

**Virginia:** At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, May 9, 2006 at 12:00 noon.

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

**Board Members Absent:** Mr. Michael Roberts

**Staff Members Present:** Mr. Edwin B.J. Whitmore, III Mr. John H. Tate, Jr.  
Mr. Michael Carter Ms. Amber Tilson  
Mr. Charlie Atkins

The Chairman called the meeting to order at approximately 12:00 noon  
Mr. Walter Robinson gave the invocation and Scott Simpson led the pledge of  
allegiance.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried,  
the agenda was adopted along with the additional agenda, which added the Radio  
Communications project to old business. Section 2.2-3711 (A) (7) legal briefing was  
also added to closed session.

Vote: 6 yea  
1 absent (Roberts)

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Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried,  
the minutes of Tuesday, April 11, 2006 were approved. Mr. Tate notified the Board of a  
change he made in the minutes concerning Colecrest on old business. He replaced the  
Treasurer with Chief Financial Officer and County Attorney who will calculate exact  
refunds.

Minutes of Thursday, April 27, 2006 meeting were also approved.

Vote: 6 yea  
1 absent (Roberts)

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

General County	\$1,250,000
Department of Social Services (May 10-31, 2006)	\$340,000
(June 1-13, 2006)	\$55,000
Schools Operating Fund	\$3,410,500
Debt & Capital Outlay	\$133,121

Vote: 6 yea  
1 absent (Roberts)

5/9/2006

Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the accounts payable listing in the amount of \$765,509.89 was approved.

Vote: 6      yea  
      1      absent (Roberts)

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**CITIZEN'S TIME**

Brandon Udomratanavasi, Henry Evans, Tanner Glenn, Katie Dishner, Nick Groseclose, Mary Briggs Graham, and Addison Ratliff of the Destination Imagination team from Marion Middle School explained the team's activities. The team requested funds to help with their trip to the national competition in Knoxville, TN.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and duly carried, the Board appropriated \$2,000.00 to donate to Destination Imagination Virginia (DIVA) for their trip to Knoxville, TN for the national competition.

Vote: 5      yea  
      1      abstention (Dishner)  
      1      absent (Roberts)

Kimberly Tilson of Greenbrier Subdivision explained a drainage easement problem in her subdivision. Mr. Tate explained that the Virginia Department of Transportation had taken over the road, which includes the drainage structures. He advised the citizens to obtain an attorney to determine who is responsible for the easement. Mrs. Tilson explained that she had contacted VDOT who referred her to the County. Mr. Tate referred to section 15.2-2268 and 15.2-2265 which states that the county is not responsible for opening the easement.

Mr. Greg Morrell, executive Director of the Appalachian Independent Center, appeared to express the need for county wide transportation. The Appalachian Independent Center serves the counties in the Mount Rogers Planning District Commission and Smyth County is the only county that does not offer this service. Mr. Morrell contacted District Three who have submitted a proposal to the Board to conduct a pilot project and run county wide transportation, at no cost to the county, for four months. Mr. Morrell encouraged the Board to support the project to better serve those who are unable to drive to conduct their daily tasks.

Judy Barrett, Steve Halley, and Warren Elliot all spoke in favor of the county wide transportation. It would help those with disabilities to do every day tasks such as

5/9/2006

grocery shopping and going to doctor appointments.

Later in the meeting the Board briefly discussed the county wide transportation. Upon motion of Mr. Perry, seconded by Mr. Slemp, the Board unanimously supports the trial project to be conducted by District Three. The trial period is to begin in August; the Board welcomes the program and hopes it will begin as soon as possible.

Vote: 6     yea  
      1     absent (Roberts)

Mr. Walter Robinson informed the Board of a public hearing to be held on Thursday, May 17, 2006 to take public comment on closing the local Farm Service Agency (FSA) office. Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried the Board adopted the following resolution in opposition of closing this office:

***WHEREAS***, it has come to the attention of the Smyth County Board of Supervisors that it is the intention of the Farm Service Agency to hold a public hearing on the possible closing of their office in Marion.

***WHEREAS***, the Smyth County Board of Supervisors is opposed to any such action that would close the local office, as this would disadvantage its farmers.

***FURTHERMORE***, it is the opinion of this Board that this action be a mistake and, put a further burden on the farmers of Smyth County at a time when fuel prices have skyrocketed and they are being asked to drive even further to conduct their business.

Vote: 6     yea  
      1     absent (Roberts)

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Mrs. Chris Stone, President of the Sugar Grove Life Saving Crew updated the Board on the organizations status. She explained that the Crew has not discussed closing. They will operate with Dr. William Powers as the Operational Medical Director (OMD) once the paper work is complete. Conflicts that existed have been resolved and they are operating successfully .

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Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board accepted the following bids and authorized execution of contracts for the Dix Well drilling and site work:

Site work	S & R Construction	\$2,320
Well Drilling	Rorrer Well Drilling	\$21,900

5/9/2006

Contracts are on file in the Engineering Department of the County Administrator's office.

Vote: 6      yea  
      1      absent (Roberts)

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Mr. Simpson also informed the Board that Mr. Webster Day wishes to serve as bond counsel to Smyth County in connection with the proposed issuance of a general obligation bond not to exceed \$338,000 to be sold to Rural Development. The proceeds will be used to finance the construction of water service lines to the East Hungry Mother area of Smyth County. Mr. Tate explained that Mr. Day has done an excellent job in the past for Smyth County. The Board agreed to allow him to serve as bond counsel.

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Mrs. Morgan distributed a proposed comprehensive Economic Development Strategy Project List. After discussion, the Board agreed to place the Regional Workforce Development Initiative as number one under Education and Training and move the Chilhowie Community/ Education center to number two. The remaining list is as follows and will be sent to Mount Rogers Planning District Commission:

**Infrastructure:**

1. Eastern Smyth County Sewer and Water Project (Groseclose)
2. North Fork Holston River Water Intake and Treatment Plant
3. Interstate Interchange Water and Sewer Development
4. Mountain Empire Airport Improvements

**Economic Development:**

1. Highlands Business Park
2. Lincoln Theatre
3. H.L. Bonham Tourism and Regional Development Center
4. Broadband Internet Access – Industry/Business
5. Broadband Internet Access – Last Mile

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried the Board adopted the following resolution in support of Business Appreciation Week:

***WHEREAS***, the citizens of Smyth County benefit from a positive economic environment that encourages business growth and employment opportunities through basic free market principles; and

***WHEREAS***, because of these principles, Smyth County remains a leader in job creation and prosperity, maintains low levels of unemployment, and continues to experience economic expansion; and

***WHEREAS***, we remain dedicated to creating long-term economic revitalization of the County; embracing diversity in our business community; fully integrating technology in the way we do business; and preserving the economic well-being and safety of our citizens; and

5/9/2006

**WHEREAS**, Smyth County businesses provide valuable work opportunities and often make beneficial contributions to our community, raising the overall quality of life for the County's citizens; and

**WHEREAS**, over 15,000 Smyth Countians benefit from employment with these businesses and other organizations, and additional job opportunities will continue to materialize in the coming years; and

**WHEREAS**, Business Appreciation Week increases public awareness of the valuable contributions that our existing business community makes to Smyth County's economy;

**NOW, THEREFORE BE IT RESOLVED**, that the Smyth County Board of Supervisors recognizes May 14-20, 2006 as BUSINESS APPRECIATION WEEK in Smyth County, and calls this observance to the attention of all its citizens.

Vote: 6     yea  
      1     absent (Roberts)

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Upon motion of Mr. Dishner, with the recommendation from the Budget Committee, the Board unanimously appropriated \$1,000 to donate to the Town of Marion to assist in the upcoming Independence Day Celebration.

Vote: 6     yea  
      1     absent (Roberts)

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Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board increased the current Comprehensive Services Act (CSA) budget in the amount of \$120,029 of which \$28,050 is local funding.

Vote: 6     yea  
      1     absent (Roberts)

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Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board agreed to waive tipping fees for Project Crossroads during the period of July 1, 2006 through June 30, 2007.

Vote: 6     yea  
      1     absent (Roberts)

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The Board discussed a request from the Smyth County Electoral Board to schedule a public hearing to amend the ordinance specifying that the central absentee precinct be used only for the November general elections.

After discussion, upon motion of Mr. Perry, seconded by Mr. Slemp and unanimously carried, the Board authorized the staff to schedule and advertise a public hearing for this request once Mrs. Sandy Elswick has clarified if the Department of Justice must approve the change.

5/9/2006

Vote: 6     yea  
      1     absent (Roberts)

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The Damage Stamp Committee recommended that \$4,102.28 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:

Charles Thweatt	\$68.75
Blaine Thompson	\$91.67
Dewayne Kimberlin	\$458.35
Phillip Blevins	\$2,750.10
Charlie Clark	\$733.41
<b>TOTAL:</b>	<b>\$4,102.28</b>

Vote: 6     yea  
      1     absent (Roberts)

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Robert Hurt of the Virginia Department of Transportation returned maintenance concerns. He also informed the Board that bids had been received for the Route 610 improvements. Completion date is set for December 1, 2007.

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Tom Burkett, Treasurer, began by thanking Mr. Blevins for bringing salaries to the Board's attention and bringing them up closer to where they should be. He asked that his compensation board employees receive the same consideration. Mr. Burkett presented all three of his employees and explained their years of service and salary. He referred to the salary increase the Board approved in April as special legislation. The Board agreed to wait for the salary study before making any further salary adjustments.

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant the rezoning request from Colefarm Estates, LLC to rezone 50 acres of land from Agricultural/Rural to Residential. The property is located on High Meadows Lane in Chilhowie and identified by tax map # 64B-1-22A.

Vote: 6     yea  
      1     absent (Roberts)

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board authorized the County Attorney to begin legal proceedings against the appropriate parties associated with 6199 Konnarock Road and 274 Konnarock Road, to ensure compliance with the ordinance. Mr. Williams has received numerous complaints

5/9/2006

about an automobile graveyard/junkyard on these properties. Mr. Williams has been unable to resolve the matter due to no response from his written notification to the property owners.

Vote: 6      yea  
      1      absent (Roberts)

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(NOTE: Mr. Tate stepped out of the room)

The Board briefly discussed item # 12 on old business, Ordinance Committee recommendation to merge the manufactured home ordinance into the zoning ordinance as proposed in the zoning amendments presented to the Board in January 2005. The Board agreed to continue the issue until the full Board is present and Mr. Tate is present to give legal advice.

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Joan Baldwin of the Smyth County Humane Society made the Board aware of non-compliance in regard to sterilization of shelter animals. She explained that by transferring custody of cats and dogs to the Smyth County Humane Society for the purpose of sterilization would bring the process into compliance . This issue was referred to the Animal Control Committee which consists of Blevins, Roberts, and Perry.

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Mr. David Haynes, President of the Smyth County Fire and Rescue Association requested the board release the \$50,000 budgeted for the association. He explained the list of items to be purchased, which they use as “mini-grants” for the following departments:

1. Atkins Fire Department - \$14,000 toward the purchase of a replacement pumper
2. Saltville Fire Department - \$2,500 toward the purchase of a pumper
3. Sugar Grove Fire Department - \$10,000 toward the purchase of a replacement pumper
4. Marion Life Saving Crew - \$5,000 toward purchase of an emergency generator
5. Chilhowie Fire & EMS Department - \$10,000 to purchase airshores for trench rescue
6. Adwolfe Fire Department - \$1,000 to purchase a gas meter
7. Nebo Fire Department - \$7,500 for the purchase of a thermal imaging camera

The Board discussed the distribution procedure for the funds. Mr. Haynes was informed that these funds were originally intended for the use of big ticket items as needed and unspent funds would roll over each year to accumulate until used.

The Board decided to continue this request until Mr. Tate was present. Mr. Perry mentioned placing it on the continued meeting agenda.



5/9/2006

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

WHEREAS, the Smyth County Board of Supervisors has convened in a closed 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 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 (Roberts)

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**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. Courthouse Renovation.
5. Request the Board nominate a Workforce Investment Board Replacement for Joseph Ellis (7-12-2005).
6. 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**).
7. Geographical Information Systems (GIS) on the Smyth County website (**11-9-2005**).
8. Request for tax exempt status for the Lincoln Theatre (**12-13-2005**).
9. Appointment (**1-10-2006**):

**Highlands Juvenile Detention Center Commission**  
Rev. Jim Bangle                      12-31-2005

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5/9/2006

The Board unanimously approved the following Appointment Committee recommendation:

*After discussions, Mr. Slemp motioned to appoint Mr. Michael Carter to the Highlands Juvenile Detention Center Commission to fill the vacancy which was created by Mr. Bangle, whose term expired December 31, 2005. Mr. Blevins seconded the motion and it passed unanimously. This appointment will be forwarded to the Board once approved by Judge Charles Lincoln, Juvenile Judge. Mr. Slemp also requested that Mr. Whitmore contact Rev. Jim Bangle, in writing, and thank him for his years of service.*

Mr. Tate informed the Board that the judge had approved the appointment and Mr. Carter proved to have no criminal record.

Vote: 6      yea  
      1      absent (Roberts)

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10. Colecrest Drive refunds because of over estimate of project cost (1-10-2006).

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Mr. Tate explained that he and Mr. Atkins had completed the figures for the returns and credits for those on Colecrest drive. The following was then unanimously adopted: (**NOTE:** A copy of the resolution adopted is included in the official minutes)

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11. Re-codifying of the Smyth County Code (1-10-2006).

12. 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).

13. Radio Communications Project (4-11-2006).

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Shannon Williams was present and briefly discussed the Radio Communications project that was presented at the regular April Board meeting. He also played a recording of a recent call between the Town of Marion and State Police which demonstrated the lack of radio communications. The Board agreed to continue this issue until the next continued meeting.

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Mr. Whitmore reminded the Board members of Youth Government Day, Wednesday, May 10, 2006, 10:00 a.m. – 1:00 p.m.

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At approximately 5:00 p.m., upon motion of Mr. Perry and unanimously carried, the Board continued their meeting until Thursday, May 25, 2006 at 6:00 p.m. for a joint public hearing with the Planning Commission and any other issues that may arise.

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C.C. Clark, Jr., Chairman



**Virginia:** At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, May 25, 2006, at 7:00 P.M.

<b>Board Members Present:</b>	Mr. Charlie Clark, Chairman Mr. Harold Slep Mrs. Darlene Neitch Mr. Todd Dishner	Mr. Wade Blevins Mr. Marvin Perry Mr. Michael Roberts
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<b>Staff Members Present:</b>	Mr. Edwin B. J. Whitmore, III Miss Amber Tilson Mrs. Sally Morgan Mr. Charlie Atkins Mr. Scott Simpson	Mr. Clegg Williams Ms. Betty Blizzard Mr. Mike Carter Mr. John Tate Mr. Shannon Williams
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<b>Planning Commission Members Present:</b>	Mr. Dennis Blevins, Chairman Mr. Earl McClure Mr. Karl Kalber	Ms. Amy Tuell Mr. Graham Davidson Mr. Archie Atwell
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**Planning Commission Members Absent:** Mr. Wayne Venable

At 7:00 p.m. the Chairman of the Board and Chairman of the Planning Commission called the joint public hearing to order. There were 2 citizens present. Mr. Whitmore read the advertisement as placed in the Smyth County News and Messenger. Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board voted to forgo the reading of the rules and procedures for the public due to the small number of citizens present.

Mr. Clegg Williams, Zoning Administrator, summarized the following application he received from Mrs. Heather Luttrell on behalf of the Myrtle Duncan Rouse Trust on May 8, 2006. Ms. Luttrell is requesting that a tract of land currently zoned Commercial be rezoned to Industrial. The property is located off Lee Highway just outside of Chilhowie at 154 Lee Hwy. The lot is part of tax map #54-A-28. Ms. Luttrell is requesting the property be rezoned to industrial to accommodate a wood products manufacturing facility she is negotiating with to lease the space. Wood products manufacturing facilities are not allowed either by right or by special use in the Commercial district, Ms Luttrell is requesting that 154 Lee Hwy and the lot that surrounds it be rezoned to Industrial. Mr. Williams advertised notice of this public hearing in the Smyth County News on May 13 and 20. He also sent letters to all of the adjoining property owners. He received no comments on this case other than general questions.

While considering this case Mr. Williams pointed out the following sections of the ordinance: Section 3-4 which are the district regulations for the Commercial District (the

**5-25-2006**

district regulations that currently apply), Section 3-5 which covers the district regulation for the Industrial district (the district regulations that would apply if the property is rezoned), and Article IX which covers Amendments to the Ordinance.

Mrs. Luttrell was unable to attend; Ms. Heather Williams read a letter on her behalf. Her letter explained that she is prepared to relocate the Xtreme Dance Company, which is currently located in the building at 154 Lee Highway, into the Chilhowie Town limits once the rezoning is approved. She thanked the Board for their continued support.

The Board, Planning Commission, and attorney asked general questions

The Chairmen closed the hearing at approximately 7:18 p.m. The Board recessed while the Planning Commission voted on the hearing just heard.

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The Board reconvened at approximately 7:29 p.m.

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Mr. Shannon Williams, 911 Coordinator explained the proposed Radio Communication Project, in more detail. The main goal is to improve citizen safety with a more efficient operation, better equipment and coverage. He requested that the Board appropriate up to \$5,000 for bore tests on Flat Top to determine what type and how big of a base will be needed. He also requested and an appropriation not to exceed \$3,000, pending the approval of the Federal Communication Commission, for American Electric Power to do the inter modulation study so that those frequencies do not interfere with anything AEP has. Once the bore tests and the AEP studies are complete, bids can be solicited. He asked that the Board approve \$2 million in the fiscal year 2006-2007 budget. The remaining \$1 million needed to complete the project will be placed in the 2007-2008 fiscal year budget.

Mr. Sam Musick of the School Board System discussed the need for county wide coverage so that all schools and school buses can be reached.

Sheriff David Bradley also spoke in favor of the project.

Deputy Mike Lomans described different locations through out the county where deputies do not have communications with dispatch or any other officers.

Lieutenant Carol Henderson, Supervisor in dispatch, has been with the Sheriff's Department for 30 years, explained the need for the new system. She discussed

5-25-2006

different instances when she has had communication problems with officers while they are out on a call.

Mr. Williams introduced Edmond Vea, Consultant from Closed Networks Inc., in Philadelphia, PA, who answered questioned from the Board.

Mr. Perry questioned how the project would be funded and if 911 surcharge funds could be used. Mr. Atkins explained that it is currently being placed in the general fund budget as a use of prior years reserves. Mr. Roberts also asked questions.

After much discussion, upon motion of Mr. Blevins, seconded, by Mr. Slemp, and unanimously carried, the Board approved Mr. Williams requests and appropriated up to \$5,000 for bore tests on Flat Top to determine what type and how big of a base will be needed. They also appropriated up to \$3,000, pending the approval of the Federal Communication Commission, for American Electric Power to do the inter modulation study so that those frequencies do not interfere with anything that American Electric Power has.

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Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board authorized the execution of the contract document to Francis Brothers of Marion for an immediate notice to proceed on the Low to Moderate Income connections on the Cedars/Hall Addition Project. Francis Brothers submitted the lowest bid in the amount of \$29,980.

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board scheduled a public hearing for the next regular meeting on June 13 at 4:00 p.m., to adopt amendments to the 2005 Personnel Property Tax Relief Act.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board, approved the certificate of satisfaction which releases the lien of Mr. Robert and Kathryn Porterfield of Colecrest (Clarkcrest) Subdivision.

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Mr. Whitmore informed the Board of Hungry Mother State Park being placed in the National Register of Historic Places for inclusion in the Virginia Landmarks Register. Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board gave Mr. Dishner the power to comment to Richmond on the inclusion of the Park.

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

**5-25-2006**

the Board agreed to go with one column print in the re-codifying of the county code.

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The Chairman adjourned the meeting at 9:09 p.m.

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C.C. Clark, Jr., Chairman