

8-8-2006

CITIZEN'S TIME

Mr. Earl McClure updated the Board on archery activities at Camp Freedom. He requested \$837.06 to assist in the purchase of supplies and equipment for the winter activities.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, this request was forwarded to the Budget Committee.

Vote: 5 yea
 2 absent (Blevins, Roberts)

Mr. McClure also requested that all information coming from the County Attorney's office, directed toward the Planning Commission, be sent to each individual member of the Planning Commission. He then commended the Board on the way they handled the group home issue. He stated that they followed the law and made the right decision.

Mrs. Brenda Gwyn, of the Smyth County Historical and Museum Society presented before and after pictures of the old school building that the society wishes to achieve. She also made herself available for unanswered questions of the Board. Board members asked questions concerning funding, financial status, remodeling of the building, and the support from society members.

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 17, 2006.

Vote: 5 yea
 2 absent (Blevins, Roberts)

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved a festival permit application for the Adwolfe Volunteer Fire Department. Festival will be held on September 8, 9, and 10, 2006.

Vote: 5 yea
 2 absent (Blevins, Roberts)

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried the Board approved the fiscal year 2007 Four-for-Life Fund Disbursement as follows:

Sugar Grove Life Saving Crew	\$5,832.67
Marion Life Saving Crew	\$5,832.67
Chilhowie Fire Dept./EMS	\$5,832.68
Saltville Life Saving Crew	\$5,832.68

8-8-2006

Vote: 5 yea
2 absent (Blevins, Roberts)

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved the Town of Chilhowie's recommendation and appointed Heather Luttrell as their representative on the Mount Rogers Planning District Commission.

Vote: 5 yea
2 absent (Blevins, Roberts)

Upon motion of Mr. Perry, seconded by Mr. Slempp, and unanimously carried, the Board approved the Town of Saltville's recommendation and reappointed Mayor Jeff Campbell as their representative on the Mount Rogers Planning District Commission.

Vote: 5 yea
2 absent (Blevins, Roberts)

With the recommendation of the Water Committee, the Board unanimously agreed that a balance of \$2,479.63 be written off the books, because the Sheriff's Department was unable to locate 14 customers to serve warrant in debt claims.

Vote: 5 yea
2 absent (Blevins, Roberts)

With the Water Committee's recommendation, the Board unanimously approved the following:

A 100% funded Virginia Water Supply Assistance Grant for Axum Lane, not to exceed \$33,000.

<u>ACTIVITY</u>	<u>ESTIMATED COST</u>
<i>Install approximately 550 LF of 6" water line</i>	<i>\$29,500</i>
<i>Construction inspection</i>	<i>\$2,000</i>
<i>Construction contingency</i>	<i>\$1,500</i>
<i>TOTAL</i>	<i>\$33,000</i>

Vote: 5 yea
2 absent (Blevins, Roberts)

Upon motion of Mr. Perry, seconded by Mr. Slempp, and unanimously carried, the recommendation from the water committee was approved with the acceptance of the North Holston package and tentative acceptance of the Pioneer Road package through the Virginia Department of Health 2007 drinking water construction assistance.

	<u>Total funding package</u>	<u>Interest</u>	<u>Term</u>
North Holston Line Replacement	\$473,000	0%	20yrs
Pioneer Road			

8-8-2006

Line Extension \$622,000 3% 20yrs

Vote: 5 yea
 2 absent (Blevins, Roberts)

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board approved the Courthouse and Jail topographic and boundary survey proposal from Anderson & Associates, Inc. for a total price of \$12,500 and reimbursable expense of \$900.00 unless requested to perform additional work. (The proposal will be included in the official minutes)

Vote: 5 yea
 2 absent (Blevins, Roberts)

Mrs. Morgan updated the Board on the Allison Gap School Elderly Housing Project. The newly formed development corporation is awaiting a \$25,000 planning grant fund from the state. Mrs. Morgan gave Mr. Tate a revised letter of agreement to be approved by the Board since they will be the recipients of the funds. It cannot be approved until the funds have been approved. Request for Proposals (RFP) were solicited and Spectrum Designs was chosen as the firm to perform the services and study the possibility of converting the school into elderly housing.

Mrs. Morgan requested that another Board member be appointed as alternate to serve on this projects committee. She currently serves and Mr. Roberts also attends. This request was referred to the Appointment committee.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board set the relief for qualifying vehicles at 65% under the Personal Property Tax Relief Act (PPTRA) for fiscal year 2006-2007.

Vote: 5 yea
 2 absent (Blevins, Roberts)

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved a Byrne Justice Assistance Grant for the Sheriff Department. The local match will come from the drug asset forfeiture fund.

Federal funds	\$1,976
<u>Local funds</u>	<u>\$220</u>
Total	\$2,196

Vote: 5 yea
 2 absent (Blevins, Roberts)

Note: Mr. Roberts arrived at this time.

8-8-2006

At approximately 2:00 p.m. the Board proceeded with a public hearing on a proposed abandonment of a portion of State Route 667, Surber Cove Road. The proposed section to be abandoned is from 0.12 miles north of route 613 to the end of the State maintenance, for the length of 0.18 mile. If adopted, this section of State Route 667 will revert to only private use. Mr. Carter read the advertisement as placed in the Smyth County News and Messenger and the rules and procedures for public hearings. There were approximately 10 citizens present.

The first citizen to speak was Mr. Larry Boardwine, owner of the property and requester of the abandonment. He stated that abandoning the road would eliminate illegal dumping and make the property more secure.

Mrs. Karen Combs of Surber Cove Road spoke in opposition to the abandonment. She presented a petition with approximately 380 names also in opposition. Mrs. Combs explained that the main concerns were sentimental value, and hunters would be forced to park further down the road (in her driveway and driveways of other residence on the road). She also stated that the Sheriff's Department had been helpful in patrolling the area. She presented a letter from Donna and Derick McGhee, Dee Potokar, Telisha Miller, Archie Smith, David Smith, and Dewayne Smith, which explained their opposition. Their main concern explained in the letter was having access to their family cemetery which is on the property; the road would be private if abandoned.

Mr. Charles Boardwine, father of the new property owner, also spoke in favor of the abandonment.

Mr. John Baker of the Department of Game and Inland Fisheries requested that the Board delay their decision while the Department researches the access to their Clinch Mountain Wildlife Management Area. They are also looking into the possibility of developing an easement to maintain hunter access to this historical area. Mr. Baker answered several questions from the Board concerning the Departments access and maintenance of the area.

After the Board discussed and reviewed aerial maps of the area proposed for abandonment, the hearing was closed at approximately 2:20 p.m.

8-8-2006

Mr. Roberts suggested leaving the road as is. Steve Buston of VDOT also answered questions on how they would maintain the road if abandoned.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried; the Board continued this issue until the regular October 10, 2006 Board meeting to allow the Department of Game and Inland Fisheries to complete their studies.

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

Mr. Robert Hurt of the Virginia Department Transportation returned maintenance concerns and distributed a copy of the paving and surface treatment schedules. These schedules should be completed by October 1. Mr. Hurt updated the Board on Mr. James Brown in the Hall Addition, VDOT will be repaving and ditching at the cul-de-sac. He also answered general questions from the Board such as the reconstruction of the bridge in Sugar Grove causing the school bus detour. It will not be ready for the opening of this school year.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby authorizes the Department of Transportation to close State Route 624, .8 mile west of intersection Route 16, for the length of time necessary to complete construction of a new bridge.

Vote: 6 yea
 1 absent (Blevins)

Mr. Hurt stated that the fixed date in that contract is July 1, 2007.

Mr. Roberts commented on the Board's lack of following the district representative in which issues occur.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board accepted the recommendation from the Planning Commission to recommend rezoning from Commercial to Agricultural/Rural as requested by Mr. W. A. Weaver.

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mr. Dishner, seconded by Mr. Perry, and unanimously carried, the Board accepted the recommendation from the Planning Commission to recommend approval of a special use permit for Mr. Greg Deel as requested.

8-8-2006

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board appropriated \$24,200 from the police activity fund (#744-010000-9003) for the purchase of a new Sheriff's Office vehicle to replace a totaled vehicle.

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board appropriated \$5,000 from the police activity fund (#744-010000-9003) for the purchase of a self-contained RV, mobile home to serve as a mobile command unit.

This unit would replace the 2 older units currently in operation.

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Slemp and unanimously carried, the Board approved payment of the following bills received after the deadline for the Board packet:

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|----|----------------------------------|---------------------|
| 1. | Atlantic Election Services, Inc. | \$6,000 |
| 2. | Gwyn & Tate | June \$3,640 |
| | | <u>July \$3,168</u> |
| | | Total \$6,808 |

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board appropriated up to \$2,000 from the contingency fund (# 001-056000-5827) for the Employee Wellness day to be held on Thursday, September 21, 2006. Cost for each full time employee routine service is \$35.

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board appropriated \$4,472.90 from the Emergency Medical Service line item (#001-032030-8888-9) for the State and Local Hospitalization Program required by section 32.1-343 of the Code of Virginia.

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the

8-8-2006

Board appropriated \$725 from the Animal Control Office Supplies fund (#003-091060-5401) for the purchase of a copier.

Vote: 6 yea
 1 absent (Blevins)

Mr. Whitmore distributed a copy of the unofficial year end statement.

At 4:00 p.m. the Board proceeded with a public hearing as advertised on the proposed issuance of general obligation bonds for the East Hungry Mother Water Project. The estimated maximum amount of the bonds to be issued would be \$338,000. Mr. Whitmore read the ad as ran in the Smyth County News and Messenger. There were no citizens present to speak; therefore the rules for public hearings were not read. After the Mr. Tate's review and approval, the Board adopted the resolution with the action below.

Upon motion of Mr. Dishner, seconded by Mr. Slemph, and unanimously carried, the Board adopted the following resolution: (The resolution will be included in the official minutes).

Vote: 6 yea
 1 absent (Blevins)

Mr. Clark distributed an informational report on the Chamber of Commerce/Tourism partnership proposal. He currently serves on the committee with the Mayors of the three towns. The proposal explains where the partnership currently is and where they would like to go. The Board discussed the feasibility of donations to the Chamber and to the new tourism organization. Mr. Tate updated the Board on his investigation into the new organization and their status as a 501 (c) (3) organization; they are currently working on by-laws. The Board will read the report and discuss it at a later time.

Mr. Tate updated the Board on two issues referred to him and Mr. Clegg Williams, Zoning Administrator, concerning junkyards. The Calderon case was notified by letter and given 14 days to rectify the situation. They did not respond within that time. The second case was two Blevins'; both were served with warrants one of which was convicted of housing a junkyard. The second was given until September 15, 2006, court date.

8-8-2006

Old Business

1. Collection of delinquent taxes (Mr. Whitmore has contacted the attorneys **8-10-04**).
2. Marevine Slemp, request for water service on Fox Valley Road (**5-11-04**).
3. Request for tax exempt status for the Smyth County Community Foundation.
4. Request the Board vote on the public hearing held Wednesday, November 9, 2005 on imposing a processing fee not to exceed \$25 for any person admitted to the County or Regional Jail following conviction (**11-9-2005**).
5. Geographical Information Systems (GIS) on the Smyth County website (**11-9-2005**).
6. Request for tax exempt status for the Lincoln Theatre (**12-13-2005**).
7. Re-codifying of the Smyth County Code (**1-10-2006**).
8. Ordinance Committee recommendation to merge the manufactured home ordinance into the zoning ordinance as proposed in the zoning amendments present to the Board in January 2005 (**4-11-2006**).
9. Smyth County Fire & Rescue Association request for release of \$50,000 (**5-9-2006**).
10. Reappointment: (**6-13-2006**)

Industrial Development Authority (4 year term, district specific)
 Jimmie Stamper–591 Cleghorn Valley Road, Marion (646-8670) 6-30-2006

Reappointments sent to Appointment Committee:

With the recommendation of the Appointment Committee, the Board unanimously approved the following reappointments:

Community Policy Management Team (1 year term)
 Sabrina Rose-2185 Red Stone Road, Marion, 24354 (783-8812)
 (Parent Representative) 6-30-2007
 Penny Dixon–PO Box 305, Marion, 24354 (783-8920)
 (Private Provider Representative) 6-30-2007

Vote: 6 yea
 1 absent (Blevins)

With Mr. Perry's motion, and the recommendation of the Appointment Committee, the Board unanimously reappointed the following:

Marion Downtown Revitalization Committee (1 Year Term)
 Harold Slemp 6-30-2007

Vote: 6 yea
 1 absent (Blevins)

With Mr. Perry's motion, and the recommendation of the Appointment Committee, the Board unanimously reappointed the following:

Southwest Virginia Community Corrections Community Criminal Justice Board (CCJB) (2 year term)

8-8-2006

certification by the Smyth County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

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

Vote: 6 yea
 1 absent (Blevins)

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board, renewed both current leases with Mr. Eddie Stokes on an emergency basis as a soul source, at the landfill for a monitoring well of groundwater.

Vote: 6 yea
 1 absent (Blevins)

Mr. Roberts gave his thanks to Mr. Williams, Zoning Administrator, for his assistance in the ordinance for burned homes. One home in Allison Gap has been removed and it has improved the looks of the area.

At approximately 5:13 p.m., upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the meeting was continued until Thursday, August 24, 2006 at 7:00 p.m. for a joint public hearing with the Planning Commission and any other issues that may arise.

Vote: 6 yea
 1 absent (Blevins)

Virginia: At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, August 24, 2006, at 7:00 P.M.

Board Members Present:	Mr. Charlie Clark, Chairman Mr. Marvin Perry Mrs. Darlene Neitch Mr. Harold Slemp	Mr. Wade Blevins Mr. Todd Dishner Mr. Michael Roberts
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Staff Members Present:	Mr. Edwin B. J. Whitmore, III Mrs. Amber Johnson Ms. Shirley Spencer Mrs. Sally Morgan	Mr. Clegg Williams Mr. John Tate Mr. Mike Carter
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Planning Commission Members Present:	Mr. Dennis Blevins, Chairman Mr. Earl McClure Mr. Karl Kalber	Mr. Wayne Venable Mr. Graham Davidson Mr. Archie Atwell
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Planning commission Members Absent: Ms. Amy Tuell

At 7:00 p.m. the Chairman of the Board and Chairman of the Planning Commission called the joint public hearing to order. There was one citizen present. Mr. Whitmore read the advertisement as placed in the Smyth County News and Messenger on August 12. Because of the lack of citizens present, the rules for hearing were not read.

Mr. Clegg Williams, Zoning Administrator, summarized the only application he received. In February, Mr. Mike Taylor applied to have a subdivision he was developing rezoned to Residential. Rezoning was required by §3-2.3 b) of the Zoning Ordinance. His request was approved and the property is now zoned Residential.

Mr. Taylor would now like to market the lots for single-wide manufactured homes and has requested the property be rezoned to Agricultural/Rural. The ordinance has not changed and still requires any "subdivision" in the A/R district be zoned Residential. Mr. Taylor submitted the required application and paid the required fee. First class mailing was sent to all of Mr. Taylor's adjoining property owners. Mr. Williams received no comments on this application.

Mr. Mike Taylor spoke on behalf of his application and answered questions from the Board. He stated that there appeared to be some controversy at the February meeting as to whether his land division should have been considered a subdivision so he thought he would bring the matter back to the Commission and Board for review. He said he hoped that in the mean time a decision would have been reached on whether four lots constituted a subdivision and if it did not, then he wanted the zoning on his lots

8-24-2006

changed back to Agricultural/Rural.

The Board discussed this application with the attorney, Mr. Williams, and the Planning Commission. The hearing was then closed at 7:35 p.m.

Upon motion of Mr. Perry, seconded by, Mr. Blevins, and unanimously carried, the Board of Supervisors set September 12, 2006, at 4:30 P.M. as the date and time to hear an appeal from Earl McClure to the variance granted by the Planning Commission for the proposed Sheridan Ridge Subdivision.

At this time the Board recessed to the forth floor Board room to complete their agenda.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the transfer of an old Sheriff's car, not in use, from Smyth County to the School Board to be used by the Career & Technology Center in the new Criminal Justice Program.

Upon motion of Mr. Slemp, seconded by Mr. Blevins and duly carried, the Board re-appropriated the following from the 2004 and 2005 Homeland Security funds (account # 001-035050-8888).

- \$24,241 to purchase mobile radios for the county public works department.

Vote: 6 yea
 1 nay (Perry)

Mr. Clark reminded the Board of the current Tourism Association being established. He explained that he would soon need direction from the Board as to how they feel about the association. He currently represents the Board on the association. He requested that Mr. Joe Ellis who is heading the association, to appear at the meeting to answer questions and give the Board more information on where the Tourism Association would like to go.

Mr. Ellis distributed handouts for the presentation he has given to each of the Towns. He compared Smyth County with Tazewell, Carroll, Washington, Ashe, Madison, and Watauga County in population and tourism dollars. He explained how tourism would help the local economy, and listed the many tourism sites in Smyth County the association wishes to market.

8-24-2006

Mr. Perry voiced his concerns with current members of the association and localities not adhering to the by-laws of the organization which requires elected officials serve on the association. Mr. Ellis answered other questions from the Board. The Board also discussed the possibility of funding the organization through the Chamber. The association is currently in the process of gaining 501 (c) (3) status. This issue will be continued until the next regular meeting on Tuesday, September 12, 2006.

The Chairman reminded the Board of the Town and County BBQ on Thursday, August 31 at 6:30. The Board members wishing to attend should RSVP to Mrs. Johnson as soon as possible.

At 8:30 p.m., the meeting was adjourned.