

*Note from the Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.*

**Virginia:** At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, April 10, 2007 at 12:00 noon.

**Board Members Present:** Mr. Charlie Clark Mr. Harold Slempp  
Mr. Todd Dishner Mr. Wade Blevins  
Mr. Michael Roberts Mrs. Darlene R. Neitch  
Mr. Marvin Perry (arrived at 12:15)

**Staff Members Present:** Mr. Michael Carter Mr. Charlie Atkins  
Mrs. Amber Johnson Mr. John H. Tate, Jr.  
Mr. Ed Whitmore

Mr. Clark called the meeting to order at 12:00 noon.

Rev. Eddie Foster led invocation and Heather Gillespie led the pledge of allegiance.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the agenda was adopted along with the additional agenda.

Vote: 6 yea  
1 absent (Perry)

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Upon motion of Mr. Slempp, seconded by Mr. Blevins, and unanimously carried, the minutes of March 13 and 22, 2007 were approved with grammatical changes made by Mr. Tate. Also, with the addition of a comment made by Mrs. Neitch concerning the Sheridan Ridge requests, which she requested at that meeting to reflect in the minutes.

Vote: 6 yea  
1 absent (Perry)

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

General County	\$1,500,000
Animal Control (office supplies)	\$895.21
Sheriff Dept. (social security fund)	\$345
Department of Social Services (April 11-30, 2007)	\$300,000
(May 1-8, 2007)	\$40,000
Schools Operating Fund	\$4,800,000
Debt & capital Outlay	\$100,000

Vote: 6 yea  
1 absent (Perry)

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Upon motion of Mr. Blevins, seconded by Mr. Slempp, and unanimously carried, the accounts payable listing in the amount of \$947,876.29 was approved. This accounts payable includes \$4,050 to Closed Networks, Fredrick G. Griffin

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Engineering for the radio system project.

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**CITIZEN'S TIME**

Helen Butler, Executive Director of Brain Injury Services of Southwest Virginia thanked the Board for last year's donation to her agency. She explained to the Board the current budget request in the amount of \$2316. The agency is currently funded 75% by the General Assembly and they intend to obtain approximately 8% by fundraisers and grants. The agency is requesting the remaining amount from localities they serve. They project to serve approximately 6 clients from Smyth County in the coming year which comes to approximately \$400 each to make up the 15%. She introduced Mrs. Pam Hall who serves as the Case Manager for Smyth County. Mrs. Hall briefly explained how she assists clients and stated she is committed to this area.

Mrs. Alda Carrico appeared to request a leash law be established in the County. She stated that there are several dogs running loose in her area and posing a problem. She asked that the Board consider her request.

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**NEW BUSINESS**

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, the Board scheduled public hearings for Tuesday, May 8, to consider the issues below.

- a. Amend the current ordinance to specify that the central Absentee Precinct be used only for November general elections.
- b. Moving the following precincts to satisfy the requirements of the Help America Vote Act (HAVA) to have all precincts handicap accessible:
  - 1. Royal Oak East precinct to be moved from the Senior Citizens Center at 307 South Park Street to the First United Methodist Church at 115 South Church Street in Marion.
  - 2. West Park precinct to be moved from the Smyth County Courthouse at 109 West Main Street to the Smyth Bland Regional Library at 118 South Sheffey Street in Marion.

The first issue will be heard at 3:00 p.m., while the following two will be held soon after.

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Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board approved the following resolution:

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## *A Resolution Regarding Regional Water Supply Planning and Application for a FY08 Water Supply Planning Grant*

*Whereas the Virginia General Assembly has mandated the development of local and regional water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process; and*

*Whereas, based upon these regulations, **Smyth County** is required to complete a water supply plan that fulfills the regulations by deadlines based on population, specifically:*

*November 2, 2008 for local governments with populations in excess of 35,000  
November 2, 2009 for local governments with populations between 15,001 and 35,000  
November 2, 2010 for local governments with populations 15,000 or less*

*Whereas, local governments may elect to join one or more other local governments to develop a regional water supply plan for which a deadline of November 2, 2011 has been established.*

*Whereas, the following elements must be included in all local or regional water supply programs:*

- A description of existing water sources in accordance with 9 VAC 25-780-70;*
- A description of existing water use in accordance with the requirements of 9 VAC 25-780-80;*
- A description of existing water resource conditions in accordance with the requirements of 9 VAC 25-780-90;*
- An assessment of projected water demand in accordance with the requirements of 9 VAC 25-780-100;*
- A description of water management actions in accordance with the requirements of 9 VAC 25-780-110 and 9 VAC 780-120;*
- A statement of need in accordance with the requirements of 9 VAC 25-780-130;*
- An alternatives analysis that identifies potential alternatives to address projected deficits in water supplies in accordance with the requirements of 9 VAC 25-780-130;*
- A map or maps identifying important elements of the program that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources;*
- A copy of the adopted program documents including any local plans or ordinances or amendments that incorporate the local program elements required by this chapter;*
- A resolution approving the plan from each local government that is party to the plan; and*
- A record of the local public hearing, a copy of all written comments and the submitter's response to all written comments received, and*

*Whereas, it is reasonable and prudent for the following local governments to coordinate and collaborate in the development of a regional water supply plan:*

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Bristol City  
497 Cumberland Street  
Bristol, VA 24201

Galax City  
111 E. Grayson Street  
Galax, VA 24333

Bland County  
PO Box 510  
Bland, VA 24315

Carroll County  
605-1 Pine Street  
Hillsville, VA 24343

Grayson County  
PO Box 217  
Independence, VA 24348

Washington County  
205 Academy Drive  
Abingdon, VA 24210

Wythe County  
340 South 6<sup>th</sup> Street  
Wytheville, VA 24382

Smyth County  
121 Bagley Cir. Suite 100  
Marion, VA 24354

Abingdon  
PO Box 789  
Abingdon, VA 24212

Chilhowie  
PO Box 5012  
Chilhowie, VA 24319

Damascus  
PO Box 576  
Damascus, VA 24236

Fries  
PO Box 452  
Fries, VA 24330

Glade Spring  
PO Box 98  
Glade Spring, VA 24340

Hillsville  
PO Box 545  
Hillsville, VA 24343

Independence  
PO Box 99  
Independence, VA 24348

Marion  
PO Box 545  
Marion, VA 24354

Rural Retreat  
PO Box 130  
Rural Retreat, VA 24368

Saltville  
PO Box 730  
Saltville, VA 24370

Troutdale  
PO Box 16  
Troutdale, VA 24378

Wytheville  
PO Drawer 533  
Wytheville, VA

and;

Whereas the Virginia Department of Environmental Quality has announced the availability of grant funds to assist localities offset some of the costs related to the development of these plans and are encouraging localities to submit applications for grant funds using regional water supply plans; and

Whereas, regional water supply planning is a sensible approach to developing a water supply plan since watershed boundaries do not follow political boundaries and since there will likely be cost savings to all jurisdictions participating; and

Whereas, for purposes of this DEQ water supply grant fund program, **Smyth County** will participate within a water supply region consisting of the localities of the Mount Rogers Planning District Commission (MRPDC); and;

Whereas, the Mount Rogers Planning District Commission has previously managed the development of successful regional water supply plans and other regional plans and is a logical entity to organize and manage a regional water supply planning process; and  
Whereas, the MRPDC has previously written, received, and managed DEQ water supply grants and is the logical entity to apply for, on behalf of the communities participating in the regional water supply plan; and

Whereas, the MRPDC desires to manage and develop a regional water supply plan for the region, and participating localities in the region agree with this approach, and

Whereas, the region, through the MRPDC wishes to apply for and secure DEQ grant funds to help offset the cost of the plan development.

NOW, THEREFORE BE IT RESOLVED that **Smyth County** agrees to participate with the localities listed above in the development of a regional water supply plan and authorizes the MRPDC to manage and develop said regional water supply plan that will comply with mandated regulations; and

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*BE IT FURTHER RESOLVED that the MRPDC is authorized to develop an application for water supply planning grant funds to offset to the extent feasible the cost of developing said regional water supply plan; and*

*BE IT FURTHER RESOLVED that David Barrett, Executive Director of the MRPDC is authorized to sign the DEQ grant contract and other appropriate documents related to the source water planning grant and the regional source water supply plan, and*

***BE IT FURTHER RESOLVED that Smyth County intends to provide up to \$ 1,000 in matching funds (cash and/or in-kind) for the project for work performed within the organization to meet the requirements of the regional water supply planning effort, and***

*BE IT FINALLY RESOLVED that the State Water Control Board and the Department of Environmental Quality should consider this resolution from each of the participating localities their Letters of Intent to participate in a regional water supply plan with a completion due date of November 2, 2011, in accordance with 9 VAC 25-780-50.B.4.*

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Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board approved Axum Lane Contract documents which allows for execution and notice to proceed. The contract documents have been approved by the Water and Sewer Attorney and the Rural Utilities Services. Total contract amount is \$29,299.80 with Wolfe Brothers Construction.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp, and duly carried, the Board approved three (3) truck bids from Family Ford of Marion in a total amount of \$53,949. The trucks include two (2) half ton pick ups for \$16,975 each and a ton pick up for \$19,999. This appropriation includes 30 day tags, inspection sticker, and tax exemption to be funded from Water & Sewer Motorized Equipment Fund (#501-85010-9003).

Vote: 6      yea  
      1      nay (Perry)

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Mr. Jeff Richardson, Commissioner of Revenue was present for the tax refund request discussions.

After discussion, upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board approved the real estate overpayment refund for Mr. and Mrs. Harold Epperson in the amount of \$140.75, should the jurisdiction of the refund fall under the Board of Supervisors.

Later in the meeting Mr. Tate clarified that an opinion from the Attorney General states that the above refund falls under the courts to refund. The Commissioner of Revenue is responsible for applying for the refund. Mr. Tate will consult further with Mr. Jeff Richardson on this issue.

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Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board took legal advice and approved a personal property tax refund for Donita Hawkins in the amount of \$40.46, as opposed to \$45.46 as requested.

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board referred the Coffman Stairs, Personal Property tax refund in the amount of \$69,645.78 to the Budget Committee for further review.

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At request of Chief Deputy Kenny Lewis, the request to approve the Bryne Justice Assistance grant was continued.

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Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried the appointment for the Virginia Highlands Community College Board was referred to the Appointment Committee. The current appointment's four year term expires June 30, 2007.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board declared two (2) large signs, advertising the 34th Annual Hungry Mother Festival, "official signs" to comply with the Virginia Department of Transportation (VDOT) regulations. Festival will be held July 20-22, 2007.

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Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board agreed to waive tipping fees for Project Crossroads during the period of July 1, 2007 through June 30, 2008.

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Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, contingent on the School Board's approval, the Board supports a grant application to be submitted by the Saltville Rescue Squad for the installation of a heli-pad at the Northwood Middle School. County Administrator is instructed to contact the captain of that squad for further details on the request.

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Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, BE IT RESOLVED, that the Smyth County Board of Supervisors hereby recognizes Mr. Alvis Atwell on his 100th birthday to be celebrated on Sunday, April 15, 2007. Mr. Atwell is a long time citizen of the Ceres Community in Smyth County.

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Steve Buston of the Virginia Department of Transportation gave a brief update on Exit 47. The final concept plan on the limited access line for I-81 has been obtained

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and will be forwarded to Richmond for approval, along with the resolution adopted by the Board last month. After that, it will be sent to the Federal Highway Administration (FHWA) for conditional approval. A public hearing will then be held by VDOT, also final engineering plans will be complete. After the public hearing, the modification limited access plans will be sent to the Commonwealth Transportation Board for final approval, then to FHWA for their final approval.

Mr. Blevins had a small maintenance concern on Route 606 that he will get back with Mr. Buston on.

Mr. Buston spoke with a citizen on Gaston Lane and the condition of the road.

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Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board approved the Ordinance Committee's request and scheduled a public hearing for May 8 at 2:30 p.m. to take comments on amending the zoning ordinance. This amendment would bring the ordinance into compliance with the state code, the committee recommends that group homes be allowed by right in the same districts as single-family dwellings: A/R, A, R, and C/R Districts. They also recommend that the definition of group home be changed.

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Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant an application submitted by Mark Adams for a special use permit to establish a kennel at 145 Tara Lane on approximately one acre of his property, at the proposed location next to 110 Tara Lane.

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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 an application submitted by Maurice Templeton to amend the zoning map. The amendment is located on Walkers Creek Road and is 233.99 acres in size. It is currently zoned Agricultural/Rural and is recommended it to be rezoned to Residential. The property is identified by tax map #33-A-5A.

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Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant an application submitted by Watson Gollehon for an amendment to the zoning map. The

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amendment is located at 1678 Chestnut Ridge Road and is approximately 7.3 acres in size. It is currently zoned Agricultural/Rural and is recommended it to be rezoned to Residential. The property is identified by tax map #65-3-3 and 65-3-3A.

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After reviewing questions submitted by one citizen and the responses from Apollo Realty, upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the recommendation from the Planning Commission to grant an application submitted by Apollo Realty Partners for amendments to the zoning map. The property is located south of Exit 47 and is approximately 80 acres in size. It is currently zoned Agricultural/Rural and is recommended it to be rezoned to Commercial. The property includes all or portions of the following tracts:

<b>Tax Map #</b>	<b>Current Property Owner</b>
47-A-67B	Karl Kalber
Portion of 47-A-64	J. Burton Eller Jr
47-A-64A	Judith Showker
Portion of 47-A-72	Robert & Patricia Ann Dix

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Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried the Board approved the recommendation from the Planning Commission to grant an application submitted by Roy McNeil for an amendment to the zoning map. The amendment is located between Route 11 and Interstate 81 in Atkins and is approximately 15.78 acres in size. It is currently zoned Agricultural/Rural and is recommended it to be rezoned to Residential. Property is identified by tax map #48-3-2A and 48A2-1C-1.

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Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board scheduled a public hearing to take comments on the school's proposed fiscal year 2007-2008 budget. The hearing will be held on Monday, April 23, 2007 at 6:00 p.m. The Board will meet again Monday, April 30 at 6:00 p.m. to vote on that proposed budget.

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Mr. Con Smith, Smyth County's representative of the Smyth Washington Regional Industrial Facilities Authority highlighted their 2006 annual report (distributed to the Board in packets). Appalachian Power is established in the park and the access road is complete with the exception of the street lights. The Authority plans to increase their marketing efforts in the coming year. Also, the Regional Workforce Training

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Consortia Project is active and working well.

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Mr. Perry excused himself at this time (approximately 3:35 p.m.).

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Robert Ashley and Associates of Abingdon spoke to the Board regarding their qualifications and desire to be the 125 cafeteria plan administrator. Bob Ashley mentioned some of their plans to complement the current plan already in place. This volunteer plan would be of no cost to the county. They feel that by being a local agency, they can provide a more timely service to the county and its employees.

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**OLD BUSINESS**

1. Collection of delinquent taxes (8-10-04).

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After discussion, upon motion of Mr. Perry, seconded by Mr. Slemp, and duly carried, the Board instructed the staff to down size and update the current list of delinquent taxes, removing all unnecessary information and begin the process of advertising those names in the Smyth County News and Saltville Progress.

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

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2. Marevine Slemp, request for water service on Fox Valley Road (5-11-04).
  3.
    - a. Request for tax exempt status for the Lincoln Theatre (12-13-2005)
    - b. Request for tax relief status on building improvements (12-5-2006)
  4. Re-codifying of the Smyth County Code (1-10-2006).
  5. 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).
  6. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee 6-13-2006).
  7.
    - a. Disposal of former school building at 105 East Strother Street (7-11-2006)
    - b. Building and Grounds Committee recommendation concerning the old school building and the Heilig-Myers building (continued 11-15-2006, Committee meeting 10-27-2006).
  8. Request the Board update appointments to the Southwest Virginia Emergency Medical Services Council. Due to by law changes only one member can now serve. Current members are as follows, both of these 3 year terms expire 9-30-2008 (2-13-2007):

Shannon Williams  
Doug Testerman

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Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board named Mr. Doug Testerman as the only Smyth County appointment to the Southwest Virginia Emergency Medical Services Council. This action removes Mr.

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Shannon Williams from the Council due to changes in the organizations by laws requiring only one member from each locality. Mr. Testerman's current three (3) year term will expire September 30, 2008.

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9. Request the Board consider the following personal property tax refund request **(3-13-2007)**:
- |                 |                      |
|-----------------|----------------------|
| US Bank Leasing | \$176.06 (pg. 82-83) |
|-----------------|----------------------|

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Due to insufficient information and with legal opinion, upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the personal property tax refund request from US Bank Leasing in the amount of \$176.06 was denied. The party is free to apply for the refund again in the future with the proper information.

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10. VDH - County partnership for generator **(3-13-2007)**.

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Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and duly carried, the Board instructed the County Administrator to supply a letter of intent to the Virginia Department of Health. The letter should state that additional funding required for the purchase of the generator, beyond the approved grant funding, will be considered by the Board upon further discussion. This letter should be forwarded to Mrs. Bordwine at VDH as soon as possible.

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

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**CLOSED SESSION**

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, at 3:48 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (5) for report on business prospect (s) not previously announced publicly and (A) (7) for consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation

Vote: 5	yea
2	absent (Dishner out of the room, Perry absent)

At 4:49 p.m. the Chairman ended the closed session.

*Note: Mr. Blevins excused himself during closed session.*

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

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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: 5      yea  
      2      absent (Perry, Blevins)

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Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board directed Mr. Williams to proceed with the help of Mr. Tate on the junkyard complaints.

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**MEETING CONTINUED**

At approximately 4:50 p.m., the Chairman continued the meeting until Monday, April 23, 2007 at 6:00 p.m. for a public hearing on the school's proposed fiscal year 2007-2008 budget 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 Monday, April 23, 2007, at 6:00 p.m.

<b>Board Members Present:</b>	Mr. Charlie Clark, Chairman Mr. Marvin Perry Mrs. Darlene Neitch	Mr. Wade Blevins Mr. Todd Dishner
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<b>Board Members Absent:</b>	Mr. Harold Slemph	Mr. Michael Roberts
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<b>Staff Members Present:</b>	Mrs. Amber Johnson Mr. Ed Whitmore	Mr. Charlie Atkins Mr. John Tate
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The Board began the meeting with a public hearing on the School Board's proposed budget for fiscal year 2007-2008. There were approximately 11 citizens present including School Board members and School Superintendent.

Mr. Whitmore read the advertisement as it ran in the Smyth County News and Messenger on Saturday, April 14. He also read the rules of procedure for public hearings.

Ms. Betty Webb, Smyth County Education Association President, was the only citizen signed up to speak. She expressed her support for the proposed budget and requested that the Board approve the budget as presented.

Having no other citizens wishing to speak and no questions for the School Board, the hearing was closed at approximately 6:10 p.m.

The Board briefly discussed upcoming continued meetings. The next meeting will be on Thursday, April 26 at 7:00 p.m., with the Planning Commission. On Monday, April 30 at 6:00 p.m., the Board will vote on the school's 2007-2008 budget.

At approximately 6:15 p.m. the Chairman continued the meeting until Thursday, April 26 at 7:00 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, April 26, 2007, at 7:00 p.m.

**Board Members Present:** Mr. Charlie Clark, Chairman Mr. Michael Roberts  
Mrs. Darlene Neitch Mr. Todd Dishner

**Board Members Absent:** Mr. Wade Blevins Mr. Marvin Perry  
Mr. Harold Slemp

**Staff Members Present:** Mr. Clegg Williams Mr. Ed Whitmore  
Mrs. Amber Johnson Mr. John Tate  
Mr. Mike Carter Mrs. Becca Kirk

**Planning Commission Members Present:** Mr. Dennis Blevins, Chairman Mr. Norman Sparks  
Mr. Wayne Venable Mr. Graham Davidson  
Mr. Karl Kalber Ms. Amy Tuell

**Planning Commission Members Absent:** Mr. Don Medley

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At 7:00 p.m. the Chairman of the Board of Supervisors and Chairman of the Planning Commission called the joint public hearing to order. Mr. Ed Whitmore, County Administrator, read the advertisement as placed in the Smyth County News and Messenger on April 14 and 21, 2007. The rules of procedures for public hearings were forgone due to the lack of citizens present. There were only 2 citizens present.

Mr. Clegg Williams, Zoning Administrator, explained the only application he received from Mr. Bill Rush requesting an amendment to the zoning map. Mr. Bill Rush is proposing to divide a 13.22 acre tract of land located off Whitetop Road south of Chilhowie into approximately 25 lots for a residential subdivision. The property is currently zoned Agricultural/Rural and is further identified by Tax Map #65-8-5 and 65-8-6. Considering Mr. Rush is contemplating a Subdivision as defined by the Subdivision Ordinance, he is requesting the property be rezoned to Residential as required by §3-2.3 b).

Mr. Williams explained that he recommended that Mr. Rush make a voluntary proffer with his application. Mr. Rush proposed the condition that if the Board is inclined to approve his request that it not go into effect until he submits and has approval of a final subdivision plat. Mr. Williams stated that he felt this would benefit everyone involved. If approved, Mr. Rush will have peace of mind that resources expended on the project will not be done in vain and the county benefits in the fact that if the project does not become a reality the rezoning does not go into affect.

Mr. Williams stated that he sent notice to all adjoining property owners by mail

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and that he had taken no comments on Mr. Rush's application. Mr. Williams pointed out section 3-3 of the Zoning Ordinance which contains the district regulation for the Residential district (the proposed zoning classification for the property), section 3-2 the district regulations for the Agricultural/Rural (the current zoning classification for the property), and Article 9 which covers amendments to the ordinance and map.

Mr. Bill Rush was present to speak and answer any questions. He explained that there will be approximately 25 lots with all utilities on site. After rebutting discussion with Mr. John Tate about "conditional rezoning," Mr. Rush withdrew that portion of his request. No one else spoke on this application.

At approximately 7:30 p.m., the Chairmen of both the Commission and the Board closed the public hearing.

The Board recessed while the Planning Commission voted on the application just heard at the public hearing. The meeting was called back to order soon after 7:30 p.m.

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**CLOSED SESSION**

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, at 7:32 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) for consultation with legal counsel on actual or probable litigation.

Vote: 4      yea (Roberts, Dishner, Clark, Netich)  
      3      absent (Slemp, Blevins, Perry)

At 7:47 p.m. the Chairman ended the closed session.

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Upon motion of Mrs. Neitch, 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

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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: 4      yea (Roberts, Dishner, Clark, Netich)  
      3      absent (Slemp, Blevins, Perry)

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At approximately 7:48 p.m., the Chairman continued the meeting until Monday, April 30, 2007 at 6:00 p.m. for a vote on the School's fiscal year 2007-2008 proposed budget 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 Monday, April 30, 2007, at 6:00 p.m.

**Board Members Present:** Mr. Charlie Clark, Chairman                      Mr. Wade Blevins  
Mr. Michael Roberts                                                                      Mrs. Darlene Neitch

**Board Members Absent:** Mr. Harold Slemp                                                                      Mr. Todd Dishner  
Mr. Marvin Perry

**Staff Members Present:** Mrs. Amber Johnson                                                                      Mr. Charlie Atkins  
Mr. Ed Whitmore

**Note:** Mr. Roberts and Mr. Clark stated they had family members that work for the School Board and could vote impartially.

The Board first considered the School Board's proposed budget for fiscal year 2007-2008 which was brought before a public hearing Monday, April 23 at 6:00 p.m.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved the school's 2007-2008 proposed budget as follows:

<b>Smyth County, Virginia</b>			
<b>Proposed School Board Budget</b>			
<b>For the Year Ending June 30, 2008</b>			
<b>Summary of All Operations Budget Revenues</b>			
	<b>2006-2007</b>	<b>2007-2008 Proposed</b>	<b>Difference</b>
<b>School Operating Fund</b>			
State Funds	\$ 28,517,588	\$ 29,675,096	\$ 1,157,508
Federal Funds	\$ 6,161,196	\$ 6,280,939	\$ 119,743
County Funds	\$ 9,794,744	\$ 9,218,942	\$ (575,802)
Sales Tax	\$ 4,515,002	\$ 4,352,358	\$ (162,644)
Other Funds	\$ 470,165	\$ 389,232	\$ (80,933)
<b>Total School Operating Fund</b>	<b>\$ 49,458,695</b>	<b>\$ 49,916,567</b>	<b>\$ 457,872</b>
<b>Summary of All Operations Budget Expenditures</b>			
	<b>2006-2007</b>	<b>2007-2008 Proposed</b>	<b>Difference</b>
<b>School Operating Fund</b>			
61000: Instruction	\$ 36,424,436	\$ 37,556,811	\$ 1,132,375
62000: Administration, and Attendance and Health	\$ 1,900,453	\$ 1,884,117	\$ (16,336)
63000: Pupil Transportation Services	\$ 2,200,962	\$ 2,193,182	\$ (7,780)
64000: Operating and Maintenance Services	\$ 5,274,651	\$ 4,475,755	\$ (798,896)
65000: School Food Services	\$ 2,227,690	\$ 2,234,709	\$ 7,019
68000: Technology	\$ 1,430,503	\$ 1,571,993	\$ 141,490
<b>Total School Operating Fund</b>	<b>\$ 49,458,695</b>	<b>\$ 49,916,567</b>	<b>\$ 457,872</b>

**Smyth County School Board Budget  
Proposed County School Debt and Capital Outlay Fund  
For the Year Ending June 30, 2008**

	<b>2004-2005</b>	<b>2005-2006</b>	<b>2006-2007</b>	<b>2007-2008</b>	<b>Difference</b>
<b>School Debt and Capital Outlay Fund Revenues</b>					
County Funds	\$ 902,205	\$ 855,139	\$ 855,139	\$ 855,139	\$ -
State School Construction	\$ 179,231	\$ 179,320	\$ 180,338	\$ 180,143	\$ (195)
Lottery	\$ 405,432	\$ 459,441	\$ 453,276	\$ 429,223	\$ (24,053)
Trigon	\$ -	\$ -	\$ -	\$ -	\$ -
Literary Fund	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total School Debt and Capital Outlay Fund Revenues:</b>	<b>\$ 1,486,868</b>	<b>\$ 1,493,900</b>	<b>\$ 1,488,753</b>	<b>\$ 1,464,505</b>	<b>(\$24,248)</b>
<b>School Debt and Capital Outlay Fund Expenditures</b>					
Capital Facilities	\$ 198,000	\$ 150,779	\$ 185,355	\$ 185,138	\$ (217)
Debt Service	\$ 1,288,868	\$ 1,343,121	\$ 1,303,398	\$ 1,279,367	\$ (24,031)
<b>Total School Debt and Capital Outlay Fund Expenditures:</b>	<b>\$ 1,486,868</b>	<b>\$ 1,493,900</b>	<b>\$ 1,488,753</b>	<b>\$ 1,464,505</b>	<b>(\$24,248)</b>

4-30-2007

School Textbook Fund  
Smyth County, Virginia  
Revenue Estimates  
For the Year Ending June 30, 2008

	2006-2007	2007-2008	Difference
Estimated Revenue for Beginning of Year	\$ 329,685	\$ 329,685	\$ -
Lost Books, etc.	\$ 1,000	\$ 1,000	\$ -
Transfer from School Board	\$ 396,409	\$ 396,409	\$ -
Sale of Investments	\$ -	\$ -	\$ -
Interest on Investments	\$ -	\$ -	\$ -
<b>Total School Textbook Fund:</b>	<b>\$ 727,094</b>	<b>\$ 727,094</b>	<b>\$ -</b>

School Textbook Fund  
Smyth County, Virginia  
Expenditure Estimates  
For the Year Ending June 30, 2008

	2006-2007	2007-2008	Difference
Textbooks	\$ 241,000	\$ 241,000	\$ -
<b>Total School Textbook Fund:</b>	<b>\$ 241,000</b>	<b>\$ 241,000</b>	<b>\$ -</b>

**Estimated Balance at Beginning of 2007-2008 School Year: \$ 486,094**

Vote: 4 yea (Roberts, Clark, Neitch, Blevins)  
3 absent (Dishner, Slemper, Perry)

Eddie Bosley of the Atkins Volunteer Fire Department was present to explain their request for a resolution from the Board approving their financing of up to \$177,000 for the lease purchase of a 2006 fire apparatus truck. He stated that the Department advertised and held a public hearing on the financing on Monday, April 23 at 6:30 p.m. and that no one was present to speak for or against the financing. Mr. Tate suggested that the Department's Secretary submit this request in writing, stating the actions of the public hearing.

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board approved their request and adopts the following resolution contingent on the receipt of their written request.

**Resolution Approving the Financing by the Atkins Volunteer Fire Department  
Of up to \$177,000 for the Lease Purchase of a 2006 Fire Apparatus Truck**

*WHEREAS, Atkins Volunteer Fire Department has determined to finance an amount of up to \$177,000 for the lease purchase of a 2006 fire apparatus truck. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, this Board must first approve the financing. The VFD has held a public hearing on the financing after published notice, as required by the Code. The VFD has reported the proceedings of the hearing to this Board.*

4-30-2007

*BE IT THEREFORE RESOLVED, by the Board of Supervisors of Smyth County, Virginia, the County approves the VFD's entering into the financing, as required under the Code for the financing to be carried out on a tax-exempt basis. The VFD's conduct of the required public hearing is approved.*

Vote: 4      yea (Roberts, Clark, Neitch, Blevins)  
      3      absent (Dishner, Slemper, Perry)

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Mr. Whitmore informed the Board of this year's Youth Government Day to be held on Wednesday, May 9, 2007. Students will begin the morning at the Lincoln Theatre and then bussed to the County Administration Office at approximately 10:00 a.m. and return to the Lincoln Theatre about 1:00 p.m. Mr. Whitmore asked that those Board members able to host a student reply to him as soon as possible.

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**CLOSED SESSION**

Upon motion of Mrs. Neitch, seconded by Mr. Roberts, and unanimously carried, at 6:13 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) for consultation with legal counsel on actual or probable litigation.

Vote: 4      yea (Roberts, Blevins, Clark, Neitch)  
      3      absent (Slemper, Dishner, Perry)

At 7:05 p.m. the Chairman ended the closed session.

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

**4-30-2007**

Supervisors.

Vote: 4      yea (Roberts, Blevins, Clark, Netich)  
      3      absent (Slemp, Dishner, Perry)

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The Chairman adjourned the meeting at approximately 7:05 p.m.