

invocation and Clegg Williams led the Pledge of Allegiance.

Mr. Brad Starkey, Mr. Bill Weaver, and Mr. Philip Hendren were in attendance representing Utility Trailer for the announcement of the facilities expansion which would add 100 new jobs with in the next 30 months and \$11.5 million dollar investment.

Mr. Whitmore introduced the new County Engineer , Mr. Scott Simpson and the new Financial Officer, Mr. Charlie Atkins .

Upon the motion of Mr. Clark and seconded by Mr. Slemp, and unanimously carried, the Board approved the agenda as to form.

Upon the motion of Mr. Slemp and seconded by Mr. Blevins, and unanimously carried, the Board approved the minutes of the February 10 and February 26, 2004 meetings, as presented.

During citizen's time, Mr. Charles Fowler of the Currin Valley water system questioned the rate difference between his area and the rest of the County. He stated that years ago his area was promised the same rate as the whole county when the Hutton Branch Water system was running. He was also requesting fire hydrants in his area. He stated that if the reassessments value of property taxes was worth 25% more then why their rates couldn't be readjusted and fire hydrants be installed on the Currin Valley water system.

During citizen's time the following people spoke.

- Mr. Ed Thompson – he stated that the real estate taxes should remain the same or lowered based on the high reassessment figures. He also had concerns with the Broadford VDOT shop possible closing.
- Mr. Raymond Buchanan – Was also concerned with the possible closing of the Broadford VDOT shop closing. He requested that the board pass a resolution in support of maintaining the shop in its present location.

RESOLUTION

WHEREAS, we understand that the Virginia Department of Transportation (VDOT) is examining cost-saving measures in terms of their continued operation of road maintenance facilities or “shops”, and in particular, may be considering the closure of the Broadford VDOT maintenance shop in Smyth County; and

WHEREAS, the Broadford VDOT maintenance shop serves a wide-reaching geographic area, specifically the Rich Valley area of Smyth County (which constitutes the entire northern third of the county); and

WHEREAS, the Broadford VDOT shop and its employees have provided exemplary service to the taxpayers of the Commonwealth over many years; and

WHEREAS, the presence of the Broadford shop is important to residents of the area who depend on daily and prompt maintenance repairs needed along the many miles of secondary roads in that part of the county; and

WHEREAS, the citizens of the Rich Valley area are deeply concerned about the negative impacts on local transportation that would result from the closure of the Broadford maintenance facility.

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors expresses its opposition to any proposed closure of the VDOT maintenance facility in Broadford , Virginia .

Adopted by Board of Supervisors March 9, 2004 .

- Mr. Norman Sparks – He was also concerned with the possible closing of the Broadford VDOT shop.

- Ted Buchanan – From Chilhowie presented the Board with the following questions concerning the high property reassessments;

-What is the balance of funds in the county Treasurer at this time?

-What are the plans for the surplus money?

-What are the plans for the tax increase?

-Would the citizen's get a refund if the county had a surplus?

-Did the county plan to take from the reserve fund for the courthouse renovation?

- Nikki Wyatt – She had concerns with the high reassessments. She asked the Board when they set the rate would they take into consideration the fact that there are no factories or work here that someone would not come here and pay that much for property.

She was also requesting fire hydrants to be installed on the Pleasant Heights water line.

- Earl McClure – Concerned with the high reassessment figures and its potential impact on retirees. He suggested that the Board let the Planning commission create a five year plan for capitol projects of the county.

Mrs. Kristi Stilen-Lare informed the Board of the 2-1-1 program and what it could do for this area. The Chairman referred the matter to the Communications

Committee and suggested that Mrs. Lare make an appointment with Shannon Williams, the 911 Coordinator for further discussion.

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	\$1,204,000.00
Department of Social Services (March 2004)	\$ 340,000.00
(April 1 st – 8 th)	\$ 35,000.00
Schools	
Operations	\$2,975,000.00
Capital Outlay & School Debt	\$ 70,000.00
Green Hill/Shuler Hollow	\$ 84,909.31

Animal Damage	\$	112.00
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Social Security Funds	\$	391.00
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Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, the board approves the attached the warrant listing in the amount of \$775,363.49 from the appropriate fund account.

Upon the motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approves a refund in the amount of \$260.04 to the James C Wilson, JR, 632 Shuler Hollow Road , Chilhowie VA 24319 , for a personal property tax refund.

Upon the motion of Mr. Clark, second by Mr. Slemp, and unanimously carried, the board recommends that Mr. Doug Jackson and Mr. Lowry Hobbs be reappointed as Smyth County representatives on the New River/Mount Rogers Workforce Investment Board for a term of office beginning upon their qualifications and term of office ending March 31, 2007.

Upon the motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the board declares the Hungry Mother Arts and Crafts Festival signs as “official signs” of Smyth County to comply with VDOT regulations.

Upon the motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the County Administrator is directed to advertise a public hearing to be set at 3:00PM on April 13, 2004 on proposed readopting amendment to Title 34 of the Smyth County Code, Finance and Taxation, Article III, Court Costs, Section 34-77, et seq. designated as Division 4, Cost Assessment for Court security Section 34-77.

The following Board matters were 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 and Grounds Committee).

3. Ken Heath's request concerning establishment of local tax abatement ordinance (referred to County Attorney , 7-1-2003).
4. East County Spring Source Study (8-1-2003).
5. Cole Crest Drive reference being brought into the Secondary System. (County Attorney is awaiting information before advertising a public hearing).
6. Bob Mason's request concerning road repairs on a privately owned road – Green Hills Project (Water/Sewer Committee 10-1-2003).
7. Request from Sonya Strouth concerning establishment a rescue squad in the Adwolfe area (1-1-2004).
8. Methadone Clinic, referred to the Planning Commission (2-1-2004).
9. Draft revisions for Zoning Ordinance referred back to Planning Commission for study and recommendation (2-1-2004).
10. Request concerning 911 contracts with the towns (911 Committee, 2-1-2004).
11. Bike Trail (Budget Committee)

During Highway Department time Mr. Steve Buston, Resident Engineer was present.

Mr. Joe Copenhaver appeared to ask Mr. Buston if the Department of Highway had a schedule for clean up along road sides. Mr. Buston agreed that the Highway Department would clean up trash in his area in the near future.

Mr. Buston informed the Board that the Bristol District office was studying ways for budget adjustments that may have to be made in the future. There are no definite plans outlined for the Broadford VDOT shop at the present time.

Upon motion of Mr. Clark, seconded by Mr. Roberts, and unanimously carried, the County Administrator is directed to draft a resolution in support of maintaining the VDOT shop in Broadford. Copies will be sent to Senator William Wampler, Delegate Joe Johnson, Delegate Bill Carrico, and Senator Philip Puckett.

Norma Teaters , Chairmen of the CMPT Committee, appeared to inform the Board that her current budget is \$490,000.00 with expenditures to date

\$429,004.00. At the present 61 children have been served, with 42 of those being foster care children who are partially funded through IV-E or Medicare. Comprehensive Service Act (CSA), have court involvement and services that are ordered by the judge. The team requested the Board allocate an additional appropriation of \$112,000.00 for the remainder of fiscal year 2003-2004, with County Local match of \$26,175.00.

Upon motion of Mr. Roberts, seconded by Mr. Slemph, and unanimously carried, the Board approves the additional appropriation as aforesaid for fiscal year 2003-2004.

Bids were received as follows on Phase I of Smyth County 's Gas Remediation plan:

- Griffin Dewatering, Inc.	\$142,000.00
-Emats, Inc.	\$108,500.00
-Shaw Emcon	\$106,700.00
-SCS Field Services	\$ 89,995.00

Michael Carter, Assistant County Administrator recommends the low bid of SCS Field Services in the amount of \$89,995.00 be accepted. He further stated said funds for Phase I is in the current fiscal year budget.

Upon the motion of Mrs. Netich, seconded by Mr. Blevins, and unanimously carried, the board approves the recommendation for low bid of SCS

Field Services in the amount of \$89,995.00 for Phase I of Smyth County 's Gas Remediation Plan.

Pursuant to a Public Hearing held on February 26, 2004 on the proposed amendment concerning ECN Towers , upon motion made by Mr. Clark, and seconded by Mr. Blevins, and unanimously carried, that board accepts the Smyth County Planning Commission recommendation to approve the following amendments/addition:

Section 4-12 Regulations for an Emergency Communications Network (ECN) Tower

4-12.1 All towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the federal government with authority to regulate towers and antennas.

4-12.2 Information required for special use permit application: Each applicant requesting a special use permit for a communication tower shall submit a scaled plan and elevation view and supporting drawings, calculations, and other documentation, signed by appropriate licensed professionals, showing the location and dimensions of all proposed improvements.

4-12.3 The height of Emergency Communications Network (ECN) towers shall be dictated by the final engineering design. In a district where ECN towers are permitted, any tower of two hundred (200) feet in height or greater shall be properly lighted.

4-12.4 The location of an ECN tower shall be no less than 200 feet from any residential dwelling or structure.

4-12.5 No equipment shall be located on an ECN tower unless such equipment is used solely for emergency services communications by a governmental entity.

4-12.6 In addition to the provisions of Section 4-12.4, all ECN towers and accessory facilities must satisfy the minimum zoning district setback requirements for principal structures.

4-12.7 Except in District 3.3 (Residential), ECN towers may be installed in any other zoning district with special use permit as defined in Section 10-66 of this ordinance.

4-12.8 If any provision of Section 4.11 shall conflict with Section 4.12, Section 4.12 shall control for the erection of an ECN tower.

Add a new definition to Article X of this ordinance after Section 10-17 by adding a new Section 10-17(A) as a new definition, as follows:

Section 10-17(A) Emergency Communications Network Tower (ECN). A communications tower which support(s) an Emergency Communications Network operated by a Governmental Entity.

Amend Article III of the Smyth County Zoning Ordinance:

Amend all references in Article III of the Smyth County Zoning Ordinance and replace the words “ Telecommunication Tower(s) ” with the words “ Communication Tower(s) ” at any place it appears in the text of Article III.

Mrs. Annie B. Crockett, of the Wythe County Board of Supervisors appeared to inform the Board that she was appointed the Virginia Association of Counties Representative for the Southwest Virginia area.

Mr. Con Smith, Chairmen of the Smyth/Washington Regional Industrial Facilities Authority gave an annual report.

Upon motion made by Mr. Roberts, and seconded by Mr. Clark, and duly carried the Board approves the amended funding arrangement with the Town of Saltville and Smyth County on the Allison Gap Sewer project.

The Board directs the county engineer to inform Rural Development by letter of the Board's approval as follows:

“Ms. Sally Hamer

USDA – Rural Development

The Smyth County Board of Supervisors greatly appreciates your efforts in helping us to secure financing for the Allison Gap Sewer Project. Smyth County would like to respectfully request additional Rural Development funding in the amount of \$900,400.00 since the bids were above the original construction estimated amount. In the event that funds are not available, Smyth County will utilize other funding sources as that the project may proceed on schedule.”

The Town of Saltville has agreed to cover the additional \$400,300.00 needed to make-up the total \$1,300,700.00 final shortfall amount existing as a result of the construction bids received by Smyth County in January 2004.

Amendment #3 to the Regional Sewer Treatment Inter-Municipal Agreement

Saltville/Smyth County

The following resolution was approved by both the Smyth County Board of Supervisors and the Saltville Town Council as amendment #3 to the Agreement dated March 13, 2001 and hereinafter referred to as "the agreement" between the Town of Saltville and the Smyth County Board of Supervisors.

WHEREAS, Amendment #2 spells out the increase in scope to "the agreement", overall project costs have increased from the costs projected in "the agreement" and construction bids received in January 2004 created shortfalls in the funding levels indicated in "the agreement"; and

WHEREAS, the current total project cost, based on apparent low construction bids, is \$8,190,904, the funding shortfall is \$1,300,700, Rural Development has agreed to provide an additional \$500,000 in grant money and the Town of Saltville and the Smyth County Board of Supervisors have agreed to share the additional \$800,700 needed with the Town of Saltville accepting \$400,300 and Smyth County Board of Supervisors accepting \$400,400.

NOW, THEREFORE, the parties here to covenant and agree that the following Sections of "the agreement" relating to Design and Construction, Financing, User Charge and Billing and Payment of Monthly User Charges shall read as follows,

ARTICLE III

REGIONAL FACILITY PROJECT

Section 3.1. Design and Construction. The Town of Saltville and Smyth County have made and will continue to make, where appropriate, applications for grants and loans for the design and construction of the Collection Facilities and Regional Facility. The total cost of the treatment plant expansion, sewer collection lines and sewer replacement lines is projected to be \$8,190,904. Upon approval of such grants and loans, to the extent of one hundred percent (100%) of eligible costs and the availability of such additional funds as may be necessary. The County shall proceed with the design and construction of the sewer collector lines serving the Allison Gap community, the treatment plant expansion and McHenry's Creek interceptor line replacement in order that all facilities may be placed in operation as soon as practicable.

Section 3.2. Financing. The Town and County shall proceed in a timely manner to secure financing for design and construction costs and other expenses in connection with the Collection Facilities and Regional Facility. The Town shall secure funding for \$800,300 and the County shall secure funding for \$7,390,650. The County funding consists of the following:

Rural Development Loan \$3,135,900.00

Rural Development Grant \$2,500,000.00

CDBG	\$1,000,000.00
DEQ/EPA Grant	\$654,750.00
SER/CAP Grant	\$100,000.00

The Town and County shall, with all reasonable dispatch after construction costs are established and grants in amount satisfactory to it are approved, issue and sell Bonds in an amount, together with other available bands, which will be sufficient to pay the cost of designing, constructing and placing all project facilities in operation, including the repayment of any interim financing; provided, however, that nothing contained in this agreement shall require the Town or County to issue Bonds except upon terms deemed reasonable by the issuing party. If the total project cost exceeds the available funds and neither party elects to increase its funding of the project, this Agreement may thereupon be canceled, without penalty to either party, and this Agreement shall have no further force and effect.

ARTICLE VI

CHARGES TO PARTICIPANTS

Section 6.1. User Charge. (Sentences 1 and 2 shall read as follows) Each participant shall pay their respective debt retirement for Bonds issued. The Town shall fix and determine a Monthly User Charge in connection with the Facility, which shall be the sole charge for use of the Regional Facility. (Other portions of the section remain the

Section 6.2. Billing and Payment of Monthly User Charges. Paragraph 2 ("The County shall determine the annual payment due from the Town for the \$100,000 debt by March 1, of each year for the twelve months (12) beginning on July 1.") shall be eliminated. All other portions of the section remain the same.

Chairperson, Smyth County Board of Supervisors

Date

Mayor, Town of Saltville

Date

Vote: 6 yea

1 nay (Perry)

The following bids were received for Divisions IA, IB, IC, II, and III for the Allison Gap Sewer/Saltville Wasterwater System Improvements:

-IA-Allison Gap	Little B Enterprises, Inc. – Castlewood VA	
Collection System		\$1,056,961.75
-IB-Allison Gap	Central Builders, Inc.- Midlothian VA	
Collection System		\$1,059,025.00
-IC Allison Gap	Mendon Pipeline–Ghent WV	
Collection System		\$1,622,926.00
-II- Saltville Wastewater	Frizzell Construction Company- Bristol TN	
Treatment Plant		\$2,124,277.00
-III-McHenry’s Creek	W&L Construction and Paving, Inc.-Chilhowie	
<u>Rehabilitation</u>		<u>\$ 550,535.00</u>
		\$6,413,724.75

Upon motion of Mr. Roberts, and seconded by Mrs. Neitch, and duly carried the Board accepts the forstated low bids for the Allison Gap Sewer System, and the Chairmen is authorized to sign said contracts.

Vote: 6 yea

1 nay (Perry)

Upon motion by Mrs. Neitch, and seconded by Mr. Clark, and unanimously carried, the Board approves submitting a funding application to the Virginia Department of Health on the Thomas Bridge Interconnect project.

Duncan McGregor, County Engineer , informed the Board that the Cedars/Hall addition sewer project construction will be advertised near the end of March.

Upon motion of Mr. Dishner, seconded by Mr. Clark, and unanimously carried, the Board agreed to enter into executive session to discuss acquisition of real estate as outlined in Section 2.2-3711 (A) (3) of the Code of Virginia, as amended.

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

Vote: 7 yea

 0 nay

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, 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

Upon motion of Mrs. Netich, and seconded by Mr. Slemp, and
unanimously carried the Board approves payment of the following easements on
Cedars/Hall Addition Sewer project:

- Wymer, Curtis L. & Emma P. and Michael C. & Lisa P.,
Easement and Fee Simple Pump Station \$1,792.00
- Bush, Dennis, Easement and Fee Simple Pump Station
\$2,950.00
- Moss, Willard & Sally E., Easement \$ 200.00
- Reynolds, Brian K., Easement \$8,000.00

Upon the motion of Mr. Clark, seconded by Mr. Slemp, and unanimously
carried the board continues its meeting to March 25, 2004 at 7:00PM for a joint
public hearing with the Smyth County Planning Commission.

Virginia : At a continued meeting of the Smyth County Board of Supervisors held
at the County Office Building on Thursday, March 25, 2004 , at 7:00PM .

Board Members

Present: Mr. Marvin Perry Mr. Wade Blevins Mr. Charlie Clark

Mr. Harold Slemp Mr. Michael D.Roberts Mr. Todd Dishner
Mrs. Darlene Neitch

Staff Members

Present: Mr. Michael Carter Mr. Clegg Williams Mr. John H. Tate, Jr.
 Mrs. Sally Morgan Ms. Shirley Spencer Mr. Scott Simpson
McGregor Mrs. Mary Ann Evans Mr. Charlie Atkins Mr. Duncan
 Ms. Amber Tilson

The Chairman called the meeting to order at 7:00PM .

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 rezoning of the "Minute Mart" on Chatham Hill Road from residential to commercial.

Mr. Earl Miller spoke on behalf of Dalphna Miller (the applicant).

Questions were asked by the Board of Supervisors and Planning Commission for further information.

The Chairman declared the public hearing closed.

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried the Board approves the submission of the following grants:

Three (3) School Resource Officer Grants in the amount of

\$26,816.00 (Federal)

\$ 8,939.00 (Local)

Total: \$35,755.00

To be used for Marion Senior High School , Northwood High School , and Chilhowie High School .

Upon the motion of Mr. Slemp, seconded by Mr. Clark, and unanimously carried, the Board approved the submission of the following grant:

-Radar equipment through Highway Safety Project Grant
\$6,120.00

Upon the motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board approved the submission of the following grant:

-DUI salaries for off duty deputies through the Highway Safety Project Grant
\$30,000.00

Upon the motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the

Board approved to utilize up to \$180,000.00 from the 502 fund (Capitol Projects Fund) for change orders on the Green Hill/Shuler Hollow Sewer Project.

Upon the motion of Mrs. Neitch, seconded by Mr. Blevins, and duly carried, the Board approved to set a public hearing on April 13, 2004 at 3:15PM , in the Board room for a bond resolution on the Allison Gap Sewer Project.

Vote: 6 Yea

1 Abstention (Perry)

Upon the motion of Mrs. Neitch, seconded by Mr. Clark, and unanimously carried, the Board approved the following five engineering firms for services on planned water projects:

1. Adams-Heath Engineering
2. Anderson & Associates
3. Draper Aden Associates
4. Engineering Concepts, Inc.
5. Thompson & Litton

Upon the motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board approved a request from the state police for a used computer.

Upon the conclusion of the meeting at 7:45 PM the Board reconvened in the School Board office for a 7:30 PM advertised meeting. The school's fiscal year 2004-2005 budget was discussed and the meeting ended around 8:45 PM .

Chairman