

VIRGINIA :           At the regular meeting of the Smyth County Board of Supervisors  
  
held at the County Office Building on Tuesday, February 10, 2004  
  
at 12:00 Noon .

PRESENT:           All Board Members.

STAFF:             Edwin B. J. Whitmore, III; John H. Tate, Jr.; Mike Carter; Mary  
  
Ann Evans; Amber Tilson ; Sally Morgan and Duncan McGregor.

The Chairman called the meeting to order.

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Rev. Gary Trout, Calvary Baptist Church , led the invocation and Betty Blizzard  
led the Pledge of Allegiance.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried,  
the Board approves the agenda as to form.

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Upon motion of Mr. Blevins, seconded by Mr. Slempp, and unanimously carried,  
the Board approves the minutes of January 13, 2004 and January 22, 2004 , as presented.

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During Citizen's Time, James Parlier appeared to inform the Board of damage to his property he had sustained during the last flooding because of incorrect work by the contractor that was working on Route 622 in Atkins , Virginia . He stated VDOT would not work with him to correct this problem and he just wanted the Board to know of his problem and ask them if there was anything they could help him do to get the problem solved. Mr. Perry requested Mr. Parlier to come back when the Highway representatives came at 1:00 p.m. to discuss the matter with them.

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John Clark, Town of Marion Manager, and Jacob Craig, Project Manager, for Anderson & Associates, appeared to discuss the Route 16 Park Boulevard Bikeway trail. Mr. Clark requested the Board adopt the low bid \$382,489.40 from W & L Construction and Paving Inc. Mr. Clark stated by agreement the Town of Marion and Smyth Count agreed to share the 20% Local Match of \$76,497.88. By agreement the Town of Marion would pay 60% (\$45,898.73) of the match funds and the county would pay 40% (\$30,599.15).

Following discussion, upon motion of Mr. Clark, seconded by Mr. Slemp, and duly carried, the matter of funding request for a total of \$30,599.15 is referred to the Budget Committee.

Vote: 6 Yea

1 Nay (Neitch)

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, Mr. John Clark is requested to present the Board a copy of the new plans for the Biking Trail and this matter is continued.

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Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors approves and appropriates the following out of the appropriate fund account:

General County	\$1,000,000.00
Department of Social Services (Feb. 2004)	\$ 340,000.00
(March 1 <sup>st</sup> – 8 <sup>th</sup> )	\$ 35,000.00

Schools

Operations	\$2,850,000.00
Capital Outlay & School Debt	\$ 150,000.00
Green Hill/Shuler Hollow	\$ 189,992.40
Social Security Funds	\$ 1,917.60
Animal Damage	\$ 287.13
Hutton Branch	\$ 2,215.74

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Upon motion of Ms. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approves the attached warrant listing in the amount of \$741,097.41 from the appropriate fund account.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approves use of the Smyth County Courthouse lawn, exterior restrooms and electrical connection for the following events, as per request of the Marion Downtown Revitalization Association:

May 28<sup>th</sup>, June 4<sup>th</sup>, June 11<sup>th</sup>, June 18<sup>th</sup>, June 25<sup>th</sup> “Lunchtime on the Lawn”

July 16<sup>th</sup> – 18<sup>th</sup> “Hungry Mother Arts & Craft Festival”

Sept. 11<sup>th</sup> “3<sup>rd</sup> Annual Patriot’s Day Commemoration”

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Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, upon recommendation of the Budget Committee, the Board approves a donation of \$1,000 each to the following, subject to a letter of request from each high school or organization giving a project graduation activity.

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Upon motion of Mr. Slemph, seconded by Mr. Clark, and duly carried, the matter of establishment of a Methadone Clinic is referred to the Smyth County Planning Commission for study and recommendation.

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Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, Eddie D. Foster is reappointed a member of the Smyth County Department of Social Services for a term of office beginning upon his qualification and expiring 02-06-08 .

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Upon motion of Mr. Roberts, seconded by Ms. Neitch, and unanimously carried, Roy F. Evans, Jr. is reappointed a member of the Southwest Virginia Community Correction for a term of office beginning upon his qualification and expiring 02-28-06 .

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Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried,  
BE IT RESOLVED that the Smyth County Board of Supervisors supports the Resolution  
in Support of Principles to Guide Tax Reform as presented by the Mount Rogers  
Planning District Commission:

WHEREAS, the Governor, the General Assembly, and several study committees  
have recognized the need for Tax Reform in the Commonwealth of Virginia; and

WHEREAS, the Governor and other prominent members of the General  
Assembly have promulgated Tax Reform Plans; and

WHEREAS, in order for the Commonwealth and its citizens to receive fair and  
equitable benefit from this process some principles need to be established and followed to  
guide the process;

NOW, THEREFORE, BE IT RESOLVED that the Mount Rogers Planning  
District Commission doth hereby and hereon declares that the following principles should  
be adopted to guide the Tax Reform process; and

BE IT FURTHER RESOLVED that the Commonwealth meet its commitment to  
fund mandatory basic services; and

BE IT FURTHER RESOLVED that the state stabilize its financial structure; and

BE IT FURTHER RESOLVED that the state retain its Triple-A bond rating; and

BE IT FURTHER RESOLVED that the state enact practical and fair increases in state taxes such as income, sales, use, and gas; and

BE IT FINALLY RESOLVED that the state protect existing local tax authority for counties, cities, and towns.

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At the request of the Chairman, the matter of a letter from the Smyth County Planning Commission concerning request to the Board that draft revisions to the Zoning Ordinance be returned to the Planning Commission for further study. Following discussion, upon motion of Mr. Slemp, seconded by Mr. Dishner, and duly carried, the Board referred the revisions to the Zoning Ordinance back to the Smyth County Planning Commission for study and recommendation.

Vote: 4 Yea

3 Nay (Roberts, Blevins, Neitch)

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The Board was informed that the 911 contracts with the Towns will expire on December 31, 2004 . The Chairman requested Shannon Williams and the County Administrator obtain contract documents and any other information that may be needed for the Board to further study this matter.

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The following Board matters are continued:

1. Matter of collection of delinquent taxes.
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation. (Building & Grounds Committee)
3. Ken Heath's request concerning establishment of local tax Abatement ordinance. ( County Attorney ) ( 7-1-2003 )
4. East County Spring Source Study. ( 8-1-03 )
5. Cole Crest Drive reference being brought into the Secondary System. ( County Attorney )
6. Bob Mason's request concerning road repairs on privately owned Road – Green Hills Project. (Water/Sewer Committee) ( 10-1-03 )
7. Request from Sonya Strouth concerning establishment of a rescue squad in the Adwolfe area. ( 1-1-04 )

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Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board approves the Management Plan and contract with Tazewell County on the Micro-Enterprise Loan Program (CDBG) Funds and Sally Morgan is empowered to select a Smyth County banker to serve on said committee.

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The Chairman referred the matter of Sid Cheeks, Crossroads Shelter, Inc., request for said organization to be included in the fiscal year 2004 – 2005 proposed budget for a donation to the Budget Committee for study and recommendation.

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Sally Morgan informed the Board the Smyth County Planning Commission had begun work to update the Comprehensive Plan.

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Upon motion of Mr. Clark, seconded by Mr. Slemp, and unanimously carried, the Board approves the Smyth County Planning Commission recommendation to approve the application from George Rouse to rezone 755 Lee Highway from Agriculture/Rural to Commercial.

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Corbin Stone, representing Robinson, Farmer, Cox and Associates, appeared to discuss fiscal year ending June 30, 2003 , audit with the Board of Supervisors.

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Pursuant to notice duly published in a local newspaper, the Board proceeded to conduct a public hearing on Special Ordinance pursuant to authorization provided in Section 58.1-3234 of the Code of Virginia, and to fix certain fees for applications for Land use taxation effective upon the adoption of the special ordinance, and to any applications filed following the general reassessment of Smyth County , Virginia , which was effective January 1, 2004 .

The proposed ordinance will permit any qualifying land owner to be afforded an additional sixty (60) days to make application for land use taxation making a total time for filing these applications ninety (90) days. This Special Ordinance will require a land owner to pay an application fee for each parcel of land of Ten (\$10.00), and in addition Ten (\$0.10) cents per acre over fifty (50) acres to the Treasurer of Smyth County for the application of the land owner for this land use taxation.

Three citizens were present.

No one appeared to speak either for or against said proposed ordinance.

The Chairman declared the public hearing closed.

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Upon motion of Ms. Neitch, seconded by Mr. Dishner, and unanimously carried,  
BE IT RESOLVED that the Smyth County Board of Supervisors adopts the following:

## SPECIAL ORDINANCE

(Not to be incorporated into the Smyth County Code)

WHEREAS, the Board of Supervisors of Smyth County (Board) adopts a Special Ordinance of limited application for the year of a general reassessment of real property.

An ordinance of the County provides for assessments for land use taxation as permitted in a section of the County Code of Smyth County , Virginia , and Section 58.1-3230, et. seq, of the Code of Virginia. This Special Ordinance shall affect the application filing deadlines to the Commissioner of Revenue of Smyth County, Virginia, by extending the deadlines for filing applications for these assessments under Section 58.1-3234, and to fix, for the current assessment period, application fees to be paid by property owners who apply for this use taxation.

NOW, THEREFORE, BE IT ORDAINED as follows:

1. The filing deadline fixed by Section 58.1-3234, which is thirty (30) days after the notice of assessment is mailed to the property owner, is hereby extended, as permitted by such code section, until ninety (90) days after the mailing of the notice of reassessment in this year of general reassessment, and any subsequent year of general reassessment, unless changed by subsequent ordinance of the Board.
2. It is further ordered, and hereby adopted, an application fee for the year of application for land use taxation, without re-certification fees, except in a year

in which a general reassessment is held or when a new application is required by virtue of a change in ownership, a flat fee for each qualifying parcel of Ten Dollars (\$10.00), and in addition, a fee of the Ten Cents (\$0.10) an acre for each acre of any tract of more than fifty (50) acres. This fee shall be paid to the Treasurer's Office of Smyth County.

Nothing further is intended to be accomplished hereby.

Vote: 7 Yea

0 Nay

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Upon motion of Ms. Neitch, seconded by Mr. Clark, and unanimously carried, the Zoning Administrator is directed to advertise a proposed amendment to the Zoning Ordinance of Smyth County, Virginia, as follows:

The provisions of the Ordinance are hereby amended by adding a new section, in Article IV, Section 4-12, which will follow Section 4-11 in the printed Code, which will add a provision, with a special use permit, for the installation, operation and regulation of Emergency Communications Network Towers (ECN), as defined herein; to define these towers in Article X, of the Ordinance; and, to amend certain language in Article III of the Ordinance.

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Duncan McGregor, County Engineer , gave the Board information on the following projects: Allison Gap Water Project bids; Smyth County Courthouse – Phase I; Groseclose Water easements.

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Upon motion of Ms. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board agreed to enter into executive session to discuss a personnel matter as outlined in Section 2.2-3711 (A) (1) of the Code of Virginia, as amended, and Section 2.2-3711 (A) (5) of the Code of Virginia, as amended, concerning prospective industries were no announcement has been made.

The Chairman declared the executive session ended and the doors were opened to the public.

Vote: 7 Yea

0 Nay

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Upon motion of Ms. Neitch, seconded by Mr. Slemp, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive meeting 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 executive 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 7 Yea

0 Nay

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Upon motion of Mr. Clark, seconded by Mr. Slemp, and unanimously carried, and unanimously carried, the Board approves the Budget Committee recommendation

to transfer \$200,000 from the General Fund (line item 4-001-011010-8887-2 Economic Development – Water & Sewer \$100,000.00 and line item 4-001-081030-7019 Industrial Site Acquisition & Development Funds \$100,000.00) to Fund 502 Revenue Account #1-4000-00-1 Revenue Collections for funds to upfront needed monies for water/sewer projects until reimbursement from said project funds are received.

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Upon motion of Ms. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approves the Budget Committee recommendation for sum a not to exceed \$16,000 to be taken from line item 4-001-081022-3002 Professional Services for contract work to be performed by Duncan McGregor after March 1, 2004 for county engineer services.

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Upon motion of Mr. Clark, seconded by Ms. Neitch, and unanimously carried, the Board authorizes the County Administrator to transfer \$200,000 from line item 4-001-081030-8888-1 Incentive Fund to the Industrial Development Authority of Smyth County checking account for part of payment to General Dynamics Inc.

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Upon motion of Mr. Roberts, seconded by Ms. Neitch, and unanimously carried, the Board approves and appropriates the following sums, and accept said deeds for the Hazard Mitigation Grant Program Property Acquisition:

Patsy W. Roark	\$25,000
Paul D. Holmes & Barbara A. Holmes	\$22,000
Doris L. Hogston & Harry R. Hogston	\$18,000
Gaylan McKinley Surber	\$17,000
Earl M. Cregger, Jr. & Mary A. Cregger	\$21,000

Mr. McGregor stated the County had received \$99,000 in grant funds and the local match would be \$4,000.

The Board also approved funds for the following easements on the Groseclose Water Project Easements:

Odesser Robinette	\$600
William & Loretta S. Shupe	\$200
Phillip & Ellen Patterson and	
Jerry D. & Joanne Patterson	\$375

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Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the County Administrator is authorized to sign above stated deeds and easements on behalf of the Board.

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Upon motion of Ms. Neitch, seconded by Mr. Slemph, and unanimously carried, the Board continues its meeting to February 26, 2004 at 7:00 p.m. for a joint public hearing with the Smyth County Planning Commission.

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VIRGINIA : At a continued meeting of the Smyth County Board of Supervisors  
  
held at the County Office Building on Thursday, February 26, 2004 ,  
  
at 7:00 p.m.

PRESENT: All Board Members.

STAFF: Edwin B. J. Whitmore, III; Michael Carter; Duncan McGregor;  
  
Mary Ann Evans ; Amber Tilson .

The Chairman called the meeting to order.

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Pursuant to notice duly published in a local newspaper, the Board proceeded to conduct a joint public hearing with the Smyth County Planning Commission to consider

the adoption of amendments to the Smyth County Code, in the part of the Code styled Smyth County Zoning Ordinance, which deals with zoning in the County, and particularly the following:

Amend Article VI, GENERAL PROVISIONS AND SUPPLEMENTARY REGULATIONS, by adding a new Section 4-12, to the zoning ordinance of Smyth County , adopted January 1, 2002 ; to amend Article X, DEFUBUTUIBS; as well as to make wording changes in ARTICLE 3, DISTRICT REGULATIONS.

The amendments propose to add a new section, Section 4-12 to follow Section 4-11 in the printed code, which will make provisions for the installation, operation and regulation of EMERGENCY COMMUNICATIONS NETWORK TOWERS (ECN towers), as defined therein, with a special use permit; to define these towers in Article X of the Ordinance, and to amend certain language to clarify the definition of communications towers in the Ordinance in Article III in the manner prescribed in the proposed amendments.

Questions were asked by Board of Supervisors and Planning Commissions for clarification.

No citizen appeared to speak either for or against said proposed amendment.

The Chairman declared the public hearing closed.

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Michael Carter, Assistant County Administrator, informed the Board DEQ mandated updating the Solid Waste Management Plan by July 1, 2004 . The last plan

was submitted to DEQ in 1992. A meeting was held at the Mount Rogers Planning District Commission office in January 2004 to organize a meeting with representatives of the Counties of Smyth, Bland, Washington, Wythe, and the Incorporated Towns of Marion, Saltville, and Chilhowie to work on a forming a regional solid waste plan. Interviews were conducted in February 2004 and the firm of Draper Aden and Associates, were selected to prepare a Solid Waste Plan at a cost not to exceed \$35,000. Cost to each County and Town was based on population. Smyth County has 28% of the total population of the region, resulting in a cost not to exceed \$9,800, said amount budgeted in the current solid waste operating budget. To recover the cost of each town's portion of the plan, Mr. Carter suggested using the same criteria used in determining each county's portion, which was cost by population. The following cost for the Towns is recommended:

Town of Chilhowie not to exceed \$490; Town of Marion not to exceed \$1,862; Town of Saltville not to exceed \$588...total \$2,940.

Following discussion, upon motion of Ms. Neitch, seconded by Mr. Clark, and unanimously carried, the Board approves the aforesated recommendation.

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Upon motion of Mr. Slemph, seconded by Mr. Blevins, and unanimously carried, the Board approves the County Administrator signing the notice to proceed on the Groseclose Water Project.

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Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried,  
the Board approves submittal of a supplemental application to the Tobacco Commission  
for the Allison Gap Project in a sum not to exceed \$277,306.

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Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried,  
BE IT RESOLVED that the Smyth County Board of Supervisors approves an additional  
appropriation of \$175,000 for the Industrial Development Authority during the month of  
February 2004 General County Fund.