

**Virginia:** At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, August 9, 2005 at 12:00 noon.

**Board Members Present:** Mr. Charlie Clark, Chairman Mr. Wade Blevins, Jr.  
Mr. Harold Slemp Mr. Todd Dishner  
Mrs. Darlene R. Neitch Mr. Marvin Perry

**Staff Members Present:** Mr. Edwin B.J. Whitmore, III Mr. John H. Tate, Jr.  
Mr. Michael Carter Ms. Amber Tilson  
Mr. Scott Simpson Mr. Charlie Atkins  
Mr. Brett Lovell Mrs. Sally Morgan

The chairman called the meeting to order at 11:59 a.m. Mrs. Sandy Hart led the pledge of allegiance and Mr. Walter Robinson gave invocation.

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Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board adopted the agenda as to form, with the additional agenda and at Mr. Tate's request, adding AEP rate increase.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
1 absent (Roberts)

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Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved the minutes of July 12, and 28, 2005.

Vote: 6 yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
1 absent (Roberts)

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The Board unanimously approved the following:

<u>Appropriations</u>	
General County	\$1,650,000
Damage Stamp	\$914
Animal Damage (Animal Control postage)	\$76.50
Allison Gap Sewer Project	\$129,828.58
Groseclose Water Project	\$27,080.83

Cedars/Hall Addition Sewer Project		\$185,369.85
Department of Social Services (July 13-31, 2005)		\$335,000
(August 1-9, 2005)		\$35,000
Schools	Operating Fund	\$2,590,700
	Textbook	\$30,000
	Debt and Capital Outlay Fund	\$950,000
Accounts payable listing		\$792,102.85
Vote: 6	yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)	
1	absent (Roberts)	

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During citizen's time the following citizens spoke:

Charles Wassum, III, explained that a new home in construction on Water Mill Road was given an Althea Street address. He requested that the Board direct 911 to give homes and buildings on Water Mill Road a Water Mill Road address. With visuals, Mr. Wassum explained the history of naming Water Mill Road and Althea Street.

Erwin Rowland expressed her concern for the above road name change. She briefly explained that her father had wanted the road named Water Mill Road.

Jim Bangle one of the County's representatives to the Juvenile Detention Center Commission appeared to answer any questions from the Board concerning the unanimous vote to become a regional facility. Mr. Perry expressed the Board's main concern was that the Board had not approved the center becoming a regional facility.

Betty Testerman inquired about water on Axum Lane. The County Engineer informed her that money had been applied for through the Mount

Rogers Planning District Commission.

Mr. Earl McClure requested access to the legal memorandum from Mr. Tate regarding manufactured homes. Mr. Tate stated that members of the Planning Commission should have access to the memorandum but not for distribution.

Mr. James Brown of North Overlook Drive requested help in getting that road repaired since the Cedars/Hall Addition Sewer project was installed. Mr. Brown distributed pictures and was asked to speak with the Virginia Department of Transportation.

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Mr. Whitmore explained that Global Positioning System (GPS) coordinates were collected at a cattle guard at the intersection of Althea Street and Water Mill Road (changed in the motion below). Coordinates are 81 degrees, 29 minutes, 8.79 seconds W (west), 36 degrees, 51 minutes, 16.17 seconds N (north). The address changes would not affect of the most existing buildings that have post office boxes.

Mr. Slemp motioned that Water Mill Road be amended starting at the bridge at the Holston River pumping station to up to where the road intercepts Althea Street, where GPS coordinates were collected at a cattle guard. Then going on Water Mill Road east to the water treatment plant (owned by the Town of Marion) and that the appropriate numbers be corrected on the right and left side of the road to coincide with 911 numbering but that number 100 Water Mill Road remain as is. The church, new residence, and the water treatment plant would be appropriately numbered to coincide with the 911 numbering system.

Mr. Perry seconded the motion and it passed unanimously.

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
      1      absent (Roberts)

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Brett Lovell, Intern updated the Board on his projects this summer. The biggest project was the Litter Control Plan. The objective was to increase volunteer efforts, map dumpsites, map adopted roads, research how other counties pay a litter staff, and encourage disposal of junk cars and mobile homes. He and the Zoning Administrator mapped a total of 36 illegal dumpsites. This plan for litter control was given to the Litter Committee (Todd Dishner, Chairman, Harold Slemp, Mike Carter, Clegg Williams, and Manuel Street). Mr. Lovell also worked on Smyth County economic trends, and updated the economic development website. Finally, he worked on the Onsite Waste Water Loan Program. There is approximately \$33,000 left in that program, he worked on a marketing campaign to get the word out that those funds are available. Mr. Lovell thanked the Board for allowing him to work with the County through the summer.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, the Board unanimously adopted the following resolution:

*WHEREAS, Max Barker has been a member of the Rye Valley Water Authority for nine years beginning in mid-1996 until his death in June 2005; and*

*WHEREAS, Mr. Barker contributed to the community development efforts of Smyth County as an active water authority member; and*

*WHEREAS, Mr. Barker provided outstanding service to the residents of the Sugar Grove community as a concerned and dedicated appointed official.*

*THEREFORE BE IT RESOLVED THAT the Smyth County Board of Supervisors recognizes the dedicated service provided by Max Barker as a member of the Rye Valley Water Authority, and*

*BE IT FURTHER RESOLVED THAT the Smyth County Board of Supervisors expresses its appreciation and gratitude to Max Barker for his outstanding contributions to Smyth County and the Sugar Grove community, and extends those expressions to his family.*

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
      1      absent (Roberts)

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board scheduled a public hearing for the next regular Board meeting on Tuesday, September 13, 2005 at 3:00 p.m. The hearing will take comments on the proposed changes to the senior citizen relief pack, increasing maximum income to \$22,000 and increasing assets to \$35,000. If approved the changes will have an effective date of September 1, 2005.

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
      1      absent (Roberts)

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Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the recommendation from the Animal Control Committee to pay \$2055 in animal claims was continued (until the continued meeting on Thursday, August 25). This will allow time for research on payment of claims caused by coyote.

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
      1      absent (Roberts)

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The Board unanimously approved the recommendation from the Animal Control Committee to hire a part time Animal Control officer, to be funded out of the Animal Control fund (211-0150 of the treasurers accountability) at the rate of \$10.50/hour.

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
 1          absent (Roberts)

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The Damage Stamp Committee recommended that \$3,954.52 be appropriated out of the Damage Stamp Fund for damage stamp claims. The Board unanimously agreed to approve the committee's recommendation to pay the following:

William St. John	\$896.74
Seth Heath	\$579.64
Hix Pugh	\$1,022.90
Melvin Powell	\$306.87
Bennie Cornett	\$971.07
Charles Atkins	\$68.19
Jackie Bridgeman	\$109.11
<b>TOTAL:</b>	<b>\$3,954.52</b>

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
 1          absent (Roberts)

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The Board discussed a recommendation from the Water and Sewer Committee to grant an easement to the Town of Chilhowie on Fox Valley Road, through the Smyth County Vocational School property. The Board continued this request until the staff can research to find who the owners of the property are, the Smyth County Schools or the County.

The Chairman appointed Mike Carter, Wade Blevins, Scott Simpson and himself to a committee to work with the town on this request.

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The Board unanimously approved a recommendation from the Surplus property committee to accept the following bids on surplus vehicles:

1998 Dodge Dakota	\$5,860	to Jerry Honshell
1997 Dodge Intrepid	\$407	to James Box
1985 Chevrolet Van	\$203	to James Box
1990 Chevrolet Caprice	\$401	to Cana Motors
1995 Chevrolet S-10	\$1,141	to Cana Motors

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
1      absent (Roberts)

The committee agreed to keep the 1996 Mercury Sable and the 1978 Ford Tool Truck. Mr. Carter is in the process of scheduling an auction, within the next 60 days, to auction off kitchen appliances from the jail and he will contact the three towns and other government agencies to see if they wish to participate

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Upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried, the Board approved a festival application for the Adwolfe Volunteer Fire Department. Festival will be held on September 9,10, and 11, 2005.

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
1      absent (Roberts)

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board approved a festival application for the Konnarock Community Association. Festival will be held on Sunday, September 18, 2005.

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
1      absent (Roberts)

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Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board accepted Gangs in Virginia grant #06-A4931GA05, in the amount of \$39,199 (100% federal funds).

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
1      absent (Roberts)

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Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board agreed to allow the Sheriff to sign an agreement with Washington County allowing Smyth County to enter into Washington County and the Regional Jail to execute warrants. The agreement is on file in the Sheriff's

Office of Smyth County.

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
1      absent (Roberts)

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The Board recessed 1:15 – 1:45 p.m.

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board reappointed Mr. Henry C. Everhart as the National Disability Organization Community Representative. Term to expire July 30, 2006.

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
1      absent (Roberts)

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried the Board accepted Engineering Services agreements with the following firms , for as needed services (agreements are on file in the Engineering Department of the County Administrator’s Office):

Thompson & Litton, Bristol TN  
Lane Engineering, Chilhowie VA  
Anderson & Associates, Inc., Blacksburg VA  
Draper Aden Associates, Blacksburg VA

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
1      absent (Roberts)

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Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board accepted and authorized an appropriation for final payment to Central Builders, Inc. for the Allison Gap Sewer Project, Division 1B, in the amount of \$67,999.85.

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
1      absent (Roberts)

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Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously

carried, the Board approved to pay \$35 per full time employees for the Smyth County Employee Wellness Day 2005 to be held on Thursday, September 15. Funds will be paid out of contingency.

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
      1      absent (Roberts)

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The Board discussed the following truck bids for the Water and Sewer

Department:

- |    |                   |                 |                     |
|----|-------------------|-----------------|---------------------|
| 1. | Empire Ford       | 2006 Ford F-150 | \$19,502            |
| 2. | Marion Automotive | 2006 Chevrolet  | \$18,330 (late bid) |
| 3. | Family Ford       | 2005 Chevrolet  | \$17,717            |

Mr. Perry motioned that the Board reject all bids and request bids for only 2006 models. The motion was seconded by Mr. Slemp, and duly carried.

Vote: 4      yea (Slemp, Blevins, Perry)  
      2      nay (Clark, Neitch)  
      1      absent (Roberts)

Mr. Carter requested a reason to give to those who did bid for the rejection of bids. The Board would take this issue up later in the meeting to allow time for Mr. Tate to review the advertisement that was placed in the paper.

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Steve Buston of the Virginia Department of Transportation returned maintenance concerns and stated that he had spoke with Mr. James Brown who appeared during citizen's time. Mr. Buston also answered questions from the Board concerning the revision of the Secondary Highway Six Year construction plan. Mr. Slemp mentioned the problem with truck going past the industrial park on Nicks Creek Road and not being able to turn around, and commented on the VDOT response to concerns. Mr. Whitmore thanked Mr. Buston for helping with the congestion at the Hungry Mother State Park due to paving during the Arts

and Crafts Festival. Mr. Perry mentioned a speed study on Scratch Gravel Road. Mrs. Neitch inquired on how to get a road paved, Mr. Buston asked her to fill out a maintenance concern. Mr. Clark inquired about paving of Route 644.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board scheduled a public hearing for the next regular Board meeting, Tuesday, September 13, 2005 at 5:00 p.m. The public hearing will be to hear comments and suggestions for the revising of the Secondary Highway Six Year construction plan for fiscal year 2006-2007 through fiscal year 2011-2012.

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
1      absent (Roberts)

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James Dillion of Mount Rogers Planning District Commission and Charlie Harrington answered questions concerning the Pre-Disaster Hazard Mitigation plan. It was suggested that Highway 16 be added to the plan.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried the Board adopted the following resolution:

*WHEREAS, the Commonwealth of Virginia's Department of Emergency Management and the Mount Rogers Planning District Commission agree that a regional Pre-Disaster Hazard Mitigation Plan shall be developed for the Mount Rogers Planning District; and*

*WHEREAS, the Mount Rogers Planning District Commission has completed the necessary tasks required by the agreement between the Virginia's Department of Emergency Management and the Mount Rogers Planning District Commission; and*

*WHEREAS, the Pre-Disaster Hazard Mitigation Plan includes identification of all significant natural hazards affecting Smyth County; and*

*WHEREAS, the Pre-Disaster Hazard Mitigation Plan contains risk assessments and estimated potential dollar losses of each of the identified hazards, a mitigation strategy to reduce or eliminate the risk of damage from future incidents, and a process to update the plan every five (5) years, thereby making*

*Smyth County, a jurisdiction of the Mount Rogers Planning District, eligible for hazard mitigation grant assistance.*

*NOW THEREFORE, BE IT RESOLVED, that Smyth County Adopts the Pre-Disaster Hazard Mitigation Plan.*

Vote: 6      yea (Dishner, Slemp, Clark, Neitch, Blevins, Perry)  
      1      absent (Roberts)

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Mr. Dishner left at approximately 2:30 p.m.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved the following recommendation from the Planning Commission:

*David Rouse Estate: Mr. McClure made a motion to recommend to the Board of Supervisors that the zoning map at 154 East Lee Highway be rezoned from Industrial to Commercial. Mr. Davidson seconded the motion and it carried unanimously.*

Vote: 5      yea (Slemp, Clark, Neitch, Blevins, Perry)  
      2      absent (Roberts, Dishner)

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved the following recommendation from the Planning Commission:

*Terry Rife: Mr. McClure made a motion to recommend to the Board of Supervisors that a special use permit be approved for Terry Rife with the condition that the unlicensed vehicles be removed from the site to bring it into compliance with the zoning ordinance. Mr. Atwell seconded the motion and it passed unanimously.*

Vote: 5      yea (Slemp, Clark, Neitch, Blevins, Perry)  
      2      absent (Roberts, Dishner)

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved the following recommendation from the Planning Commission:

*Ms. Tuell made a motion to recommend to the Board of Supervisors that Buddy Call's request to rezone his lot be denied because it would constitute spot zoning. Mr. Atwell seconded the motion and it passed.*

Vote: 5      yea (Slemp, Clark, Neitch, Blevins, Perry)  
      2      absent (Roberts, Dishner)

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board declined the recommendation below from the Planning Commission, and that the citizens in the affected area should ask for the change not the Board of Supervisors or the Planning Commission.

*Ms. Tuell made a motion to recommend to the Board of Supervisors that a joint public hearing be set for August 25, 2005, to take public comment on rezoning the entire area known as the McCready/Clear Estate Subdivision located on Saltville Highway from Residential to Agricultural/Rural. Motion was seconded by Mr. Davidson and carried unanimously.*

Vote: 3      yea (Slemp, Clark, Perry)  
      2      nay (Neitch, Blevins)  
      2      absent (Roberts, Dishner)

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Upon motion of Mr. Slemp, seconded by Mr. Perry, and duly carried, the Board adopted the following emergency ordinance concerning the establishment of adult businesses, for the period of sixty (60) days:

**PROPOSED AMENDMENT TO THE TEXT OF  
THE SMYTH COUNTY ZONING ORDINANCE CONCERNING  
THE ESTABLISHMENT OF ADULT BUSINESSES  
FOR CONSIDERATION BY PLANNING COMMISSION  
JULY 28, 2005**

(Adopted as an emergency ordinance by the Board of Supervisors on August 9, 2005, effective for sixty days (October 5, 2005))

Section 3-4.2: Add the following uses to Uses Permitted with Special Use Permit in the Commercial District:

- (p) Adult bookstore or adult video store
- (q) Adult drive-in theater
- (r) Adult entertainment establishment
- (s) Adult mini-motion picture theater

- (t) Adult model studio
- (u) Adult motion picture arcade
- (v) Adult motion picture theater
- (w) Adult retail store
- (x) Massage parlor

**4-13** Requirements and standards for Adult Uses

**4-13.1** No adult use may be established within one thousand (1,000) feet of any other such adult use in any zoning district.

**4-13.2** No adult use may be established within one thousand (1,000) feet of a residentially zoned district, or a school, educational institution, church, public park, playground, playfield, public library or day care center.

**4-13.3** The “establishment” of an adult use as referred to herein shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion, in whole or part, of an existing business to any adult use.

**4-13.4** In addition to the requirements set forth in this section, all adult uses shall be required to comply with any other ordinances applicable to the same.

**4-13.5** Measurements of distance: All distances specified in this section shall be measured from the property line of one use to another. The distance between an adult use and a residentially zoned district shall be measured from the property line of the use to the nearest point of the boundary line of the residentially zoned district.

**4-13.6** Exemptions: The following are not considered “Adult Uses”:

- (a) A legitimate theatrical performance where nudity or semi-nudity is only incidental to the primary purpose of the performance.
- (b) A school of art which is operated by an individual, firm, association, partnership, corporation or institution which meets the requirements established in the Code of Virginia (1950), as amended, for the issuance or conferring of, and is in fact authorized there under to issue and confer, a diploma.
- (c) A licensed physical therapy establishment.
- (d) Massage therapists, nail technicians, and cosmetologists licensed by the state of Virginia.

Add to Definitions in Article 10:

Adult book store and adult video store. An establishment which has more than fifteen (15) percent of the total floor area utilized for the display of books, magazines, periodicals, films, videos or similar printed materials and which, with respect to the entire premises or a portion or a section of the premises, limits its

customers to persons over 18 years of age, or as one of its principal business purposes offers for sale, rental, or viewing for any form of consideration any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" as defined in Article 10.

Adult drive-in-theater. An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats, and presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons.

Adult entertainment establishment. A restaurant, nightclub, private club, or similar establishment which features, on a regular basis, live performances involving persons who are nude or seminude. Seminude shall mean (a) less than completely and opaquely covered pubic region, buttocks, or female breasts below a point immediately above the top of the areolae, excepting any portion of the cleavage of the female breast exhibited by a dress, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae are not exposed, but under no circumstances less than completely covered genitals, anus, or areolae of the female breast; (b) Male genitals in a state of arousal even if completely and opaquely covered. Any establishment that features such performances more than one day in a thirty (30) day period shall be deemed to be an adult entertainment establishment.

Adult mini-motion picture theatre. An establishment, with a capacity of more than five (5) but less than fifty (50) persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons.

Adult model studio. Any establishment open to the public where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity.

Adult motion-picture arcade. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or specified “anatomical areas”.

Adult motion picture theater: An establishment, with a capacity of fifty (50) or more persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown; and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons.

Adult retail store: An establishment that sells instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult use. Any adult bookstore, adult video store, adult entertainment establishment, adult motion picture theater, adult mini-motion picture theater, adult motion picture arcade, adult model studio, adult drive-in theater, or massage parlor as defined herein. Also included are establishments that sell instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

Massage parlor. Any establishment, whether private or public, operated as a massage salon, bath parlor or similar type of business where any physical or mechanical contact is made to a recipient’s body by another person or mechanical device for the purpose of massaging or stimulating the recipient’s body.

Specified anatomical areas: Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, and human male genitals in discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Vote:	4	yea (Slemp, Clark, Blevins, Perry)
	1	nay (Neitch)
	2	absent (Roberts, Dishner)

After Mr. Tate reviewed the advertisement placed in the paper, a reason is necessary to give those who did place a bid.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and duly carried, the Board reconsidered the truck bids for the Water and Sewer Department.

Vote:	3	yea (Slemp, Clark, Neitch)
	2	nay (Blevins, Perry)
	2	absent (Roberts, Dishner)

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and duly carried, the Board accepted the bid of \$17,717 from Family Ford on a 2005 Chevrolet truck for the Water and Sewer Department.

Vote:	3	yea (Slemp, Clark, Neitch)
	2	nay (Perry, Blevins)
	2	absent (Roberts, Dishner)

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Kristina Morris, of the Southwest Virginia Medical Reserve Corps, explained to the Board the Corps purpose in this area. The Corps is a national organization and has been in existence for approximately a year and a half, taking any volunteers in the event of a large-scale disaster. Volunteers are both non-medical and medical professional. The organization currently has about 400 volunteers with about 125 from the Mount Rogers region. About 100 of those 125 are from Smyth County with the most response to volunteer orientation. Charlie Harrington currently serves on the advisory committee, along with others from the hospital. This organization is a partner with the Red Cross.

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Larry Harley of the Southwest Virginia Legal Aid Society updated the Board on the society's legal aid in Smyth County. The society opened in 1972 and in 2001 expanded to cover the area from Montgomery County to Lee

County. They handle mostly civil cases, family law for the low income. Some of the services they provide are protecting victims of domestic violence by obtaining protective orders, saving families' homes, cars and incomes through consolidation personal debts, advocating for Medicaid and Food Stamp benefits for families truly in need, and helping prevent problems with landlord/tenant problems. There are 21 Board of Directors (Herbert Clay currently serves on that Board). This society is the most efficient in the state with the highest number of cases closed.

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The Board recessed 3:30 – 3:35 p.m.

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### **Old Business**

1. Collection of delinquent taxes (Mr. Whitmore has contacted the attorneys **8-10-04**).
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.
4. East County Spring Source Study (**8-1-03**).
5. Manufactured home park ordinance referred to the Planning Commission, the remainder of proposed changes to the zoning ordinance referred to the Ordinance Committee (**3-8-05**).
6. Marevine Slem, request for water service on Fox Valley Road (**5-11-04**).
7. The Water and Sewer Committee has requested the full Board review and discuss the estimate for the culvert on Shannon Gap Road.
8. The Building and Grounds Committee recommends that up to \$200,000.00 be spent on remodeling the outside of the old school board building.
9. Approval of the Smyth County Emergency Operations Plan (**11-10-04**).

10. Request for tax-exempt status for the Smyth County Community Foundation.
11. Courthouse Renovation.
12. Request the Board adopt a resolution to participate in the Virginia Juvenile Community Crime Control Act (**6-14-05**).

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board removed item #12 from old business; it was completed at the last Board meeting (July 28, 2205).

Vote: 5      yea (Slemp, Clark, Neitch, Blevins, Perry)  
           0      nay  
           2      absent (Roberts, Dishner)

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13. Request the Board consider a recommendation from Jimmy Warren concerning Virginia Code Section 15.2-1613.1 (**6-14-05**).
  14. The following appointments expire June 30, 2005, request the Board to reappoint the members or appoint a new member (**6-14-05**).

**Community Policy Management Team** (1 year term)

Mary Rouse (parent representative)  
 Penny Dixon (private provider representative)

**Wytheville Community College** (4 year term)

Charles Overbay (Mr. Overbay is not eligible for reappointment)

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board appointed Ms. Sabrina Rose to the Community Policy Management Team, as a parent representative (replacing Mary Rouse). Term to expire June 30, 2006.

Vote: 5      yea (Slemp, Clark, Neitch, Blevins, Perry)  
           0      nay  
           2      absent (Roberts, Dishner)

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board reappointed Ms. Penny Dixon to the Community Policy

Management Team, as a private provider representative. Term to expire June 30, 2006.

Vote: 5      yea (Slemp, Clark, Neitch, Blevins, Perry)  
0      nay  
2      absent (Roberts, Dishner)

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board appointed Mrs. Linda P. White to the Wytheville Community College Board. Term to expire June 30, 2009.

Vote: 5      yea (Slemp, Clark, Neitch, Blevins, Perry)  
0      nay  
2      absent (Roberts, Dishner)

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15. Request the Board nominate a Workforce Investment Board Replacement for Joseph Ellis **(7-12-2005)**.
  16. Request the Board approve the requested portion of the Capital Improvement project at the Mountain Empire Airport in the amount of \$4,314 **(7-12-2005)**.

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With the attorney's approval, Mrs. Neitch motioned, Mr. Slemp seconded and the Board unanimously agreed to allow Mr. Whitmore to sign a lease agreement with the State School Department of Education to house a school nutritionist in an office on the 4<sup>th</sup> floor of the Morrison Building. Cost is \$576 a year.

Vote: 5      yea (Slemp, Clark, Neitch, Blevins, Perry)  
2      absent (Roberts, Dishner)

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The Board discussed who would be attending the Teacher of the Year Banquet, August 15, 2005, Town & County Barbecue, August 18, 2005, Celebration of Teamwork on the Allison Gap Sewer project and August 11, 2005, The Board was also informed of 100 years of ministry celebration for the First Church of God of Allison Gap. The County was invited to enter into the parade

on August 20, 2005 because of the new sewer line. The Board requested that Michael Roberts be informed of this invitation.

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Scott Simpson explained that Jeff Campbell, Water and Sewer Attorney, approved the contract from Rural Development for the balance of the East Hungry Mother Package. The balance includes Vance Drive, Arden Lane, and Redstone.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved the contracts from Rural Development on the balance of the East Hungry Mother package.

Vote: 5      yea (Slemp, Clark, Neitch, Blevins, Perry)  
      2      absent (Roberts, Dishner)

The County Engineer also informed the Board that the Low to Moderate Income (LMI) agreements were approved by Jeff Campbell and were ready to be signed. The Board approved the LMI agreements at the last meeting (July 28, 2005), pending attorney approval.

Both of the above-mentioned documents are on file in the Engineering Office of the County Administrator's Office.

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board agreed to enter into closed session at approximately 3:56 p.m., to discuss prospective business or industry, as outlined in Section 2.2-3711 (A) (5), of the Code of Virginia, as amended.

Vote: 5      yea (Slemp, Clark, Neitch, Blevins, Perry)  
      0      nay  
      2      absent (Roberts, Dishner)

At approximately 4:12 p.m. the chairman ended the closed session.

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Upon motion of Mrs. Neitch and seconded, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously 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: 5      yea (Slemp, Clark, Neitch, Blevins, Perry)  
      0      nay  
      2      absent (Roberts, Dishner)

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Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to enter into closed session at approximately 4:12 p.m., to discuss disposition and possible acquisition of real estate, as outlined in Section 2.2-3711 (A) (3), of the Code of Virginia, as amended.

Vote: 5      yea (Slemp, Clark, Neitch, Blevins, Perry)  
      0      nay

2 absent (Roberts, Dishner)

At approximately 4:33 p.m. the chairman ended the closed session.

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Mr. Slemp left at approximately 4:30 p.m., during closed session.

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Upon motion of Mr. Perry seconded by Mr. Blevins, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously 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: 4 yea (Clark, Neitch, Blevins, Perry)  
0 nay  
3 absent (Roberts, Dishner, Slemp)

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Mr. Tate informed the Board that in 2004 a law passed by the General Assembly has allowed Appalachian Power Company (APCO) to file a petition

(filed July 22, 2005) to recover \$62 million in environmental and transmission enhancement costs. APCO is trying to raise money to cover money already spent and what they estimate they will spend. Local rates will be targeted for the raise. Currently a contract with APCO has capped rates through 2007. There is currently a steering committee in Richmond that is working to prevent the raise in rates.

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The Board requested that the County Administrator have someone from the airport commission at the September meeting to answer questions concerning #16 on old business.

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Upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried, at 4:41 p.m., the Board continued the meeting until Thursday, August 25, 2005, for a joint public hearing with the Planning Commission on the Comprehensive Plan (5:00 p.m.) and a joint public hearing for other zoning requests at 7:00 p.m.

Vote:	4	yea (Clark, Neitch, Blevins, Perry)
	0	nay
	3	absent (Roberts, Dishner, Slemp)

**Virginia:** At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, August 25, 2005, at 5:00 P.M.

**Board Members Present:**

Mr. Charlie Clark, Chairman	Mr. Todd Dishner
Mr. Harold Slemp	Mr. Marvin Perry
Mrs. Darlene R. Neitch	Mr. Wade Blevins, Jr.
Mr. Michael Roberts (arrived at 5:20pm)	

**Staff Members  
Present:**

Mr. Edwin B. J. Whitmore, III  
Mr. Charlie Atkins  
Miss Amber Tilson

Mr. Michael Carter  
Mr. John Tate

At approximately 5:00 p.m. Chairman Clark and Chairman Dennis Blevins of the Planning Commission opened the joint public hearing on the Smyth County Comprehensive Plan – 2005 Review and Update. Mr. Whitmore read the hearing notice as published in the Smyth County News & Messenger and the rules and procedures for public hearings. There were approximately 10 citizens present. Mrs. Sally Morgan gave background on the creation and preparation of the plan. Six informational meetings were held around the County.

Mrs. Ann Catron provided maps, soils information, and a petition and requested that the Plan be changed to indicate the land as prime agriculture in the St. Clair's Creek area.

Dr. Gerard Murphy spoke in favor of a designation of prime agriculture.

Chairman Clark and Blevins closed the public hearing at approximately 5:16 p.m.

The Planning Commission recessed until 6:00 p.m. while the Board proceeded with other agenda items.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board approved an appropriation in the amount of \$9,310 to the Town of Marion, which is 13.3% of the \$70,000 committee to the Campbell Avenue Sewer Project.

Vote: 6      yea  
      1      absent (Roberts)

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously

carried, the Board appropriated \$64.20 from the On Site Wastewater Fund.

Vote: 7      yea  
      0      nay

The Clerk was given a count of who would be attending the MRPDC Joint Annual Fall Dinner meeting, Friday, August 26, 2005.

At 5:22 p.m., the Board recessed until 7:00 p.m. for a second joint public hearing with the Planning Commission.

At approximately 7:00 p.m. Chairman Clark and Chairman Dennis Blevins of the Planning Commission opened the joint public hearing on an application from Michael J. and Vickie C. Osborne for a Special Use Permit for a golf course behind 269 and 271 Goodpasture Hollow Road. The lot is zoned Agricultural/Rural and is identified by Tax Map Number 47-A-83 and 47-A-83A. Mr. Whitmore read the hearing notice as published in the Smyth County News & Messenger and the rules and procedures for public hearings. There were approximately 25 citizens present.

Clegg Williams, Zoning Administrator, stated that Mr. Osborne applied for a special use permit to establish/operate a 9-hole, par 3 golf course behind his residence at 271 Goodpasture Hollow road. He said that Sections 3-2.2(t) and Article VI of the zoning ordinance applied to this application.

Mr. Osborne spoke on behalf of his application.

Mrs. Debbie Martin of 317 Goodpasture Hollow Road spoke against the application and expressed concerns about increased traffic, property damaged by miss hit golf balls, operating hours, strangers walking around and on her

property, and noise.

Ms. Louise McCullops of 337 Goodpasture Hollow Road spoke against the application. She said the golf course did not fit in the rural, quiet community and expressed concerns about infrastructure, an additional 100 cars a day traffic, alcohol consumption, and offensive language and behavior.

Mr. Bob Powell of 218 Goodpasture Hollow Road spoke against the application and expressed apprehension that the golf course would destroy the peaceful tranquility of the area, and would increase traffic on the narrow, dead-end road, which would be a safety hazard to the children.

Mr. Mike Williams of 257 Goodpasture Hollow Road spoke against the application and expressed concern about the additional traffic, alcohol, the effect on the neighborhood tranquility, miss hit balls, operating hours, and chemical drainage.

Mr. Michael Osborne spoke again on behalf of his application and addressed the neighbors' concerns by stating that: the course would not be lighted, restrooms would be provided, the entrance would be to the left of 269 Goodpasture Hollow Road, the course would be designed so that balls were not hit in the direction of the Martin property, only a limited number would play at any one time, the number of vehicles would be restricted to two per appointment, a thirty-foot wide entrance would be provided, operating hours would be from 9:00 a.m. to dark, location and number of golf carts would be limited to one area, and coolers and alcohol would not be permitted. He stated that golf is not a noisy sport.

Mrs. Ann Williams of 253 Goodpasture Hollow Road spoke against the application and said she was concerned that there was not enough land for the golf course, the noise would increase, maintenance would be done in early morning hours and late evenings, and children would not be able to enjoy outdoor activities as much.

Mr. Pat Martin of 317 Goodpasture Hollow Road spoke against the application and expressed concern about sewage disposal and drainage into a spring that serves five houses.

Mr. Perry asked for a show of hands of those opposed and for the golf course.

The Chairmen closed the public hearing at 7:43 p.m. The Planning Commission recessed until 8:00 p.m., after the Board completed their agenda.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board appropriated funds for V-STOP continuation grant #05-I9359VA04 for January 1, 2006 through December 31, 2006. Local match of \$8,495, federal \$24,483, total \$33,978. The Board agreed to support the application for the two-year grant and approve funding for the second year (funding to remain the same) at the appropriate time.

Vote:	6	yea
	1	abstention (Neitch)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board continued the recommendation from the Animal Control Committee to pay animal claims in the amount of \$1585. Mr. Tate will conduct further research on payment of claims caused by coyote.

The meeting was adjourned at 7:58 p.m.