

Virginia: At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, February 8, 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
Mr. Michael Roberts (arrived at approximately 3:11pm)

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
Mrs. Sally Morgan

Chairman called the meeting to order at 12:00 noon. Mr. Mike McCord led the pledge of allegiance. Invocation was given by Rev. Mark Totten of South Fork Baptist Church.

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

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved the minutes of January 11 and 27, 2005.

Mr. Clark presented the following resolution to Mrs. Anna Crabtree in recognition of her work for Smyth County in the past years:

WHEREAS, Anna S. Crabtree served on the Smyth County Board of Zoning Appeals from its inception in January 2002 until her term expired on December 31, 2004; and

WHEREAS, Anna S. Crabtree served on the Board of Supervisors from August through December 1997; and

WHEREAS, Anna S. Crabtree represented Smyth County on the Board of Wytheville Community College from June 1996 to June 30, 2004,

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors recognizes the dedication and service provided to Smyth County by Anna S. Crabtree; and

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors expresses its appreciation to Anna S. Crabtree for her outstanding contributions to Smyth County.

Mrs. Susie Jennings introduced Devina Sexton, the new Executive Director of the Lincoln Theatre.

Mrs. Rita Copenhaver of the Smyth-Bland Regional Library explained the Sherwood Festival. It would take place October through December of 2005 with hopes to continue the festival each year. They hope to have funding for the festival in place by July 2005 and requested funding support from the County.

Upon motion of Mr. Perry, seconded by Mr. Slemp and unanimously carried, the Board asked that the Budget Committee consider this request.

Mrs. Jodi Arnold of the Smyth County Chamber of Commerce thanked the Board for their support with the Capitol Tree Celebration and the annual dinner. The Chamber is considering publishing a magazine to showcase the County. She asked the Board's opinion and if they felt that the magazine was worth the time and effort.

Mr. Jeff Richardson, Commissioner of Revenue requested that the Board consider a senior citizen relief pack. The change would increase the maximum income level to \$22,000.00 from \$18,000.00 and increase assets from \$30,000.00 to \$35,000.00. Currently the lost revenue is around \$46,000.00, with this change the lost revenue would be about \$60,000.00-\$63,000.00.

Upon motion of Mr. Slemp, and carried by the Board this request was referred to the Budget Committee for consideration.

Mr. Charlie Harrington requested permission to comment after the Carillon

– Patient Transportation Services presentation.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board agreed to let him do so.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried the following appropriations were approved:

- General County \$950,000.00
- Allison Gap Sewer Project \$560,643.87
- Communications Equipment \$1,500.00
- Social Security (Sheriff's Dept.) \$506.83
- Department of Social Services (February 9-28, 2005) \$300,000.00
(March 1-8, 2005) \$35,000.00
- Schools Operating Fund \$3,170,000.00
Capital Outlay Fund \$200,000.00

Accounts payable listing in the amount of \$455,645.23 was also approved in the above motion.

Mr. Robert Hurt of the Virginia Department of Transportation informed the Board that the request for a turning lane at the intersection of Highway 107 and Highway 11 in Chilhowie was sent to the traffic and safety division. They plan to install a new controller cabinet with another phase; this should help the problem.

At the last Board meeting Mr. Hurt spoke with a Mrs. Williams, on Route 685 He did inspect her concern and they will re-grade ditches in the yard.

Mr. Slemp inquired about Rural Rustic Roads and the lack of snow removal on Davis Valley Road.

Mr. Whitmore informed Mr. Hurt that the maximum amount was requested

from the Revenue Sharing Program.

Mrs. Neitch inquired about her request on Route 604, a bank that was all mud. Mr. Hurt stated that it would be reseeded and stone placed when the area dried up.

Mr. Earl McClure inquired about an unpaved driveway that causes drainage into the road.

Upon motion of Mr. Dishner, seconded by Mr. Slemp, and unanimously carried, the Board appointed Kelly Powers to the Department of Social Services Board. Term to expire June 30, 2008.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board reappointed Ed Stringer to the Department of Social Services Board. Term to expire March 12, 2009.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried the Board approved a recommendation from the Water and Sewer Committee that \$234,902.52 be written off of the Water and Sewer Department books. This came as a recommendation from the judge presiding over the collection proceedings. This amount is penalty that the court will not enforce.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried the Board agreed to allow the Town of Chilhowie to install sewer to service five (5) customers on Venice Drive. This came as a recommendation from the Water and Sewer Committee. The Town of Chilhowie asked because this area is in the County.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously

carried, the Board approved the \$9,000.00 Agreement and Release of All Claims with Bruce and Monica Blevins of the Green Hill/Shuler Hollow Sewer Project.

This is also a recommendation from the Water and Sewer Committee.

Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the Board approved the pay for part time dispatchers be increased \$3.00/hour. Pay will be \$10.00/hour with the increase. Funds will come from the 911 surcharge fund and will be effective February 1, 2005.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board adopted the following resolution:

In Support of Governor Warner's "Virginia Works" program

WHEREAS, Governor Mark Warner has recently announced a new economic development program called "Virginia Works" for Southwest and Southside Virginia; and

WHEREAS, one major focus of the Virginia Works program is support to Existing Industry, especially by matching the efforts of our workforce development system (local schools, economic development agencies, and community colleges) with the needs of existing business; and

WHEREAS, the Commonwealth is interested in awarding "two \$2 million grants to regional consortia that successfully identify better ways to respond to the needs of existing business," and

WHEREAS, both Smyth and Washington Counties have focused recent economic development efforts on its existing industry, and have been working to address workforce development needs of existing businesses; and

WHEREAS, the Smyth-Washington Regional Industrial Facilities Authority (formed in 2000 for the development of a new regional industrial park) has recently completed a study of workforce development deficiencies, and is ready and willing to pursue the key recommendations in the report.

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors wholeheartedly supports the new Virginia Works program and

commends Governor Mark Warner and Secretary of Commerce and Trade Michael Schewel for their efforts to address the concerns of rural Virginia, and

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors intends to be an active partner through the Smyth-Washington Regional Industrial Facilities Authority in an application for one of the regional grants to jointly implement a major workforce development initiative to serve existing industry, and

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors encourages and endorses private sector participation in this workforce development initiative.

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board continued the request to approve a 2002 personal property tax refund request on the amount of \$315.00 to Fifth Third Auto. This will allow the County Attorney to get further information on the request.

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, the Board approved the recommendation from the Planning Commission that the Faith Missionary Baptist Church application for a Special Use Permit to operate a private school be granted. Mr. Williams read a letter from the Virginia Department of Transportation stating that the existing entrance is adequate for the school.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved a recommendation from the Planning Commission that the American Electric Power application for a Special Use Permit to install a Communications Tower be granted.

Upon motion of Mr. Perry, seconded by Mr. Slemph, and unanimously carried, the Board approved a recommendation from the Planning Commission that the Smyth County Board of Supervisors application for a Special Use Permit

to build an emergency network communications tower be granted. Mr. Williams read a letter from an adjoining property owner, requesting that the Board consider moving the tower as far north of the lot as possible.

Mr. John Tate, County Attorney made the following recommendation concerning the proposed zoning amendments:

“Our Ordinance is deficient in that, in the Residential District it defines a manufactured home as requiring it to be a double wide; this is not true in Agricultural/Rural or the Agricultural District. The ordinance is also deficient in Conservation/Recreation District, which I believe is similar to Agricultural District, open space, forest district. You should insert in the Conservation/Recreation District a provision that a manufactured home (you may require a permanent foundation in any district if desired) is allowed by right. It would be my recommendation that you pass on to the Planning Commission and the Zoning Administrator that immediate action by the Board that these two things have been adopted based on a public hearing recently held on these two sections of the code.”

Mr. Perry, made a motion to accept the County Attorney’s recommendation, it was seconded by Mr. Slemp, at this time, Mr. Roberts objected to the motion.

During discussion Mr. Tate stated that the remaining amendments would be referred to the Board’s Ordinance Committee. With direction of the Chairman, the remaining amendments were sent to the Ordinance Committee Mrs. Neitch called for questioning on motion on the floor. Vote for question was as follows:

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

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board approved the above motion with the addition of including a “permanent foundation” be required.

Vote: 4 yea (Neitch, Blevins, Perry, Slemp)

Scott Simpson updated the Board on the following projects:

The Groseclose water booster pump is scheduled to arrive in March.

The Allison Gap Sewer Project in Saltville is moving along well. They expect to have the treatment plant finished and ready for preliminary operations toward the end of February. The line work is a head of schedule. There are 30-40 condemnations on this project. Some of the money left over from the project may have to be use to finalize those.

Mr. Slemp inquired about fire hydrants. Scott stated that hydrants are planned for every system if the pressure and volume is allowed.

The easements are close to finalizing on the Cedars/Hall Addition Sewer Project, loan closing will be within the next week. The contractor hopes to have the project completed before winter.

Thomas Bridge Interconnect is ready to go, just waiting for the Cedars/Hall Addition Sewer Project to begin so there will not be a large over lap of contractors working in the same places. Scott hopes to have it bid in the next few weeks.

Rural Development has requested an updated project cost for every item that is in each funding package, Greenwood/Pioneer Road for instance. Rural Development may request the County to apply for additional funding. The East Hungry Mother Water, Pleasant Heights and North Holston are in the same status with Rural Development. They will not allow moving forward with bidding or designing until the revised cost of the funding packages are submitted.

Mr. Simpson is meeting with Anderson & Associates to review the Axum Lane and Longleaf Lane designs and authorize submission to the Department of Health. He will also discuss the Fox Valley Road Water with Anderson & Associates.

Mr. Simpson stated that it looks like Rural Development is going to allow construction on Long Hollow Road, the first portion that does not include the area where Route 610 is going to be upgraded. This construction would include the tank and the pump station.

Engineering Concepts is currently working on the new Dix Well/Hutton Branch Well.

Mrs. Carol Doss, Coordinator for the Upper Tennessee River Roundtable. The Roundtable has a goal of restoring and protecting the water quality of the region. The Roundtable is currently active in Smyth County, coordinate volunteer water quality monitoring, provide supplies and education materials for regional stream clean ups, and have given presentations to students in seven (7) County schools. She requested that the Board, consider funding a Litter Control Coordinator. She also requested that a Smyth County representative be appointed to the Upper Tennessee River Roundtable Board.

Toby Edwards, Regional Litter Prevention and Recycling Coordinator. He is employed by the Commonwealth Plateau Regional Waste Management Authority, which covers, Russell, Buchanan, and Dickenson Counties. All three Counties, through tipping fees, fund Mr.Doss' salary. Mr. Doss discussed the Assign-A-Highway program. This project utilizes probationers to clean up the

roadside. The County is not liable for the probationers by §8.04-226.8 of the Code of Virginia. There are guidelines to be followed by the probationers, each probationer is assigned 1-2 miles of highway. The Litter Officer would oversee that the probationers are at work. Illegal dumpsites can also be mapped, which is another way to utilize the probationers.

After discussion, the Chairman appointed the following members to a committee to work in these requests and to work with Carol Doss and Toby Edwards:

Todd Dishner – Chairman
Harold Slemp
Mike Carter

Clegg Williams
Manuel Street

The Board proceeded with a public hearing, as advertised, to solicit public input on local community development and housing needs in relationship to the Community Development Block Grant (CDBG) funding. The primary reason for the program is to benefit low to moderate-income households. The Chairman opened the public hearing at 3:00pm, and there was one citizen in attendance to speak.

Mr. David Rutherford, Operator/manager of Rye Valley Water Authority spoke on behalf of the Authority. There are about nine (9) residences in the outlying area of Sugar Grove (Flat Ridge Road) that do not have public water. He requested help in the way of a self-help or a construction ready project to assist with these citizens. He stated that Rye Valley has the means to supply the water.

The Chairman closed the public hearing at 3:08pm.

Mrs. Morgan discussed possible applications for this year's Community Development Block Grant (CDBG) funding and stressed the importance of low to moderate-income eligibility. A locality is eligible for a total of \$2,500,000 in grant funds. Allison Gap Sewer Project is \$1,000,000, Cedars/Hall Addition Sewer Project is \$300,000, and Allison Gap Senior housing planning study is \$15,000. This leaves \$1,185,000 total eligibility. She mentioned Groseclose Sewer as a possible Economic Development Project. Mr. Roberts mentioned requests he has received from citizens for the following: housing rehabilitation in Buckeye Hollow, sewer in Pleasant Heights, North Holston, and Upper Poore Valley, and sewer on Kent Street. Mr. Roberts asked that these requests be considered for CDBG funding.

Mr. Paul Davenport, Program Director for Carilion Lifeguard 10 and the Carilion Patient Transportation Services based out of Roanoke, Virginia, requested a letter of endorsement, and support for Emergency Medical Service (EMS) license to operate an EMS helicopter from the Mountain Empire Airport. Mr. Davenport explained the benefits from the new expanded service, mainly; it would cut down on response times. This new base would not interfere with ground transportation already in place. They would work cooperatively with the Virginia State Police and Southern Virginia EMS Council to establish a clear process to ensure that providers in the area are educated on any changes that would occur. They will also work with local operational medical directors.

Mr. Charlie Harrington requested that the Board hold off on making a decision on this request. He asked this to allow time for him to obtain further

information on this request and how it would affect the local emergency services.

Mrs. Neitch made a motion to delay this decision for 30 days to give them time to be satisfied that this is the right thing to do. Mrs. Neitch withdrew that motion.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board agreed to support the Emergency Medical Service license to operate an EMS helicopter from the Mountain Empire Airport, under §15.2-955 of the Code of Virginia.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board agreed to enter into executive session to discuss disposition and possible acquisition of real estate, prospective business or industry, and legal briefing, as outlined in Section 2.2-3711 (A) (3), (5), and (7) of the Code of Virginia, as amended.

Vote: 7 yea
 0 nay

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

Upon motion of Mr. Dishner, 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: 7 yea
 0 nay

Old Business

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, 7-1-03).
4. East County Spring Source Study (8-1-03).
5. Green Hill/Shuler Hollow Sewer Project complaints (Water/Sewer Committee):
 - Bob Mason's request concerning road repairs on a privately owned road (10-1-03).
 - Roger Blevins of Needmore Road needs road repaired back to the way it was before the project.
 - Stephen Lewis of Green Hill Circle – damage to home due to blasting.
 - Rhonda Taylor of Green Hill Circle – damage to home due to blasting.
 - Bruce Blevins of Shuler Hollow Road – road needs repairing and bushes have been removed. The Water and Sewer Committee has

requested that the Board review an estimate for a culvert on Mr. Blevins' property.

- J.B. Haga of Shuler Hollow Road – repairs needed on his property.
6. Draft revisions for Zoning Ordinance referred back to Planning Commission for study and recommendation (2-1-04).
 7. Request concerning 911 contracts with the towns (911 Committee, 2-1-04).

Mr. Tate stated that the 911 agreement has been submitted to the Towns but there has been no response at this time.

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8. Marevine Slemp, request for water service on Fox Valley Road (5-11-04).
 9. The Water and Sewer Committee has requested the full Board review and discuss the estimate for the culvert on Shannon Gap Road (Water and Sewer Committee 8-10-04).
 10. The Building and Grounds Committee recommends that up to \$200,000.00 be spent on remodeling the outside of the old school board building.
 11. Approval of the Smyth County Emergency Operations Plan (11-10-04).
 12. Attorney fees on the County warrants. As of December 31, 2004 the State will no longer pay appointed attorney fees for local warrants (11-10-04).
 13. Request for tax-exempt status for the Smyth County Community Foundation.
 14. Courthouse renovation.

The Board also discussed the Board's flowers fund. They were reminded of the Regional Jail tour on February 10 at 1:30pm, and the Evergreen Soil and Water Conservation brunch on March 8 at 10:30am at the New Pioneer Restaurant.

Upon motion of Mr. Perry, the Chairman adjourned the meeting at 5:45pm.

