Michael Carter, County Administrator presented the Board with information on the current FY15-16 budget and a current month analysis for appropriations.

5:19:20 PM It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$3,001,079.00 from the General Fund. The following is an explanation of the appropriations approved:

General County:	\$2,000,000.00
Aid to the Commonwealth:	\$12,964.78
Social Services (October 14-October 31, 2015)	\$235,000.00
(November 1-November 10, 2015)	\$60,000.00
Schools-Operating Fund	
Instruction	\$230,248.00
Administration, Attendance & Health	\$0.00
Transportation	\$41,597.00
Facilities	\$169,221.00
School Food Service	\$148,663.00
Technology	\$16,350.00
School Debt and Capital Outlay	
Debt Service	\$100,000.00
Total General Fund:	\$3,001,079.00

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.

It was moved by Saltville District Supervisor Roscoe D. Call seconded by Rye Valley District Supervisor Rick K. Blevins to appropriate \$1,088,062.43 for the Courthouse Project.

After consideration, the motion PASSED by the following vote:

AYES: Vice Chair, Park District Supervisor M. Todd Dishner,

Rye Valley District Supervisor Rick K. Blevins,
Atkins District Supervisor J. Howard Burton,
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: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.

It was moved by Saltville District Supervisor Roscoe D. Call seconded by Rye Valley District Supervisor Rick K. Blevins to appropriate \$231.62 from the Water/Sewer Deposit Fund for refunds to customers.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.

It was moved by North Fork District Supervisor Ron C. Blevins seconded by Saltville District Supervisor Roscoe D. Call to appropriate \$19,544.72 from Sheriff Fund 748 for outstanding invoices.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.

It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$630,700.27 for the Accounts Payable listing.

After consideration, the motion PASSED by the following vote:

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

Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.

5:22:42 PM Vice Chairman, Park District Supervisor M. Todd Dishner opened Citizen's time.

5:23:00 PM With no one wishing to speak, Vice Chairman, Park District Supervisor M. Todd Dishner closed citizen's time.

5:23:05 PM Michael Carter, County Administrator presented the following recommendation from the Planning Commission:

Commissioner Graham Davidson Jr. made a motion to recommend the Board approve the Special Use Permit requested by Ridgeview Contractors, LLC for a Service Business with the following restrictions: Only six (6) commercial trucks with crash cushions for the business and two (2) service trucks are permitted on the premises, this does not include personal vehicles. The property is identified as 585 Fox Valley Road, Marion; Tax Map No. 55-A-14; and is zoned Agricultural/Rural. Commissioner Hazel Wagoner seconded the motion.

Vote: Yays: Sparks, Pugh, Wagoner, Shepherd and Davidson, Venable and Doyle

Nays: None.

Abstainers: None.

Absent: None.

Atkins District Supervisor J. Howard Burton made a motion to not accept the recommendation presented by the Planning Commission identifying restrictions on the number of vehicles allowed on the premises. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.

North Fork District Supervisor Ron C. Blevins made a motion to approve the Special Use Permit without restrictions. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Atkins District Supervisor J. Howard Burton,

North Fork District Supervisor Ron C. Blevins,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.

5:29:58 PM Michelle Clayton, County Attorney presented a slide show with information concerning Conflict Of Interest Act.

5:33:31 PM Michael Carter, County Administrator presented the FY14-15 Report from the Community Criminal Justice Board. Saltville District Supervisor Roscoe D. Call made a motion to approve members as presented by Mr. Carter to serve on the Community Criminal Justice Board. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.

5:50:30 PM Michelle Clayton, County Attorney presented information on a VDOT Revenue Sharing Project with the residents of Green Valley Court. Ms. Clayton informed the Board this is just an application process right now, and that VDOT would have to approve the application along with the Board of Supervisors.

North Fork District Supervisor Ron C. Blevins made a motion to allow Michael Carter, County Administrator to sign documents for the VDOT/Green Valley Court Revenue Sharing Project and submit them to VDOT. Atkins District Supervisor J. Howard Burton seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.

5:59:24 PM Lori Hester, Director of Community and Economic Development presented a Grant Agreement for Back of the Dragon as shown below.

TICRC OFFICE

GRANT AGREEMENT

This Grant Agreement (this "Agreement") made and entered into the **23rd day of September, 2015** (the "Award Date"), by and between the **Tobacco Region Revitalization Commission**, a body corporate and political subdivision of the Commonwealth of Virginia (the "Commission"), and **Smyth County Board of Supervisors**. (the "Grantee").

WITNESSETH:

WHEREAS, the Virginia General Assembly created the Commission to, among other things, stimulate the economic growth and development of tobacco-dependent communities in the Southside and Southwest regions (the "Region") of the Commonwealth of Virginia (the "Commonwealth"), and

WHEREAS, the Grantee has submitted an application, which by this reference is incorporated herein and made a part of this Agreement (the "Application"), to the Commission for funding to acquire, construct, improve, equip, furnish and/or otherwise undertake the project entitled **Smyth County's Back of the Dragon Overlook** described on **Exhibit A** attached hereto (the "Project"), and

WHEREAS, the Commission, in reliance upon the information set forth in the Application, has determined that the Project benefits the Region and is consistent with and in furtherance of the Commission's public purposes and approved a grant to the Grantee in the amount of **\$184,000.00** (the "Grant") to fund the Project, the approval and funding of such Grant the Commission has determined constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for the Grant, and

WHEREAS, the Commission and the Grantee desire to set forth their understanding and agreement as to the use of the Grant and the obligations of the Grantee regarding the use of the Grant,

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby represent, warrant, covenant and agree as follows:

1. Project and Budget. The Grantee agrees to use the Grant to provide funds for that portion of the Project not being paid from other sources as set forth in the budget for the Project attached hereto as **Exhibit B** (the "Project Budget"). No portion of the Grant shall be used for any purpose whatsoever other than the Project without the prior written approval of

the Executive Director of the Commission (the "Executive Director"). No material changes shall be made in the scope of the Project or to the Project Budget without the prior written approval of the Executive Director. Any document signed by the Executive Director accepting a change in the scope of the Project or to the Project Budget shall set forth with specificity the accepted change. If the maximum authorized amount of the Grant exceeds the amount necessary to complete the Project, the excess shall not be disbursed to the Grantee but shall remain with the Commission or, if previously disbursed, be returned to the Commission within thirty (30) days of the earlier of the completion of the Project or the expiration of this Agreement.

The Grantee agrees to cause the Project to be acquired, constructed, improved, equipped, furnished and/or otherwise undertaken as described in Exhibit A and will cause the Project to be completed on or before the expiration of this Agreement. The Grant funds and funds available from the other sources specified in the Project Budget will be sufficient to cause the Project to be completed.

The Grantee agrees to comply with any applicable governmental requirements pertaining to the Project and the use and application of Grant funds provided hereunder, including but not limited to, applicable requirements of the Virginia Public Procurement Act (Virginia Code Section 2.2-4300 et seq., as amended) but only as and to the extent required by any such governmental requirements, and the Commission shall not in any way be responsible for determining the extent, to which any such governmental requirements apply to this Grantee.

2. Payment of Grant Funds. Subject to the terms of this Agreement, including but not limited to, satisfaction by the Grantee, in the sole discretion of the Commission, of the conditions set forth on Exhibit C attached hereto, the Grant shall be disbursed on a reimbursement basis upon submission of a signed payment request on the Commission's then-current form ("Payment Request Form") with adequate supporting documentation. The Grantee agrees to comply with the Commission's General Funding Policies, Grant Disbursement Guidelines and Guidelines for Advance of Funds as adopted by the Commission as in effect from time to time and applied in the sole discretion of the Commission. Expenses incurred prior to the Award Date are not eligible for reimbursement. Prior to any disbursement, the Commission shall have on record documentation from the Grantee designating the officers, employees or agents authorized to make a reimbursement request (such documentation may be in the form of a resolution or minutes of the Grantee appointing such designee). Reimbursement requests shall be submitted not more frequently than quarterly, unless the Commission otherwise agrees. Appropriate supporting documentation shall be attached to all Payment Request Forms and may include, but is not limited to, invoices from goods purchased and services performed, receipts, vouchers, reporting forms or other evidence of the actual payment of costs related to the Project and consistent with the Project Budget. The Grantee shall also provide appropriate supporting documentation of the expenditure and application of any required matching funds for the Project as set forth on Exhibit C attached hereto. The Commission may in its sole discretion refuse to make a disbursement if the Grantee's documentation is not adequate or if such disbursement does not appear to be within the Project Budget or otherwise contrary to or in violation of the provisions hereof. The Commission in its sole discretion may refuse to disburse any funds to the Grantee if the Grantee has previously received a grant award and a final grant report for the previous grant award has not been received by the Commission.

The Grantee may request in writing an advance of up to twenty-five percent (25%) of the Grant if the Grantee lacks sufficient working capital to fund the Project. Approval of such request shall be in the sole discretion of the Commission and shall be available no earlier than ninety days (90) prior to the start of the Project. If an advance is disbursed, the Grantee may request additional disbursements only upon submission of signed Payment Request Forms with adequate supporting documentation for actual expenditures incurred for which the previous disbursement was used.

3. Quality of Work. The Commission, and its members, employees and agents, shall have the right to inspect the Project at reasonable times from time to time. Upon a determination that the quality of work done or the progress toward completion of the Project is unsatisfactory, the Commission may take whatever action is necessary to preserve the integrity of the Grant and its original intended purpose, including but not limited to, the actions set forth in Section 9 of this Agreement. The Project may be monitored through on-site visits by representatives of the Commission or in any other manner deemed appropriate by the Executive Director.

4. Parties' Relationship. In connection with the award or the administration of the Grant, the Commission does not and shall not assume any liability for any financial or other obligations of the Grantee made to third parties, whether or not related to the Project. The Grantee shall provide written notice to all vendors, contractors and any other party retained to work on the Project that neither the Commission nor the Commonwealth shall be liable for the Project or any payment failure or other obligation related thereto. Such written notice shall provide that by accepting work on the Project, all such vendors, contractors and other parties release and relinquish the Commission and the Commonwealth from any claim which might otherwise be asserted, and that each party accepting such work thereby indemnifies and holds the Commission, and its members, employees and agents, harmless against any and all such obligations; and further, that if any action is brought against the Commission, or its members, employees or agents, the party accepting such work shall be liable for all legal expenses and other costs related to such action. The Grantee is and will be acting as an independent contractor in the performance of the Project, and agrees to be responsible, where found liable and to the extent not covered by insurance or specified by statute, for the payment of any claim for loss, personal injury, death, property damage, or otherwise arising out of any act or omission of its members, employees or agents in connection with the performance of the Project. Nothing contained herein shall be deemed an express or implied waiver of the sovereign immunity of the Commission or the Commonwealth.

In the event the Commission is required to take legal action under this Agreement, the Grantee shall be liable for all of the Commission's costs expended for the administration and enforcement of this Agreement, including but not limited to, reasonable attorney's fees and court costs.

5. Recordkeeping. The Grantee shall maintain proper books of record and account with respect to the Grant and the Project in which accurate and timely entries shall be made in accordance with generally accepted accounting principles, consistently applied, during the term of this Agreement. Grant funds received from the Commission shall be held in a separate and segregated account (the "Fund") and the Fund shall reflect all activity of the moneys received

from the Commission for the Project, itemized by category of expenses in the same manner as in the Project Budget. The Grantee shall retain all invoices from goods purchased and services performed, receipts, vouchers, reporting forms or other evidence of the actual payment of costs related to the Project. All books of record and account and all records of receipts and expenditures with respect to the Grant and the Project and copies of Payment Request Forms with supporting documentation and annual and final reports submitted to the Commission shall be retained for at least three (3) years after the later of the completion of the Project or the expiration of this Agreement. The Commission, and its members, employees and agents, shall have the right at reasonable times from time to time to inspect and make copies of the books and records of the Grantee and the Fund.

6. Annual Reports. The Grantee shall submit to the Commission annual financial and narrative reports reflecting activity in the Fund and progress made toward completion of the Project. Annual financial reports shall be presented on the Commission's grant reporting form then in effect (the "Grant Reporting Form"). Annual narrative reports shall indicate the progress made toward achieving the goals of the Grant and shall be submitted with the Grant Reporting Form. Annual reports shall be due one year from the Award Date and annually thereafter until the Project is complete. The Commission reserves the right to request additional information to supplement the information provided in the Grant Reporting Form or the annual narrative reports, including but not limited to, the Grantee's audited financial statements.

7. Final Report. The Grantee shall provide a final financial and narrative report to the Commission within thirty (30) days of the earlier of the completion of the Project or the expiration of this Agreement. The final report shall contain the type of information contained in the annual reports, including a narrative as to the success of the Project and a description of the long-term achievements and expectations for the Project. The Commission may withhold final disbursement of up to ten percent (10%) of the Grant until receipt of a final report that is in all respects satisfactory to the Commission. After the completion of the Project and expiration of this Agreement, the Commission may in its sole discretion require additional reporting on the long-term achievements and expectations of the Project.

8. Interim Reports. In addition to the annual reports and final report required by Sections 6 and 7 of this Agreement, the Commission may reasonably request that the Grantee submit additional or interim information from time to time to ensure that the provisions of this Agreement are properly carried out, administered and enforced.

9. Misuse of Award; Rights of Commission. If the Commission determines that any part of a Grant has not been used for the Project or for a purpose otherwise approved in writing by the Executive Director, or that the Grantee has failed to comply with any material term or condition of this Agreement, including but not limited to, the Grantee complying with the reporting requirements of this Agreement or making in any material respect a false or misleading statement or other written or oral representation, warranty or statement furnished or made to the Commission in this Agreement, the Application or otherwise, the Commission in its sole discretion may withhold any further disbursements to the Grantee and, in addition:

- (a) rescind the Grant by written notice to the Grantee, in which event the Grantee shall be obligated to return to the Commission, within five (5) days following

receipt of such notice, an amount, from legally available funds, equal to all Grant payments received pursuant to this Agreement, plus interest from the date of receipt of such notice at the prime rate set forth in the Wall Street Journal on the date of such notice;

(b) require the Grantee to take whatever action at law or in equity the Commission may direct in order to recover any Grant funds not used for the actual payment of costs related to the Project and consistent with the Project Budget, and comply with any procedures that the Commission may direct in order to prevent further improper use of the Grant;

(c) take any other action as necessary to preserve the integrity of the Grant and to preserve Grant funds for appropriate uses;

(d) determine that the Grantee is ineligible to receive future grant funding through the Commission;

(e) withhold any and all disbursements requested by the Grantee from the Commission under any other grant previously approved by the Commission; and/or

(f) take such judicial action as is necessary to collect any amounts owed, including legal action for breach of this Agreement, pursuant to this Section or as otherwise provided in this Agreement.

The Grantee agrees to pay the Commission's attorneys' fees and actual costs incurred in the collection of funds or for the enforcement of any obligations of the Grantee set forth in this Agreement.

The Commission reserves the right to modify or withhold any disbursement of Grant funds if the Commission in its sole discretion determines that it is necessary in order to protect the purposes and objectives of the Commission and the Grant or to comply with any law or regulation applicable to the Commission, the Grant and/or the Grantee.

10. Sale or Encumbrance; Security Interest. Until the Commission has determined that the public purposes of the Grant have been satisfied, none of the assets or property acquired, constructed, improved, equipped, and/or furnished as part of the Project shall be leased, sold, exchanged, disposed of, hypothecated, mortgaged or encumbered without the prior written approval of the Executive Director. In the event that such asset or property is leased, sold, exchanged, disposed of, hypothecated, mortgaged or encumbered without the prior written approval of the Executive Director, the Commission may assert its interest in the asset or property to recover the Commission's share of the value of such asset or property and/or recover from the Grantee, unless otherwise prohibited by law.

Grantee hereby pledges, delivers and assigns to the Commission a security interest in, to and on all property purchased with the Grant, which security interest shall be held by the Commission to secure Grantee's full performance under this Agreement. Upon the request of the Commission, Grantee will execute, provide and sign all documents necessary to establish

and/or perfect Commission's security interest in such property, including deeds of trust, supplemental deeds of trust, amendments or modifications hereto, financing statements, continuation statements or other instruments and documents which may be reasonably required from time to time. The Commission will release its security interest upon Grantee's full performance under this Agreement, including, without limitation, Grantee's full compliance with all reporting requirements required herein, and once the Commission has determined that the public purposes of the Grant have been satisfied.

11. Press Releases. The Grantee agrees that it shall not issue any press releases or other public statements regarding the Grant without the prior written consent of the Commission.

12. Future Funding. The Grant provided pursuant to this Agreement shall not be deemed to be an actual or implied promise of the Commission to fund the Project except as provided for herein. No representation by the Commission, or its members, employees or agents, shall be binding unless set forth in writing and signed by the Executive Director. In addition to the other remedies provided by law or in this Agreement, if the Grantee fails to comply with the terms of this Agreement, the Grantee shall not be entitled to additional funding for the Project.

13. Entire Agreement. To the extent there are inconsistencies between this Agreement and its supporting documents, including the Application and the exhibits attached hereto, this Agreement shall control. This Agreement expresses the entire understanding and all agreements between the Commission and the Grantee and may not be modified except in a writing signed by the Commission and the Grantee.

14. Governing Law; Jurisdiction; Venue. This Agreement shall be governed by the applicable laws of the Commonwealth. The venue of any judicial action shall be in the Circuit Court of the City of Richmond, Virginia, and such litigation shall only be brought in such court.

15. Limitation of Commission's Liability. Nothing herein shall be deemed to be a covenant, agreement or obligation of a present or future member of the Commission or of an employee or agent of the Commission. No member, employee or agent of the Commission shall incur any personal liability with respect to any action taken by him or her pursuant to this Agreement.

16. Severability. If any provision of this Agreement shall be held invalid by any court of competent jurisdiction, such holding shall not invalidate any other provision hereof.

17. Public Documents. Unless specifically exempted pursuant to the Virginia Freedom of Information Act (Virginia Code Section 2.2-3700 et seq., as amended), all reports, documents, financial data and other information provided to the Commission shall be public records.

18. Notices. Unless otherwise provided for herein, all notices, approvals, consents, correspondence and other communications pursuant to this Agreement shall be in writing and shall be deemed received upon receipt or refusal after mailing of the same in the United States Mail by certified mail, postage fully pre-paid or by overnight courier (refusal shall mean return of

certified mail or overnight courier package not accepted by the addressee) to (a) the Commission at 701 East Franklin Street, Suite 501, Richmond, Virginia 23219, Attention: Executive Director, or (b) the Grantee at the address set forth below.

19. Conditional Funding. In the event that disbursement of Grant funds is contingent upon the happening of an event or events described herein that have not yet occurred as of the Award Date, the Commission may withdraw the Grant if such event or events have not been substantiated with appropriate documentation satisfactory to the Commission within twelve (12) months of the Award Date. This Agreement is subject to the availability of Commission funds. If such funds become unavailable and the Commission is unable to obtain sufficient funds, this Agreement shall be amended or terminated, as appropriate.

20. Expiration. Thirty-six (36) months after the date on which the Grant is approved, the Grant shall be automatically rescinded with respect to all funds not yet disbursed by the Commission, unless an extension is granted in writing by the Commission.

21. Survival. The rights and remedies available to the Commission shall survive any expiration or termination of this Agreement, including but not limited to, Sections 4, 7, 9, 10 and 21.

22. Counterparts. This Agreement may be executed in counterparts, each of which shall be an original, and all of which together shall constitute but one and the same instrument.

[Remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

TOBACCO REGION REVITALIZATION COMMISSION, a body corporate and political subdivision of the Commonwealth of Virginia

Signature of Executive Director: _____

Printed Name of Executive Director: _____ Evan Feinman

Date: _____

Smyth County Board of Supervisors

Signature of Grantee's Chief Executive: _____

Printed Name of Chief Executive: _____

Date: _____

Grantee Information:

Address _____

Phone # _____ e-mail _____ Federal ID

Exhibit A

Project Description

The purpose of the Back of the Dragon Overlook is to attract additional tourists to Smyth County to support the local economy. Every year, over 15,000 motorcyclists and car enthusiasts visit the Back of the Dragon. The plan is to double that number in five years. Many of them stay at local hotels and B&Bs between two and five nights during their visit. Additionally, they dine at local restaurants and shop at local shops. This has a great impact on the local economy, and in Marion alone, the town has seen a 14.3% increase in their meals/lodging tax revenue.

Exhibit B

Project Budget

The Budget Worksheet is available as a separate attachment.

Exhibit C

Grant Conditions

1. No less than dollar 50% of the total Project Budget shall be funded by non-commission sources and satisfactory evidence thereof submitted to the Commission prior to disbursement of any Commission money. Un-approved applications to other funding sources are not satisfactory evidence.

North Fork District Supervisor Ron C. Blevins made a motion to allow Michael Carter, County Administrator to sign the agreement as presented. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.

6:02:54 PM Nothing was discussed concerning Old Business.

6:06:25 PM Vice Chairman, Park District Supervisor M. Todd Dishner continued the meeting to

October 27, 2015 at 4:00 P.M.

DRAFT

Board of Supervisors Meeting Minutes
October 27, 2015

The Smyth County Board of Supervisors held its continued meeting at 4:00 p.m., **Tuesday, October 27, 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 (4)

4:02:54 PM Chairman, Chilhowie District Supervisor Wade H Blevins, Jr. called the Board of Supervisors meeting to order.

4:03:00 PM Chairman, Chilhowie District Supervisor Wade H Blevins, Jr. opened citizen's time.

4:03:18 PM With no one wishing to speak Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. closed citizen's time.

4:03:12 PM It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$3,580,921.00 from the General Fund. The following is an explanation of the appropriations approved:

General County:	\$992,000.00
Schools-Operating Fund	
Instruction	\$2,219,752.00
Administration, Attendance & Health	\$80,000.00
Transportation	\$113,403.00
Facilities	\$135,779.00
School Food Service	\$1,337.00
Technology	\$38,650.00

After consideration, the motion PASSED by the following vote:

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

4:04:24 PM Scott Simpson, Assistant County Administrator presented a Resolution for the Back of the Dragon Project as shown below.

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order for the Virginia Department of Transportation to establish a Transportation Alternatives Program (Map-21) project in Smyth County, VA.

NOW, THEREFORE, BE IT RESOLVED, that Smyth County, VA requests the Commonwealth Transportation Board to establish a project for the design and construction of the Back of the Dragon Scenic Overlook.

BE IT RESOLVED, the Smyth County Board of Supervisors has secured funding to cover 20 percent of the total cost for planning and design, right-of-way acquisition, and construction of this project. Smyth County intends to administer this project itself

AND, BE IT FURTHER RESOLVED, the Smyth County Board of Supervisors is requesting, from the VDOT Map-21 program, 80 percent of the total cost for planning and design, right-of-way acquisition, and construction of this project.

Adopted this 27th day of October, 2015; Smyth County, Virginia.

North Fork District Supervisor Ron C. Blevins made a motion to approve the resolution as presented and to move forward with the project. 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,
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.

4:11:55 PM Michael Carter, County Administrator presented a request for Payment for Enterprise Zone Incentives. The payment would be to Keith and Jan Medeiros for 50% rebate of the building permit as allowed by the Enterprise Zone Local Incentives to complete renovations of the Past Time Antique Emporium, in the amount of \$991.20.

Royal Oak District Supervisor G. Blake Frazier made a motion to approve the request for payment as presented. 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,
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.

4:13:16 PM Nothing was discussed concerning old business.

4:13:26 PM A motion was made by Rye Valley District Supervisor Rick K. Blevins, seconded by Saltville District Supervisor Roscoe D. Call to enter into closed session under Code of Virginia, Section 2.2-3711-A.1 Personnel.

After consideration, 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 Rye Valley District Supervisor Rick K. Blevins, seconded by North Fork District Supervisor Ron C. Blevins to adopt the following Resolution certifying the business conducted in Closed session as follows:

RESOLUTION
CERTIFICATION OF CLOSED SESSION

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

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

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

After consideration, the motion PASSED by the following vote:

AYES: 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.

4:23:41 PM Supervisor Comment Time-Royal Oak District Supervisor G. Blake Frazier stated that he is very thankful for progress within the county. North Fork District Supervisor Ron C. Blevins stated that he is pleased with the direction the county is taking. Rye Valley District Supervisor Rick K. Blevins wished Good Luck to Ron Blevins and J. Howard Burton during the upcoming election.

4:26:25 PM Scott Simpson, Assistant County Administrator updated the Board on the Courthouse Project and stated that it was moving along nicely. Some departments will move into new offices sooner than expected.

4:29:38 PM North Fork District Supervisor Ron C. Blevins made a motion to adjourn the meeting. 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,
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.

DRAFT

PUBLIC HEARING NOTICE

BACK OF THE DRAGON SCENIC OVERLOOK

The Smyth County Board of Supervisors will hold a public hearing during their meeting on Tuesday, December 8, 2015, at 7:00 p.m. in the Smyth County Administration Building to address applying for grant funding through the Federal Transportation Alternatives Program.

Located on State Route 16, the purpose of the project is to create a better and safer visitor experience, by improving the condition of the existing overlook location for motorists traveling this route. This is intended to be achieved through enhanced safety, improved pavement surfaces, site aesthetics, and better defined view sheds. Improved visitor experience will help meet the objectives of the Smyth County Tourism Center which consist of promoting tourism, economic development opportunities, and motorcycle ridership.

The Board of Supervisors will hear comments and receive citizen input concerning the project on Tuesday, December 8, 2015 during the regularly scheduled Board of Supervisors Meeting.

A meeting of the Smyth County Budget Committee was held at the County Office Building on Tuesday, October 27, 2015 at 4:15 p.m.

Committee Members Present: Chilhowie District Supervisor Wade H. Blevins, Jr., Chairman
Park District Supervisor M. Todd Dishner
Rye Valley District Supervisor Rick K. Blevins

Staff Members: Michael Carter, County Administrator
Scott Simpson, Assistant County Administrator
Kelly Woods, Administrative Assistant
Michelle Clayton, County Attorney

Chairman Blevins called the meeting to order at 4:33 pm.

Information was presented to the committee, by Michael Carter, County Administrator concerning the 911 agreement the County and Towns have worked on together. The agreement has been sent out to the Town of Marion, Chilhowie and Saltville. Discussion continued on this item.

Scott Simpson, Assistant County Administrator presented a Water Department funds transfer request. The Water Department is requesting to transfer \$65,000.00 from the Apple Valley Line Item 501-085010-0205 to the Hungry Mother/Walkers Creek Line Item 501-085020-0104. This issue has occurred because the Town of Chilhowie has a treatment plant issue and the Water Department had to serve water from the Town of Marion for parts of the Walkers Creek area.

Park District Supervisor M. Todd Dishner made a motion to recommend the transfer as requested to the Board of Supervisors at the next scheduled meeting on November 12, 2015. Rye Valley District Supervisor Rick K. Blevins seconded the motion. All agreed unanimously.

Michael Carter, County Administrator presented a request to amend the FY 15-16 budget in the amount of \$50,000.00 on revenue and expenditures due to the change in Solid Waste Tipping Fees. Rye Valley District Supervisor Rick K. Blevins made a motion to recommend the budget amendment to the Board of Supervisors at the next scheduled meeting on November 12, 2015. Park District Supervisor M. Todd Dishner seconded the motion. All agreed unanimously.

Michael Carter, County Administrator presented information on bids recently received for Nuisance Cleanups. Mr. Carter stated that he had discussed this with Clegg Williams, Building and Zoning Administrator and he presented a list of priority rankings as shown below.

Over the years the Board of Supervisors has declared several properties a public nuisance. The following is a summary.

Property Owner
Tax Map No.
Location
Mattie Lee Richardson
58-A-11
Next to 163 Crisp Road, Marion

J.B. Hogston Estate
28A3-A-69
Next to 714 Allison Gap Road, Saltville

Lois M. Miller
76-A-86A
1639 St. Clair's Creek Road, Chilhowie

Clarence R. Minton Estate
29-A-24
Between 179 & 195 Kent Street, Saltville

Alfred M. Gullion Jr
28A2-A-23
221 Cove Street, Saltville

Leo J. & Minnie L. Weaver
28A2-A-39
359 Lick Skillet Road, Saltville

Walter L. & Rosella M. Conklin
71F-A-32
5432 Sugar Grove Hwy, Sugar Grove

Quotes were recently solicited by the Building and Zoning Department to demolish the structures on each of the sites.

Recognizing the money budgeted for this effort would not allow all of the sites to be addressed, several staff members met to discuss options. Considering the Clarence R. Minton Estates was recently sold for delinquent taxes and pursuing a nuisance complaint with new owners may be problematic, the Building and Zoning Department recommends that particular site be put on hold at this time, giving the new owners time to abate the nuisance.

After reviewing the remaining properties, the concept of "securing" some of these properties; as opposed to complete demolition was discussed. After reviewing the remaining sites, the staff feel the Gullion and Weaver properties can be secured. Bids are

currently being received to secure these properties. It is the staff's recommendation the Mattie Lee Richardson and the Lois Miller properties be approved for complete demolition and Teater's Trucking be awarded the bid for both sites at a total cost of \$12,800.00. The remaining two properties will hopefully be addressed during the next budget cycle.

Rye Valley District Supervisor Rick K. Blevins made a motion to move forward with the nuisance cleanup as presented and recommend to the Board of Supervisors at the next meeting on November 12, 2015. Park District Supervisor M. Todd Dishner seconded the motion and all agreed unanimously.

Michael Carter, County Administrator presented a letter from Roy Evans as shown below.

COMMONWEALTH OF VIRGINIA
OFFICE OF THE COMMONWEALTH'S ATTORNEY
FOR THE COUNTY OF SMYTH

ROY F. EVANS, JR.
Commonwealth's Attorney

M. KEITH BLANKENSHIP
Chief Deputy Commonwealth's Attorney

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SUSAN B. WILLIAMS
Victim/Witness Director

victim.witness@smvthcounty.org

VALERIE C. MUTTER
Administrative Assistant

October 27, 2015

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

**RE: Request for Budget Committee – follow up to request by
letter of August 20, 2015**


Gentlemen:

I have to prosecute a case in Bristol this afternoon and may not be able to appear personally for the pending request from my August 20 letter. You may recall that I proposed that this office advertise for and hire a Regional Drug Prosecutor to be paid on terms of 28 hours per week at \$34.34/hour without benefits. The position could be a part-time employee or independent contractor, as the County is advised, on those terms.

The committee asked me a question that I could not answer at the previous hearing, i.e., what happens if the prosecutor files an unemployment claim. I would propose that the County accept this letter as a guarantee that if such a claim is made that this office will authorize payment of the claim from its Fund 760 up to the maximum allowable sum that I understand to be \$378 per week for up to 26 weeks, \$9828.00.

Thanks to you and to Lisa for your assistance and consideration.

Sincerely,


Roy F. Evans, Jr.

xc: Lisa Richardson

Discussion continued on this item.

Lisa Richardson, Human Resource Manager presented information on VRS Retirement age

55/30 versus 50/30, as shown below.

VRS Retirement Age 55/30 versus 50/30

History:

- In 1987, General Assembly passed legislation offering full retirement benefits at 55/30
 - Smyth County Board of Supervisors adopted March 1987
- In 1999, General Assembly passed legislation offering full retirement benefits at 50/30
 - Through negative election
 - Smyth County Board of Supervisors “opted out” of 50/30 July 1, 1999
- 450 Political Subdivisions in Virginia Retirement System
 - 419 are at 50/30
 - 31 are at 55/30
 - 6 of the 31 are Counties
 - Smyth County (excluding School Board)
 - Rockingham County
 - Richmond County
 - Middlesex County
 - James City County
 - Clark County

Propose Change from 55/30 to 50/30:

- Change affects Plan 1 employees only (hired before July 2010)
 - Sheriff’s Deputies currently at 50/25
 - Plan 2 and Hybrid employees are exempt
 - 68 employees (47 County / 16 Social Service / 5 Library)
- Requires County to request Actuarial Study
 - Letter to VRS requesting study for 50/30 retirement plan with effective date
 - County provides a census of demographic data to VRS to determine cost
 - Cost is reflected in VRS employer contribution increase
 - Study takes 45-60 days
 - Cost of Study is \$1250
 - Study does not commit County to making change
- Benefit Changes 55/30 to 50/30:
 - Full retirement benefit up to five years earlier for some long term employees
 - Greatest benefit to those who have close to age 50 and 30 years
 - Affects when PLOP is paid out
 - Employees would have a one year eligibility period after effective date to receive PLOP
 - Future benefit for retaining employees
- Decision is irrevocable (However, all Plan 1 employees will eventually retire/phase out)

Rye Valley District Supervisor Rick K. Blevins made a motion to recommend to the Board of Supervisors to move forward with the study at the cost of \$1,250.00, payable to VRS. Park District Supervisor M. Todd Dishner seconded the motion. All agreed unanimously.

With no other business to discuss, the meeting was adjourned at 5:30 p.m.

DRAFT