

AGENDA

Tuesday, November 8, 2016

4:00 PM

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

CLOSED SESSION

Code of Virginia, Section 2.2-3711 **A.5; Industrial/Business Prospects**; discussion concerning a business or industry considering expansion with no previous announcement being made and **A.7 Legal**; discussion with legal counsel and staff pertaining to actual or probable litigation.

5:00 CALL MEETING TO OPEN SESSION

Invocation and Pledge of Allegiance

ADOPTION OF AGENDA

Adopt the agenda and the additional agenda as presented

MINUTES OF PREVIOUS MEETINGS

Request adoption of the October 11th and October 27th, 2016 meeting minutes.

FINANCIAL UPDATE

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

PAYMENT OF INVOICES

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

5:15 CITIZEN'S TIME

NEW BUSINESS

*** BUILDING AND GROUNDS COMMITTEE RECOMMENDATION-ROSCOE CALL, CHAIR**

*** PLANNING COMMISSION RECOMMENDATIONS-MICHAEL CARTER**

*** ADWOLFE SEWER UPDATE-SCOTT SIMPSON**

***VDOT-OVERLOOK PROJECT UPDATE-SCOTT SIMPSON**

Supervisor Comment Time

Meeting reminders:

Chamber of Commerce 2016 Annual Dinner-Tuesday, October 29, 2016 @6:00 P.M.

AGENDA

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5:15 CITIZEN'S TIME

NEW BUSINESS

***PERFORMANCE AGREEMENT, APPALACHIAN MOUNTAIN SPIRITS-LORI DEEL**

***BUILDING AND GROUNDS COMMITTEE RECOMMENDATION-ROSCOE CALL, CHAIR**

***PLANNING COMMISSION RECOMMENDATIONS-MICHAEL CARTER**

***ADWOLFE SEWER UPDATE-SCOTT SIMPSON**

***VDOT-OVERLOOK PROJECT UPDATE-SCOTT SIMPSON**

Supervisor Comment Time

Meeting reminders:

Chamber of Commerce 2016 Annual Dinner-Tuesday, October 29, 2016 @6:00 P.M.

The Smyth County Board of Supervisors held its regular meeting at 4:00 p.m., **Tuesday, October 11, 2016**. 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; Royal Oak District Supervisor G. Blake Frazier; Atkins District Supervisor Charles Atkins; Saltville District Supervisor Roscoe D Call; North Fork District Supervisor Phil Stevenson (7)

ABSENT: None.

STAFF: County Administrator Michael Carter; Assistant County Administrator Scott Simpson; County Attorney Jeff Campbell; Administrative Assistant Kelly Woods, Director of Community and Economic Development Lori Deel (5)

 10/11/2016 4:04 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. called the meeting to order.

A motion was made by Rye Valley District Supervisor Rick K. Blevins to enter into closed session under the Code of Virginia, Section 2.2-3711- **A.3; Land acquisition**; discussion or consideration of the acquisition of real property for a public purpose; **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,
Saltville District Supervisor Roscoe D. Call,
Royal Oak District Supervisor G. Blake Frazier,
Atkins District Supervisor Charles Atkins and
North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

 10/11/2016 5:17 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. called the meeting back to order.

It was moved by Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D. Call, to adopt the following resolution certifying the business conducted in closed session as follows:

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

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

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

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


After consideration, the motion PASSED by the following vote:


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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

 10/11/2016 5:18 PM Lori Deel, Director of Community and Economic Development gave the invocation and Norma Teaters, CSA Coordinator led the Pledge of Allegiance.

 10/11/2016 5:18 PM A motion was made by Royal Oak District Supervisor G. Blake Frazier, seconded by North Fork District Supervisor Phil Stevenson to adopt the agenda and additional agenda as presented, adding a grant request by Sheriff Chip Shuler to the agenda.

After consideration, the motion PASSED by the following vote:

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

Saltville District Supervisor Roscoe D. Call,
Royal Oak District Supervisor G. Blake Frazier,
Atkins District Supervisor Charles Atkins and
North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.



10/11/2016 5:19 PM It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Royal Oak District Supervisor G. Blake Frazier to approve the minutes from the September 13, 2016 meeting.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.



10/11/2016 5:20 PM Financial Update-Michael Carter, County Administrator presented the Board with information on the current FY16-17 budget and a current month analysis for appropriations.



10/11/2016 5:34 PM It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Park District Supervisor M. Todd Dishner to appropriate \$3,413,123.00 from the General Fund. The following is an explanation of the appropriations approved:

General County:	\$	2,395,000.00
HVAC-NHS	\$	282,369.60
Social Services (October 12-October 31, 2016)	\$	315,000.00
Schools-Operating Fund	\$	340,753.00
School Debt Service	\$	80,000.00

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

Atkins District Supervisor Charles Atkins and
North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

It was moved by Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D. Call to appropriate \$347,866.40 for the Courthouse Project.

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

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 \$1,481.482 from the Sheriff's Fund 748 for open invoices.

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Rye Valley District Supervisor Rick K. Blevins to appropriate \$114.71 from the Water/Sewer Deposit Refund account.

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

 10/11/2016 5:37 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. opened citizen's time.

Cathy Evans, 2148 Little Walker Way Marion, spoke and stated she was here trying to get access to water from the County. Ms. Evans stated she currently has a well but is unable to drink the water and has to buy bottled water to drink and cook with. Ms. Evans presented Michael Carter, County Administrator with a list of citizens in the area who would like access to County water.


North Fork District Supervisor Phil Stevenson made a motion to refer the issue brought by Ms. Evans to the Water/Sewer Committee. Rye Valley District Supervisor Rick K. Blevins seconded the motion.


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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

 10/11/2016 5:41 PM With no one else wishing to speak, Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. closed citizens time.

 10/11/2016 5:42 PM Peggy Crosson, representative for the Mountain Valley Preservation Alliance, Inc. presented a slide show to the Board concerning the Virginia's Great Valley Lewis and Clark Eastern Legacy Trail.

 10/11/2016 6:07 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. called the Public hearing to order. Scott Simpson, Assistant County Administrator read the advertisement as placed in the Smyth County News and Messenger.

NOTICE OF PUBLIC HEARING

OF PROPOSED BOND ISSUE

BY SMYTH COUNTY, VIRGINIA

The Board of Supervisors of Smyth County, Virginia (the "Board of Supervisors") will hold a public hearing on the proposed issuance of bonds by Smyth County (the "County"). The estimated maximum amount of such bonds is \$2,044,000. The proposed uses of the bond proceeds are (a) to pay costs of capital improvements to the County's sewer system (b) to pay the costs of issuing the bonds. The use described in (a) above is the only use for which more than ten percent of the total bond proceeds is expected to be used. The public hearing which may be continued or adjourned, and at which persons may appear and present their views on the proposed issuance will be held at 6:00 p.m. on October 11, 2016, before the Board of Supervisors in the Board of Supervisors Meeting Room at 121 Bagley Circle, Suite 100, Marion, Virginia.


Rye Valley District Supervisor Rick K. Blevins made a motion to waive the reading of the rules pertaining to Public Hearing. Atkins District Supervisor Charles Atkins seconded the motion.


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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

 10/11/2016 6:09 PM With no one wishing to speak, Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. closed the Public Hearing.

 10/11/2016 6:09 PM Sheriff Chip Shuler presented information concerning three (3) grants as explained below, asking the Board for approval of each one.

Homeland Security Grant, in the amount of \$39,306.00, which is 100 percent grant funded and does not require a local match. This will allow the Sheriff's Department to purchase protection for the SERT Team. Saltville District Supervisor Roscoe D. Call made a motion to accept the grant as presented. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

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

Rye Valley District Supervisor Rick K. Blevins,
Saltville District Supervisor Roscoe D. Call,
Royal Oak District Supervisor G. Blake Frazier,
Atkins District Supervisor Charles Atkins and
North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Highway Safety Grant in the amount of \$6,342.00 to do selective DUI enforcement in the County. The grant requires a matching amount of \$3,171.00 from the County and can be achieved by in kind services. Saltville District Supervisor Roscoe D. Call made a motion to accept the grant as presented. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Last grant presented by Mr. Shuler is a grant to purchase 16 Overdose drug kits in the amount of \$1,200.00 and is 100 percent grant funded. This will allow each officer to have a kit in their vehicle to utilize as needed in the event of an overdose. Royal Oak District Supervisor G. Blake Frazier made a motion to approve the grant as presented. North Fork District Supervisor Phil Stevenson seconded the motion.


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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

 10/11/2016 6:12 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. called for a recess.

 10/11/2016 6:29 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. called the meeting back to order and called the joint meeting with the Smyth Bland Regional Library to order.

Pete Mowbray, Chairman, Smyth Bland Regional Library apologized for not having enough Board members present and stated he was glad to be present and appreciates the opportunity to meet with the Board of Supervisors. Mr. Mowbray stated that along with two (2) other Library Board members, several staff members were present for the meeting and would like the Board of Supervisors thoughts and visions for the future of Smyth Bland Regional Library. Mr. Mowbray asked if the funding cut trend will continue which would lead the Library Board to begin making plans for the future of the Regional Library system.

Tracy Armbrister, Children's Librarian, explained the programs that are conducted at the Library. Ms. Armbrister stated there are 28 programs a month that reach 700 or more kids per month and stated that she personally works with several day cares and schools in the area. Ms. Armbrister read a letter aloud from Marion Head Start and thanked the Board of Supervisors for the opportunity to speak and requested that continued funding of the Library occurs so that services will not have to be cut.

Rita Copenhaver, spoke on behalf of Friends of the Smyth Bland Regional Library and presented information on the Outreach Services the Library System currently provides. These services currently include access to books, CD's and DVD's which are provided to patrons of the Library at no charge.

Pamela Reedy spoke as a partner of Francis Marion Manor in support of the Outreach Program and stated the program has benefited many citizens in the County over the years. She respectfully asks for the program to continue.

Bill Boswell, Chilhowie District Representative to the Smyth Bland Regional Library introduced himself and stated that he was a new member as of January 2016. Mr. Boswell stated his family is an active participant of the Library and identified of other services the Library provides such as meeting rooms, fax services, scanning services and copy services. He respectfully asks that both Boards work together to meet the needs that each have.

Rye Valley District Supervisor Rick K. Blevins spoke and asked the following questions to Pete Mowbray. Mr. Blevins stated he would like to have seen more Library Board members present and informed those in attendance that everyone on the Smyth County Board of Supervisors is very supportive of the Library and he further identified the need for the Library system to stay in the County but further expressed that his concern is the management of the funds provided to the Library System.

Mr. Blevins asked when the director of the Library had retired, and Mr. Mowbray informed him the director had retired effective October 1, 2016. He proceeded to question the posting of the vacancy of the Director's position and inquired when the Library planned to fill the vacated position. Mr. Mowbray informed the State Library had been contacted and the position of the State Library is the System has up to one (1) year to advertise and fill the position. Additionally, Mr. Mowbray stated the Library Board has formed and appointed a Committee and plans on advertising the vacated position in the Spring of 2017.

Mr. Blevins then stated that he had been contacted by a former member of the Library Board, whom informed him of asking for some documentation, including travel expenses and salary information, etc. and the request was treated as a FOIA request. After compiling the requested information, the member

received an invoice for the collection of the requested information in the amount of \$. Mr. Blevins informed the Library that he would like this information sent to the Board of Supervisors. He also asked for the minutes of each meeting be sent to Michael Carter, County Administrator to be place in the Board of Supervisors Information packet they receive each month.

North Fork District Supervisor Phil Stevenson questioned the wages for Part Time positions at the Library and asked Mr. Mowbray if he felt it was fair to compensate someone working part time at a rate of \$56.00 per hour. Mr. Mowbray stated the Board for the Library did not micro manage and they don't receive a breakdown of salaries.

Park District Supervisor M. Todd Dishner stated that he appreciates everyone in attendance of the meeting and expressed that everyone is in support of the Library and the services they provide. and stated the Board fully supports the Library and that is not the issue. Mr. Dishner stated the he also has some concerns with the management of the funding for the Library and asked that everyone worked together to answer any questions that were asked.

In closing, Rye Valley District Supervisor Rick K. Blevins stated that everyone on the Board of Supervisors supports the Library and the main concern seems to be the management of the library, and he fully expects there to be a quality library in all three (3) towns, Saltville, Chilhowie and Marion.

Jeff Campbell, County Attorney explained Virginia Code Section 15.2-1409 and stated the Code gives the Board of Supervisors Authority to inquire about documents and policies and procedures of the Library.

Rye Valley District Supervisor Rick K. Blevins made a motion, relating to Virginia Code Section 15.2-1409, to call for an official inquiry to obtain documents and receive the appropriate responses needed by the Smyth County Board of Supervisors. North Fork District Supervisor Phil Stevenson seconded the motion.

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.



10/11/2016 7:07 PM Michael Carter, County Administrator presented information for the FY2016

Aid to Localities payments as presented below:

Agency:	Disbursement Amount 10%
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Atkins Fire Dept.	\$1,515.67
Adwolfe FD	\$1,515.67
Nebo Fire Dept.	\$1,515.67
Sugar Grove Fire Dept.	\$1,515.67
Chilhowie FD	\$515.66
Saltville FD	\$515.66

The disbursements total \$7,094.00.

Park District Supervisor M. Todd Dishner made a motion to approve the request as presented. Saltville District Supervisor Roscoe D. Call seconded the motion.

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

10/11/2016 7:12 PM Supervisor G. Blake Frazier dismissed himself from the meeting.



10/11/2016 7:09 PM Michael Carter, County Administrator presented two resolutions from VDOT as shown below.

RESOLUTION

WHEREAS, the street described below currently serves three or more occupied dwellings and was established February 3rd, 1969, at which time it was used by motor vehicles as a public access; and

WHEREAS, the County has determined its subdivision ordinance satisfies subsection B of §33.2-335, Code of Virginia, and is therefore eligible to make qualifying additions to the secondary system of state highways maintained by the Virginia Department of Transportation and fund necessary improvements as setout therein, except as otherwise prohibited by subsection B of §33.2-336, Code of Virginia; and

WHEREAS, after examining the ownership of all property abutting this street, including the deeds and related plats, this Board finds no restriction on the use of public funds for improving of the road; and

WHEREAS, after examining the ownership of all property abutting this street, this Board finds that speculative interest does not exist; and

WHEREAS, this Board has identified immediately available funding to make improvements required to qualify the street for addition to the aforesaid secondary system of state highways, based on the Department's cost estimate of \$78,832.00;

NOW, THEREFORE, BE IT RESOLVED, pursuant to §33.2-335, Code of Virginia, this Board requests the following street be added to the secondary system of state highways maintained by the Virginia Department of Transportation and hereby guarantees the right-of-way of the street to be clear, unencumbered and unrestricted, which right of way guarantee shall including any necessary easements required for cuts, fills, and drainage:

- Subdivision Name: Green Hills Subdivision
- Street Name: Green Hills Circle Drive
 - From: Route 607
 - To: End Loop
 - Length: 0.32 mile
- Guaranteed Right of Way Width: 40'
- Right of Way Instrument Reference: Deed Book 230, Page 219

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements with the following funds;

- Source of Funds: Revenue Sharing
- Amount: \$78,832.00

BE IT FURTHER RESOLVED, this Board agrees to reimburse, within 45-days of receiving an invoice, all costs that the Virginia Department of Transportation incurs to relocate existing utilities within the right of way that are discovered during the course of and in conflict with the construction, drawing such funds from resources other than those administered by the Department; and

BE IT FURTHER RESOLVED, this Board agrees to reimburse, within 45-days of receiving an invoice, all costs that the Virginia Department of Transportation incurs in the construction of necessary improvements to the road that are over and above the estimated cost of improvements or to otherwise identify an eligible source of funds administered by the Department to cover such costs; and

BE IT FINALLY RESOLVED, that a certified copy of this resolution and a county check in the amount of \$39,416.00, be forwarded to the Residency Administrator of the Virginia Department of Transportation.

Saltville District Supervisor Roscoe D. Call made a motion to approve the Resolution as presented. North Fork District Supervisor Phil Stevenson seconded the motion.

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,
Atkins District Supervisor Charles Atkins and
North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor G. Blake Frazier.

RESOLUTION

WHEREAS, the street described below currently serves three or more occupied dwellings and was established September, 1968, at which time it was used by motor vehicles as a public access; and

WHEREAS, the County has determined its subdivision ordinance satisfies subsection B of §33.2-335, Code of Virginia, and is therefore eligible to make qualifying additions to the secondary system of state highways maintained by the Virginia Department of Transportation and fund necessary improvements as setout therein, except as otherwise prohibited by subsection B of §33.2-336, Code of Virginia; and

WHEREAS, after examining the ownership of all property abutting this street, including the deeds and related plats, this Board finds no restriction on the use of public funds for improving of the road; and

WHEREAS, after examining the ownership of all property abutting this street, this Board finds that speculative interest does not exist; and

WHEREAS, this Board has identified immediately available funding to make improvements required to qualify the street for addition to the aforesaid secondary system of state highways, based on the Department's cost estimate of \$101,506.00;

NOW, THEREFORE, BE IT RESOLVED, pursuant to §33.2-335, Code of Virginia, this Board requests the following street be added to the secondary system of state highways maintained by the Virginia Department of Transportation and hereby guarantees the right-of-way of the street to be clear, unencumbered and unrestricted, which right of way guarantee shall including any necessary easements required for cuts, fills, and drainage:

- Subdivision Name: Green Addition Subdivision
- Street Name: Oak Street and Hill Street
 - From: Route 762
 - To: End Loop
 - Length: 0.50 mile
- Guaranteed Right of Way Width: 50'
- Right of Way Instrument Reference: Deed Book 228, Page 568

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements with the following funds;

- Source of Funds: Revenue Sharing
- Amount: \$101,506.00

BE IT FURTHER RESOLVED, this Board agrees to reimburse, within 45-days of receiving an invoice, all costs that the Virginia Department of Transportation incurs to relocate existing utilities within the right of way that are discovered during the course of and in conflict with the construction, drawing such funds from resources other than those administered by the Department; and

BE IT FURTHER RESOLVED, this Board agrees to reimburse, within 45-days of receiving an invoice, all costs that the Virginia Department of Transportation incurs in the construction of necessary improvements to the road that are over and above the estimated cost of improvements or to otherwise identify an eligible source of funds administered by the Department to cover such costs; and

BE IT FINALLY RESOLVED, that a certified copy of this resolution and a county check in the amount of \$50,753.00, be forwarded to the Residency Administrator of the Virginia Department of Transportation.


Rye Valley District Supervisor Rick K. Blevins made a motion to approve the Resolution as presented. Park District Supervisor M. Todd Dishner seconded the motion.

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,
Atkins District Supervisor Charles Atkins and
North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor G. Blake Frazier.

 10/11/2016 7:16 PM Atkins District Supervisor Charles Atkins made a motion to approve the Real Estate Refund request for Janice M. Wilson in the amount of \$2,537.89. 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,
Saltville District Supervisor Roscoe D. Call,
North Fork District Supervisor Phil Stevenson and
Atkins District Supervisor Charles Atkins.

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor G. Blake Frazier.



10/11/2016 7:18 PM Michael Carter, County Administrator brought forward the following recommendations from the Personnel Committee.

It is the Committee's recommendation to change the Tobacco Policy as shown below.

Current Policy:

7.16 Smoking on County Property

Smoking and the use of electronic cigarettes within all County buildings and facilities are prohibited. Smoking is allowed on the property grounds in established smoking areas only. Smoking breaks may be taken during employee's break time as permitted by the Smyth County Personnel and Policies manual. Additional smoke breaks are prohibited and are subject to disciplinary procedures.

Revised Policy Effective January 1, 2017:

7.16 Tobacco Use on County Property

The Smyth County Administration building and grounds are tobacco-free. The use of traditional tobacco products (i.e. cigarettes, cigars, pipes, smokeless tobacco, etc.) and non-traditional electronic smoking devices are prohibited on County property except in the privacy of the employee or visitor's personal vehicle, effective January 1, 2017.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Saltville District Supervisor Roscoe D. Call and
North Fork District Supervisor Phil Stevenson.

NAYS: Atkins District Supervisor Charles Atkins.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor G. Blake Frazier.

It is the Committee's recommendation to change the Meals Policy as shown below.

Current Policy:

7.12 (2). Meals: Expenses for meals up to \$35.00 per person, per day will be reimbursed only when travel requires an overnight stay. Meals for same day trips will not be reimbursed by the County. Tips provided for service will not be reimbursed to the employee unless approved by the County Administrator. Reasonable and actual cost of meals and gratuities reimbursed to the County by the Commonwealth of Virginia will continue to be refunded as provided pursuant to the Code of Virginia §2.2-2825.

Revised Policy Effective October 11, 2016:

7.12 (2). Meals: Expenses for meals up to \$35.00 per person, per day will be reimbursed only when travel in one direction **exceeds 175 miles**. Meals for same day trips will not be reimbursed by the County. Tips provided for service will not be reimbursed to the employee unless approved by the County Administrator. Reasonable and actual cost of meals and gratuities reimbursed to the County by the Commonwealth of Virginia will continue to be refunded as provided pursuant to the Code of Virginia §2.2-2825.

After consideration, 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,
Atkins District Supervisor Charles Atkins and
North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor G. Blake Frazier.



10/11/2016 7:34 PM Saltville District Supervisor Roscoe D. Call brought forward the following recommendations from the Water/Sewer Committee. Mr. Call stated the committee met on September 21, 2016.

It is the Committee's recommendation to accept the Water Agreement with Thomas Bridge Water Corporation as shown below.

FIRST AMENDMENT TO CONTRACT

THIS FIRST AMENDMENT TO CONTRACT ("Amendment") is entered into as of the 16th day of September, 2016, between **SMYTH COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the "Purchaser", and **THOMAS BRIDGE WATER CORPORATION**, a Virginia non-profit corporation, hereinafter referred to as the "Seller".

WITNESSETH:

WHEREAS, Purchaser and Seller are parties to that certain Contract with an effective date of September 1, 1999, pursuant to which Purchaser purchases water from Seller (the "Contract");

WHEREAS, at Purchaser's request, Seller has agreed to enter into a separate written agreement with Purchaser to provide for cooperative billing and enforcement for those customers who obtain water service from Seller and sewer service from Purchaser (the "Cooperative Billing Agreement");

WHEREAS, as partial consideration for Seller's agreement to enter into the Cooperative Billing Agreement, Purchaser has agreed to increase the price that Purchaser's pays for the water supplied by Seller under the Contract; and

WHEREAS, Purchaser and Seller desire to amend the Contract as set forth in this Amendment.

NOW THEREFORE, in consideration of the premises and the mutual covenants and agreements of the parties, the receipt and sufficiency of which are hereby acknowledged, Purchaser and Seller hereby agree as follows:

1. **Rate Increase**. The third grammatical sentence of Paragraph 4 of the Contract and Schedule A that immediately follows such Paragraph 4 are hereby deleted in their entirety and replaced with the following:

"The amount to be paid by Purchaser each month shall be as follows:

<u>For the period:</u>	<u>Rate:</u>
October 1, 2016 – September 30, 2017	\$3.60 per 1,000 gallons
October 1, 2017 – September 30, 2018	\$3.78 per 1,000 gallons
October 1, 2018 – September 30, 2019	\$3.97 per 1,000 gallons
October 1, 2019 – September 30, 2020	\$4.17 per 1,000 gallons
October 1, 2020 – September 30, 2021	\$4.38 per 1,000 gallons

Thereafter, the monthly rate to be paid by Purchaser shall increase by 5% each year, effective October 1 through the following September 30, unless Seller notifies Purchaser in writing at least 60 days prior to the effective date of any such rate change that Seller wishes to renegotiate the rate to be paid by Purchaser.

2. **Term.** Paragraph 5 of the Contract is hereby amended to extend the term of this Contract through September 30, 2021. Thereafter, Purchaser may extend the term of this Contract for four (4) successive five-year periods

3. **Other Rate Adjustment Provision Deleted.** Paragraph 6 of the Contract is hereby deleted in its entirety.

4. **Counterparts.** The parties hereto agree that this Amendment may be executed in any number of counterparts, each of which shall for all purposes be deemed to be an original and all of which together shall constitute one and the same agreement of the parties.

5. **Full Force and Effect; Ratification.** Except as specifically modified hereby, all other terms and conditions of the Contract shall continue in full force and effect and are hereby ratified and confirmed as amended by this Amendment. All capitalized but undefined terms herein shall have the same meaning as given to them in the Contract.

6. **Conflicting Terms.** In the event of conflict between the terms and conditions of this Amendment and the Contract, this Amendment shall control

7. **Successors and Assigns.** This Amendment and the covenants contained herein shall be binding on and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors, and assigns.

*The remainder of this page is left blank intentionally.
Signature pages follow.*

IN WITNESS WHEREOF, the parties, acting under the authority of their respective governing bodies, have caused this Contract to be duly executed in duplicate each of which shall constitute an original.

THOMAS BRIDGE WATER CORPORATION,
a Virginia non-profit corporation

By Harry L. Dean

Name: Harry L. Dean

Title: President, Thomas Bridge Water
Corporation

Attest:

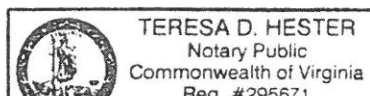
F. Joseph Copenhaver, Jr.

F. Joseph Copenhaver, Jr.

COMMONWEALTH OF VIRGINIA
COUNTY OF SMYTH, to-wit:

The foregoing First Amendment to Contract dated 9/16/16,
2016, was acknowledged before me this 16th day of Sept., 2016, by Harry L.
Dean, President of the Thomas Bridge Water Corporation.

Teresa D. Hester
NOTARY PUBLIC



IN WITNESS WHEREOF, the parties, acting under the authority of their respective governing bodies, have caused this Contract to be duly executed in duplicate each of which shall constitute an original.

SMYTH COUNTY, VIRGINIA

a political subdivision of the Commonwealth of Virginia

By Wade H. Blevins, Jr.

Name: Wade H. Blevins, Jr.

Title: Chairman, Smyth County Board of Supervisors

Attest:

Michael L. Carter
Michael L. Carter

COMMONWEALTH OF VIRGINIA
COUNTY OF SMYTH, to-wit:

The foregoing First Amendment to Contract dated September 16, 2016, 2016, was acknowledged before me this 13th day of October, 2016, by Wade H. Blevins, Jr., Chairman of the Smyth County Board of Supervisors.

Kelly H. Woods
NOTARY PUBLIC



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

By: Anthony J. Smith

After consideration, 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,
Atkins District Supervisor Charles Atkins and
North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor G. Blake Frazier.

It is the Committee's recommendation to approve the Sewer Billing Agreement with Thomas Bridge Water Corporation as shown below.

COOPERATIVE SEWER BILLING AND ENFORCEMENT AGREEMENT

BETWEEN

SMYTH COUNTY, VIRGINIA

AND

THOMAS BRIDGE WATER CORPORATION

JULY 1, 2016

THIS AGREEMENT for cooperative billing and enforcement was entered into as of the 1st day of January, 2017 by and between THOMAS BRIDGE WATER CORPORATION, (hereinafter referred to as "TBWC"), and SMYTH COUNTY, a political subdivision of the Commonwealth of Virginia, (hereinafter referred to as "County"), provides as follows:

WHEREAS, Thomas Bridge Water Corporation ("TBWC"), located at 586 Thomas Bridge Road, Marion, Virginia 24354, is a public service company, chartered by the State Corporation Commission of Virginia on September 1, 1965, and amended; and

WHEREAS, as a 501 (c) 12 water public utility company with gross annual operating revenues of less than one million dollars, TBWC is governed by the Small Water or Sewer Public Utility Act found at Code of Virginia Title 56, Chapter 10.2:1; and

WHEREAS, TBWC provides water service to approximately 2,000 water customers within part of Smyth County, Virginia; and

WHEREAS, the County's Water and Sewer Department (the "Department"), located at 121 Bagley Circle, Marion, Virginia 24354, provides water and sewer services to customers throughout Smyth County; and

WHEREAS, the County provides sewer service in some areas in which its sewer customers obtain water service from TBWC; and

WHEREAS, the County plans to extend its sewer service to additional areas where customers obtain water service from TBWC; and

WHEREAS, Code of Virginia (1950), as amended, §§ 15.2-2117 and 15.2-2119 permits the establishment of cooperative billing and enforcement agreements such as this;

WHEREAS, by resolution of the Thomas Bridge Water Corporation, enacted on the 19th day of May, 2016, the billing and enforcement terms for collecting and billing the County sewer customers that are also TBWC water customers in accordance with this Agreement were approved and execution of this Agreement by the President and attestation by the Secretary were duly authorized.

WHEREAS, by resolution of the Board of Supervisors of Smyth County, enacted on the 10th day of May, 2016, the billing and enforcement terms for collecting and billing County sewer customers that are also TBWC water customers in accordance with this Agreement were approved and execution of this Agreement by the Chairman and attestation by the Clerk were duly authorized.

NOW, THEREFORE, TBWC and the County agree as follows:

1. County will provide sewer service to its current and new customers within the County, including the establishment of all rates for sewer service in accordance with Virginia law; County will provide at least forty-five (45) days advance notice to TBWC of any changes in rates for sewer service.
2. TBWC will provide water to its current and new customers within its service area, including the establishment of all rates, fees, and charges (including penalties and interest), other than sewer usage rates and sewer non-user fees, in accordance with Virginia law.
3. "Joint Customers" are those customers who receive water service from TBWC and sewer service from County and those who receive water service from TBWC and are subject to a sewer non-user fee.
4. TBWC will provide water meter reading service to establish the basis for Joint Customer billing for both water and sewer services. As identified in Paragraph 10, these readings will be forwarded to the County at the time of remittance of collected sewer funds.
5. TBWC will bill those Joint Customers for both water and sewer services, including any sewer non-user fees, as its rules and procedures provide. The County hereby authorizes and directs TBWC to bill and collect allowable charges for sewer services and sewer non-user fees from Joint Customers pursuant to this Agreement according to the rates established by the County.

6. Subject to the coordination of the offices of both parties to this Agreement and the time needed by TBWC to enter new customer information into its billing system, TBWC's responsibility for billing and collection for sewer services shall begin within 45 days after the execution of the Agreement. The County shall retain responsibility for billing and collections of any preexisting arrearages from its customers and all billing and collections for sewer services provided before TBWC begins billing for sewer services. This Agreement shall not apply to, and TBWC shall not be responsible for, collections of amounts that were billed by the County for sewer services provided before the effective date of the Agreement or before the first billing for sewer services by TBWC under this Agreement.

7. TBWC's disconnect policy is contained in Section III of its Rates, Rules, and Regulations manual, which is incorporated and made a part of this Agreement, and which may be amended from time to time at the discretion of TBWC. TBWC shall provide notice, pursuant to the notice provisions below, to the County of any change in its disconnect policy within 30 days of the enactment of such change. Pursuant to this Agreement, TBWC's disconnect policy shall apply to all customers, including Joint Customers who fail to pay all valid rates, fees, charges, or penalties.

8. County will pay to TBWC the following fees:

- A. Account set-up for new Joint Customers: \$3.00 each account;
- B. Monthly fee for billing for Joint Customers: \$1.00 each account.

9. TBWC will reimburse the County for all customer fees paid for monthly sewer Service, except as provided in Paragraph 9.

10. Fees owed by County to TBWC as established by Paragraph 7 shall be off-set on a monthly basis against the reimbursement of sewer collections which are due from TBWC to County.

11. Net payment from TBWC to County shall be made monthly with a report indicating individual customer charges and payments.

12. All payments received by TBWC from Joint Customers shall be applied in the following order: (A) first to its charges and fees for the provision of water services, (B) second to the fees owed by County to TBWC as established by Paragraph 7, and (C) finally to the County for the reimbursement of sewer collections due from TBWC to the County.

13. Pursuant to Virginia Code Ann. § 15.2-2117, the County shall make and enforce all such ordinances as may be necessary and proper to compel the payment of the fees and charges allowed in this Agreement and shall also do all other acts and things that may be necessary to establish, enforce, and maintain the provisions of this Agreement.

14. The County represents and warrants, as of the effective date, that it has sent written notice, separate from its usual billing statements, to all Joint Customers of the new cooperative billing arrangement with TBWC.

15. TBWC shall also have the right to send notice of this Agreement to Joint Customers. TBWC shall have the right to determine the language and information that it will include in the joint billing statements issued to Joint Customers pursuant to this Agreement.

16. This Cooperative Sewer Billing and Enforcement Agreement shall impose no obligations or responsibilities upon TBWC for the provision of sewer services to Joint Customers, but is intended solely to establish a cooperative billing agreement and enforcement agreement between TBWC and County, in accordance with Code of Virginia (1950), as amended, §§ 15.2-2117 and 15.2-2119. Nothing in this Agreement shall cause TBWC to be considered a provider of sewer services.

17. To the extent permitted by Virginia law, the County shall defend, indemnify, and hold harmless TBWC, its directors, officers, employees, and representatives against any claims made in connection with this Agreement and any claims related to the provision of sewer services by the County. The County's obligation to TBWC under this paragraph shall include, but is not limited to, the payment of all attorneys' fees and other litigation costs incurred by TBWC, as well as the payment of all judgments, plus interest and costs. If the County fails to defend, indemnify, and/or hold harmless TBWC pursuant to this paragraph, or otherwise fails to honor the terms of this Agreement, then TBWC can, notwithstanding the provisions below establishing the term of the Agreement, terminate the Agreement with 30 days' notice.

TERM OF AGREEMENT

Initial Term. The term of this Agreement shall be for a period of five (5) years commencing January 1, 2017 and ending June 30, 2021. It shall be renewable as desired by the parties for additional terms of three (3) years, not to exceed a total of forty-one (41) successive years. At the end of the initial term and each successive three-year term, the Agreement shall automatically renew if notice of nonrenewal is not provided by either party as provided below.

Notice of Nonrenewal or Cancellation. If either party desires that the Agreement shall not renew at the end of the initial term or at the end of any successive three-year term, then that party must provide written notice to the other party at the address required below no later than 60 days prior to the end of the current term.

MISCELLANEOUS

Successors and Assigns. This Agreement shall be binding upon, inure to the benefit of, and be enforceable by the participants hereto and their respective successors and assigns.

Governing Law. This Agreement shall be governed and interpreted pursuant to Virginia law. Any lawsuit between the parties concerning this Agreement or the parties' performance under the Agreement shall be filed in a state court in Marion, Virginia, or in federal court in Abingdon, Virginia.

Entire Agreement: This Agreement is a fully integrated document that represents the complete understanding between the Parties. The Parties expressly disclaim reliance on any representations, written or oral, other than those contained in this Agreement. This Agreement therefore constitutes the entire understanding between the parties, and reflects their final and exclusive understanding. The parties have not relied on any oral or written statements that are not included in this Agreement, and no other oral or written statements are merged into this Agreement. Any modifications to this Agreement must be in writing and signed by the Parties or their authorized representatives.

Severability. If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not affect any other provision hereof, and those remaining portions shall remain in full force and effect.

Counterparts. This Agreement may be executed in several copies, any of which shall be regarded for all purposes as the original.

Notices and Address of Parties: All notices and communications required or permitted to be given pursuant to this Agreement shall be in writing and (i) mailed by United States Postal Service certified or registered mail, return receipt requested, and postage prepaid, or (ii) sent by recognized overnight carrier that provides proof of delivery such as UPS or Federal Express, with delivery charges prepaid, addressed as follows:

Thomas Bridge Water Corporation
586 Thomas Bridge Road
Marion, Virginia 24354
Telephone: _____

Smyth County Board of Supervisors
121 Bagley Circle, Suite 100
Marion, Virginia 24354
Telephone: _____

Notices shall be effective upon receipt or refusal. The telephone numbers listed above are for purposes of providing the same to overnight delivery services and are not to be otherwise used for notice purposes. Any party shall be entitled to change its address for notice by providing written notice of such change in accordance with this Paragraph.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and their seals to be affixed and attested by their duly authorized officials.

THOMAS BRIDGE WATER CORPORATION

Harry L. Dean, President

Attest:

F. Joseph Copenhaver, Jr., Administrator

COMMONWEALTH OF VIRGINIA
COUNTY OF SMYTH, to-wit:

The foregoing Agreement dated _____, 2016 was acknowledged before me this
____ day of _____, 2016, by Harry L. Dean, President of the Thomas Bridge Water Corporation.

NOTARY PUBLIC

SMYTH COUNTY, VIRGINIA

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

Attest:

Michael L. Carter

COMMONWEALTH OF VIRGINIA
COUNTY OF SMYTH, to-wit:

The foregoing Agreement dated _____, 2016 was acknowledged before me this
____ day of _____, 2016, by Wade H. Blevins, Jr., Chairman of the Smyth County Board of
Supervisors.

NOTARY PUBLIC

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

By: _____
County Attorney

After consideration, 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,
Atkins District Supervisor Charles Atkins and
North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor G. Blake Frazier.



10/11/2016 7:39 PM Lori Deel, Director of Community and Economic Development presented two Resolutions as shown below

RESOLUTION

WHEREAS, General Dynamics Ordnance and Tactical Systems located in Marion, Virginia, is well-known in the manufacturing community, and is an important member of Smyth County's business community.

WHEREAS, General Dynamics Ordnance and Tactical Systems is committed to safety in the workplace, and has a Joint Health and Safety Committee comprised of voluntary representatives from all three plants of operation.

WHEREAS, the company implemented an on-site clinic, with services by a Nurse Practitioner, to provide prompt treatment, and conducts regular workplace safety education programs to promote workplace safety through the new "Safety by Choice, Not by Chance" safety campaign.

WHEREAS, the company recently achieved two noteworthy milestones; 1,000,000 hours worked without a Lost Time Accident, and one full year of operation without a Lost Time Accident.

WHEREAS, General Dynamics Ordnance and Tactical Systems was recently awarded the "Excellence in Safety Award" by the Southwest Virginia Alliance for Manufacturing at the annual awards banquet on October 6, 2016.

THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Smyth County commends General Dynamics Ordnance and Tactical Systems for their commitment to ensure workplace safety and the health and wellness of their staff and congratulates the company for receiving the prestigious award.

BE IT FURTHER RESOLVED THAT the Board of Supervisors sincerely appreciates the efforts of General Dynamics Ordnance and Tactical Systems and is grateful to have the company in Smyth County.

Adopted by the Smyth County Board of Supervisors on October 11, 2016.

Atkins District Supervisor Charles Atkins made a motion to accept the Resolution 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,
Saltville District Supervisor Roscoe D. Call,
Atkins District Supervisor Charles Atkins and
North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor G. Blake Frazier.

RESOLUTION

WHEREAS, Scholle IPN Packaging located in Chilhowie, Virginia, is well-known in the manufacturing community, and is an important member of Smyth County's business community.

WHEREAS, the dedicated, hard-working team at Scholle IPN Packaging are committed to going above and beyond to give back to the community, locally and across the world.

WHEREAS, the company's community involvement is widespread around the globe, covering 24 local, state, and national organizations and efforts, including multiple sectors such as, soldiers and their families; school children; individuals in need of food, clothing, or shelter; cancer patients; emergency responders; and many others.

WHEREAS, the company encourages employee engagement and involvement to give back to the community, and sets goals to include the following: increase social responsibility activities to three to five activities per site; each site supports a local food bank; reduce greenhouse gases by 15%; and reduce landfill waste by 50%.

WHEREAS, Scholle IPN Packaging was recently awarded the "Community Involvement Award" by the Southwest Virginia Alliance for Manufacturing at the annual awards banquet on October 6, 2016.

THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Smyth County commends Scholle IPN Packaging on their efforts to give back to the community and congratulates the company for receiving the prestigious award.

BE IT FURTHER RESOLVED THAT the Board of Supervisors sincerely appreciates the efforts of Scholle IPN Packaging and is grateful to have the company in Smyth County.

Adopted by the Smyth County Board of Supervisors on October 11, 2016.

Atkins District Supervisor Charles Atkins made a motion to approve the Resolution as presented. 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,
Saltville District Supervisor Roscoe D. Call,

Atkins District Supervisor Charles Atkins and
North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor G. Blake Frazier.



10/11/2016 7:43 PM Supervisor Comment time:

North Fork District Supervisor Phil Stevenson informed the Board about a meeting to be held on November 3, 2016 for citizens to meet and learn about the Ball field in Saltville.

North Fork District Supervisor Phil Stevenson made a motion to allow staff to send a letter of appreciation to Barbara Moser, North Fork District Representative to the Smyth Bland Regional Library Board and notify her that due to lack of attendance, the Board would be appointing someone else. Rye Valley District Supervisor Rick K. Blevins seconded the motion.

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,
Atkins District Supervisor Charles Atkins and
North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor G. Blake Frazier.

Rye Valley District Supervisor Rick K. Blevins stated that he appreciates everyone tolerating his questions for the Library tonight.

Park District Supervisor M. Todd Dishner stated that he enjoyed the SVAM dinner that he attended on Thursday, October 6, 2016.

North Fork District Supervisor Phil Stevenson informed the Board of Supervisors about a meeting that is scheduled for November 3, 2016 for citizens to learn about a potential sports complex in the Rich Valley section of the County.²

Saltville District Supervisor Roscoe D. Call asked if citizens could fish in an area called River Bottom Circle and asked if they could place a picnic type structure there to utilize. Mr. Carter stated he would have to look into this request and communicate his findings to Mr. Call.

Chilhowie District Supervisor Wade H. Blevins Jr. stated that he appreciates everyone on the Board and all of the staff.



10/11/2016 7:51 PM Saltville District Supervisor Roscoe D. Call made a motion to continue the meeting to October 27, 2016 at 7:00 P.M. North Fork District Supervisor Phil Stevenson seconded the motion.

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,
Atkins District Supervisor Charles Atkins and
North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor G. Blake Frazier.

The Smyth County Board of Supervisors held its continued meeting at 7:00 p.m., **Thursday, October 27, 2016**. The location of the meeting was in the First-Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

PRESENT: Chairman, Chilhowie District Supervisor Wade H. Blevins Jr., Vice Chairman, Park District Supervisor M. Todd Dishner; North Fork District Supervisor Phil Stevenson; Saltville District Supervisor Roscoe D Call; Royal Oak District Supervisor G. Blake Frazier; Rye Valley District Supervisor Rick K Blevins; Atkins District Supervisor Charles Atkins (7)

Chilhowie District Planning Commissioner Graham Davidson Jr.; Rye Valley District Planning Commissioner Paul D. Shepherd; Park District Planning Commissioner Joel Pugh; Chairman, North Fork District Planning Commissioner Norman Sparks, Atkins District Planning Commissioner Hazel Wagoner (5)

ABSENT: None.

Planning Commission-Royal Oak District Representative Robbie Doyle and Saltville District Representative David Spence (2)

STAFF: County Administrator Michael Carter; Assistant County Administrator Scott Simpson; Administrative Assistant Kelly Woods; Administrative Assistant Becca Creasy; County Attorney Jeff Campbell (5)

At 7:00 p.m. Chairman of the Board of Supervisors Wade H. Blevins Jr., 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.

**NOTICE OF PUBLIC HEARING
BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS
AND SMYTH COUNTY PLANNING COMMISSION
ON AMENDMENTS TO THE SMYTH COUNTY ZONING ORDINANCE**

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, October 27, 2016 at 7:00 p.m., or as soon thereafter, as may be heard, in the Smyth County Administration Building, 121 Bagley Circle, Marion, Virginia, to consider the following: Adoption of an amendment to the Smyth County Zoning Ordinance located in Appendix A of the Smyth County Code. The following proposed change will be considered:

Revision to Section 3-1.3 (a) – Minimum Lot Sizes and Relationship to Subdivision Ordinance in the A District: The minimum lot size in the Agricultural District shall be ~~two~~ one acres, with the exception of lots on record as allowed in Section 4-3.1 of this Ordinance.


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

Disabilities Act, persons requiring special assistance to attend and participate in this hearing should contact Clegg Williams, ADA Coordinator, at (276) 706-8315, at least 48 hours prior to the hearing. A copy of this proposed amendment is on file in the Office of the County Administrator of Smyth County at the address given above, and may be viewed during regular business hours Monday through Friday and at www.smythcounty.org.

Watson Gollehon spoke against the rezoning application.

 10/27/2016 7:06 PM Board of Supervisors Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. and Planning District Commission Chairman Norman Sparks closed the joint public hearing.

 10/27/2016 7:07 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. called for a recess.

 10/27/2016 7:15 PM Chair of the Board of Supervisors Wade H. Blevins Jr., and Mr. Norman Sparks, Chairman of the Planning Commission, called the joint public hearing to order. Mr. Michael Carter, County Administrator read the advertisement as placed in the Smyth County News and Messenger.

BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS AND

SMYTH COUNTY PLANNING COMMISSION

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, October 27, 2016, at 7:15 P.M. or as soon after 7:15 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 Northwestern Emergency Vehicles for a Special Use Permit to establish Automotive Sales. The property is located at 4429 Lee Highway in Marion. It is identified as Tax Map Nos. 47C-2-12, 47C-2-13, 47C-2-14, 47C-2-15 and 47C-2-16, 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) 783-3298 ext. 8315 at least 48 hours prior to the hearing.

Atkins District Supervisor Charles Atkins made a motion to waive the reading of the rules for Public Hearings. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair, 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,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson and
Atkins District Supervisor Charles Atkins.

NAYS: None.

ABSTAINERS: None.


ABSENT: None.

Mr. Hamby explained the purpose of the business, and Mr. Stan Bystrek spoke in support only if limited to emergency vehicle sales.

No one else chose to speak concerning this application.

 10/27/2016 7:22 PM Board of Supervisors Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. and Planning District Commission Chairman Norman Sparks closed the joint public hearing.

 10/27/2016 7:33 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr., called the Board of Supervisors meeting back to order.

 10/27/2016 7:34 PM A motion was made by Rye Valley District Supervisor Rick K. Blevins to enter into closed session under the Code of Virginia, Section 2.2-3711- **A.7 Legal**; discussion with legal counsel and staff pertaining to actual or probable litigation. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

It was moved by Park District Supervisor M. Todd Dishner, seconded by Saltville District Supervisor Roscoe D. Call, to adopt the following resolution certifying the business conducted in closed session as

follows:

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

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

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

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

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.



10/27/2016 8:12 PM North Fork District Supervisor Phil Stevenson made a motion to remove the seven Smyth County appointed trustees from the Smyth Bland Regional Library Board and to appoint the Board of Supervisors of Smyth County as the new trustees to be effective immediately. Royal Oak District Supervisor G. Blake Frazier second 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,
Saltville District Supervisor Roscoe D. Call,
Royal Oak District Supervisor G. Blake Frazier,
Atkins District Supervisor Charles Atkins and
North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

 10/27/2016 8:14 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. opened Citizen's time. No one chose to speak, therefore, Mr. Blevins closed citizens time.

 10/27/2016 8:14 PM It was moved by Royal Oak District Supervisor G. Blake Frazier, seconded by Saltville District Supervisor Roscoe D. Call to appropriate \$3,968,184.71 from the General Fund. The following is an explanation of the appropriations approved:

General County:	\$	692,222.71
Social Services (November 1-November 8, 2016)	\$	60,000.00
Schools-Operating Fund	\$	3,215,962.00

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

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 \$10,500.00 from EDA Fund 4 for open invoices.

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

It was moved by Royal Oak District Supervisor G. Blake Frazier, seconded by Rye Valley District Supervisor Rick K. Blevins to appropriate \$3,000.00 from the General Fund for property acquisition for the Adwolfe Sewer Pump Station parcel.

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

Rye Valley District Supervisor Rick K. Blevins,
Saltville District Supervisor Roscoe D. Call,
Royal Oak District Supervisor G. Blake Frazier and
North Fork District Supervisor Phil Stevenson.

NAYS: Atkins District Supervisor Charles Atkins.

ABSTAINERS: None.

ABSENT: None.

 10/27/2016 8:17 PM Scott Simpson, Assistant County Administrator presented the following recommendation from the Budget Committee.


Scott Simpson, Assistant County Administrator presented three (3) quotes received for the interim financing that will be needed for the Adwolfe Sewer project, as shown attached (#1). Mr. Simpson stated that due to new guidelines from Rural Development, the locality must secure interim financing for the project which will be refinanced by the Rural Development loan at the completion of the project. It is the Committee's recommendation to accept the proposal from CoBank.

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

 10/27/2016 8:20 PM Scott Simpson, Assistant County Administrator brought forward the following recommendation from the Water/Sewer Committee.

It is the Committee's recommendation to reject all bids received for the Adwolfe Sewer Project, as the bids were 30% over budget, and allow staff to adjust the project details to aid with lowering the cost, and put the project back out to bid as soon as possible.

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.



10/27/2016 8:22 PM Supervisor Comment Time:

Royal Oak District Supervisor G. Blake Frazier stated that he is disappointed in the bids received for the Adwolfe Sewer project, but encouraged that staff is working to solve the problem.



10/27/2016 8:24 PM North Fork District Supervisor Phil Stevenson made a motion to adjourn the meeting. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

A meeting of the Smyth County Board of Supervisors Building and Grounds Committee was held at the County Office Building on Thursday, October 27, 2016 at 5:30 p.m.

Committee Members Present:

Saltville District Supervisor Roscoe D. Call, Chairman
Rye Valley District Supervisor Rick K. Blevins
North Fork District Supervisor Phil Stevenson

Staff Members Present:

Michael Carter, County Administrator
Scott Simpson, Assistant County Administrator
Kelly Woods, Administrative Assistant

Saltville District Supervisor Roscoe D. Call, Chairman called the meeting to order at 5:41 p.m.

Michael Carter, County Administrator presented a letter from the State of Virginia, as shown attached (#1). Mr. Carter explained the letter and stated the Governor had signed an order that prohibits fire arms to be carried in State offices. A Firearms rider is presented by the State Department of General Services for incorporation into the existing lease at the Health Department Building. Discussion continued on this item.

Rye Valley District Supervisor Rick K. Blevins made a motion to accept the Firearms rider as presented and to allow Michael Carter, County Administrator to sign. North Fork District Supervisor Phil Stevenson seconded the motion. All agreed unanimously.

This recommendation will be brought before the Board of Supervisors at their next scheduled meeting on November 8, 2016.

Having no other business to discuss, Chairman, Saltville District Supervisor Roscoe D. Call adjourned the meeting at 5:56 pm.



COMMONWEALTH of VIRGINIA
Department of General Services

Division of Real Estate Services

October 21, 2016

COUNTY ADMINISTRATOR
SMYTH COUNTY
121 BAGLEY CIR STE 100
MARION, VA 24354

1100 Bank Street, 3rd Floor
Richmond, Virginia 23219
Telephone: (804) 371-7200
Fax: (804) 225-4673

**RE: DEPARTMENT OF GENERAL SERVICES [TENANT]
DEPARTMENT OF HEALTH (VDH) [OCCUPANT]
VDH SMYTH CO ENVIRONMENTAL HEALTH ML
201 FRANCIS MARION LN 1ST FL
MARION, VA 24354
COVA TRAX LEASE #L-002402 (FORMERLY IREMS LEASE #L00934)**

Dear Landlord:

On October 15, 2015, Governor Terry McAuliffe issued Executive Order 50, which included a prohibition of firearms in state offices. This is an effort to protect citizens and state employees from gun violence. The executive order required the Department of General Services (DGS) to develop guidance for the prohibition of openly carried firearms on premises owned, leased or controlled by executive branch agencies and to propose regulations for the prohibition of concealed firearms on these premises, thus requiring us to update the referenced lease with the attached Firearms Rider. Both of those measures took effect late last year.

The Executive Order and the DGS regulations are posted on the DGS website at:
<https://dgs.virginia.gov/DivisionofRealEstateServices/EO50/tabid/1578/Default.aspx>

Enclosed are two (2) copies of the Firearms Rider. Please sign and date one (1) copy of the Firearms Rider and return it to our office in the enclosed self-addressed stamped envelope. Please also sign and date one (1) copy of the Firearms Rider and keep it for your records.

If you have any questions concerning the attached Firearms Rider, please contact our office (phone – 804-371-7200 or email – DRES-info@dgs.virginia.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Holly Law Eve".

Holly Law Eve

Enclosures

FIREARMS RIDER

This Firearms Rider (the "**Rider**") is incorporated into the lease (the "**Lease**") dated July 01, 1999, by and between the Department of General Services ("**Tenant**") and the COUNTY OF SMYTH ("**Landlord**") with respect to 201 FRANCIS MARION LN, 1ST FL, MARION, VA 24354. All capitalized terms not otherwise defined in this Rider shall have the same respective meanings as set forth in the Lease.

Landlord hereby acknowledges the following:

1. Possession or carrying, whether open or concealed, of any firearm by any person is prohibited in and on State Offices. For purposes of this Rider, "**State Office**" means the property or premises that is the subject of the Lease, but excludes parking lots or parking facilities. Entry upon a State Office in violation of this prohibition is expressly forbidden. This prohibition does not apply to law-enforcement officers, authorized security personnel, or military personnel, when such individuals are authorized to carry a firearm in accordance with their duties, and when they are carrying the firearm within that authority. It also does not apply to state employees where the employee's position requires carrying a concealed firearm.

2. Notwithstanding anything in the Lease to the contrary, signs indicating the prohibition against carrying firearms, whether open or concealed, shall be posted at all State Offices and may be posted in or on Common Areas, including parking lots and parking facilities. Signs shall be of a size and design approved by the Commonwealth of Virginia, Department of General Services and shall be paid for and installed by the Commonwealth of Virginia.

LANDLORD:

COUNTY OF SMYTH

a Virginia corporation / limited partnership / limited liability company

By: _____

Name: _____

Title: _____

Date: _____



Smyth County Planning Commission

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

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

To: Michael L. Carter
From: Clegg Williams
Date: November 3, 2016
Subject: Recommendation from the Planning Commission

At the joint public hearing on Thursday, October 27, 2016, the following motions were rendered:

Recommendation on Text Amendment in Agricultural District: Commissioner Joel Pugh made a motion to recommend approving the proposed Text Amendment reducing the minimum lot size requirement in the Agricultural District from two acres to one acre. Commissioner Graham Davidson Jr. seconded the motion and the following vote was recorded.

Vote: 5 yeas Davidson, Pugh, Shepherd, Sparks, and Wagoner
2 absent Doyle and Spence

Recommendation on Special Use Permit for Northwestern Emergency Vehicles: Commissioner Joel Pugh made a motion to recommend approving a Special Use Permit for *Automotive Sales* for Northwestern Emergency Vehicles with a condition that only emergency vehicles are to be sold. Commissioner Hazel Wagoner seconded the motion and the following vote was recorded.

Vote: 5 yeas Davidson, Pugh, Shepherd, Sparks, and Wagoner
2 absent Doyle and Spence

cc Manuel Street, GIS