

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

Virginia: The regular meeting of the Smyth County Board of Supervisors was held at the County Office Building on Tuesday, December 11, 2007 at 12:00 noon.

Board Members

Present: Mr. Charlie Clark Mr. Harold Slep
Mr. Wade Blevins Mr. Michael Roberts
Mrs. Darlene R. Neitch Mr. Marvin Perry
Mr. Todd Dishner

Staff Members

Present: Mr. Mike Carter Mr. Charlie Atkins
Mr. John H. Tate, Jr. Mrs. Amber Johnson
Mr. Ed Whitmore

Mr. Clark called the meeting to order at approximately 12:00 p.m.

Mr. Pat Arnold led invocation and Mrs. Pam Testerman led the pledge of allegiance.

Upon motion of Mr. Blevins, seconded by Mr. Slep, and unanimously carried, the agenda was adopted along with the additional agenda. Two items were added: Mr. Whitmore added a Certificate of Need for the Hospital and Mr. Roberts added a report from Emergency Management.

Vote: 7 yea
0 nay

After a correction to the motion made concerning the courthouse order, upon motion of Mr. Dishner, seconded by Mr. Blevins, and unanimously carried, the minutes of November 14, and 29, 2007 were approved.

Vote: 7 yea
0 nay

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

General County	\$1,040,000
Animal Control (office supplies)	\$227.40
Department of Social Services (December 12-31, 2007)	\$300,000
(January 1-8, 2008)	\$65,000
Schools Operating Fund	\$4,000,000

Vote: 7 yea
0 nay

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Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the accounts payable listing in the amount of \$444,064.39 was approved. This accounts payable includes a payment to Closed Networks, Fredrick G. Griffin Engineering for the radio system project in the amount of \$5,175. It also includes a payment to Mosley Architects for the Courthouse Renovation in the amount of \$40,125.

Vote: 7 yea
 0 nay

CITIZEN'S TIME

Hunter Trivett, Marion Senior High School Wrestling Coach spoke before the Board explaining a wrestling tournament to be held December 21 and 22 at Marion High School. This tournament will host many wrestlers from all over; a premier tournament they hope will grow to be nationwide. Mr. Trivett requested that the Board aid in the tournament by sponsoring \$1,500 needed. This tournament will bring visitors from all over to the area.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board donated \$1,500 to Marion Wrestling for the Brutal Clash tournament to be held the weekend of December 21 - 22, 2007, at Marion Senior High School.

These funds are appropriated from the Board of Supervisors Supplemental Appropriations (#001-011010-8888).

Vote: 7 yea
 0 nay

Mr. Edward Pennington of Cedar Bluff Baptist Church spoke before the Board inquiring on the Church's recent request for water on Churchland Drive in Atkins. Mr. Scott Simpson briefly updated Mr. Pennington on the request that is in the hands of the Water and Sewer Committee. Mr. Simpson is currently seeking other customers that may be interested in the water if installed.

Pastor, Eddie Beck, and Keith Clark a resident of Churchland Drive spoke of the need for the water line. Mr. Beck explained that the church is in need of the water for a new residence for a youth pastor. Mr. Clark spoke on the population growth in the area and that he would do anything he could to get more interest in the water.

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William Hunt of 1082 Riverside Road spoke before the Board again, reiterating his problems with run off he expressed at the Board meeting on November 14. He again requested that the Board make the funds available to fix this problem that makes the roadway hazardous.

Joe Copenhaver, current Secretary of the Smyth Wythe Airport Commission gave a brief update on the status of the Airport and the Commission in the past year. He also requested that the Board reappoint him as the Secretary for another four year term. Mr. Copenhaver's term on the Commission expires December 31, 2007.

Earl McClure commended the County for the completion of the Beasley Lane water line. He mentioned chemicals that could help those customers with metal lines. Mr. McClure also mentioned the user availability fee that the County does not enforce.

Tim White, Executive Director of the Song of the Mountains along with Smyth County Celebration and the President and Co-Founder of the Appalachian Cultural Music Association was the last to speak during citizens time.

Mr. White first spoke on behalf of the Smyth County Celebration and the Song of the Mountains. The 2008 festival is scheduled for the last weekend of June. The Celebration requests \$5,000 to secure deposits for singing acts (this requests was acted later in the meeting, under old business).

Mr. White then spoke on behalf of the Appalachian Cultural Music Association which is currently remodeling the old Baldwins building in downtown Marion. He requested \$10,000 over a period of two (2) years to aid in the rehab of the building. Mr. White showcased 2 artifacts that would be on display in the museum once open in Marion. The museum will spotlight local and regional musicians.

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, this request was referred to the Budget Committee (this motion was made during old business discussion).

Vote: 7 yea
 0 nay

Mr. Slemp introduced his successor from the Atkins District, Mrs. Brenda Waddell.

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The Board then considered the Mutual Aid agreement with the three Town as submitted by the Commonwealth Attorney. The current agreement expires December 31, 2007. Mr. Tate made a couple grammatical changes to the agreement and requested that a date line be added to each signature line.

Note: Mr. Roberts stated that he was an employee of the Town of Marion and could vote impartially.

The Board then considered the Mutual Aid agreement with Washington County as submitted by Mr. Tate. This agreement also expires December 31, 2007. Mr. Tate stated that the effective date would be the same as the term of the Sheriff through December 31, 2011, not 2010 as stated in the agreement distributed. Mr. Roberts mentioned making the three towns party to the agreement. Mr. Tate stated that a paragraph could be added to that effect.

After discussion among the Board, upon motion of Mr. Slemp, and seconded by the Board, the above agreements were approved subject to the discussed changes.

Vote: 7 yea
 0 nay

The Board then considered Mutual Aid agreements with Russell and Wythe Counties as submitted by the Commonwealth Attorney. Mr. Tate expressed his concerns with each of the agreements. The Wythe County agreement had no territory boundaries. The Russell County agreement has drug deputies which are prohibited by the Compensation Board. After discussion the following motion was made:

Mr. Perry moved to approve the Mutual Aid agreements with Russell and Wythe Counties, with Mr. Tate's revisions and authorize them to be signed. Mrs. Neitch seconded this motion. The motion failed to carry.

Vote: 3 yea (Perry, Slemp, Wade)
 4 nay (Roberts, Clark, Dishner, Neitch)

These being new to the County and with some outstanding questions, upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Mutual Aid agreements with Wythe and Russell Counties were continued to allow time for Mr. Tate and Mr. Roy Evans, Commonwealth Attorney to discuss the agreements.

Vote: 7 yea
 0 nay

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The Board then considered the district specific appointments below.

Each member nominated their appointment to the following Area Beautification Committee for the Smyth County Chamber of Commerce. It was unanimously carried that all were reappointed. Those two remaining (Mavis Williams - Atkins District and Debbie Ogle - North Fork District) were continued.

Area Beautification Committee Judges (1 year term, district specific)

- Phyllis Griffith - Rye Valley District
- Alice Freeman - Park District
- Norma Marsh - Saltville District
- Gay Hart - Royal Oak District
- Sandy Davenport - Chilhowie District

Vote: 7 yea
 0 nay

Mr. Roberts nominated Mrs. Dreama Neal to the Board of Zoning Appeals contingent upon her acceptance. This will be continued for follow up.

Mrs. Neitch's term on the Department of Social Services Board for the Rye Valley District expires December 31, 2007. This vacancy was continued.

Mrs. Neitch raised the option of allowing Mrs. Waddell to make the appointment to the Planning Commission. The Atkins District appointment expires December 31, 2007. Discussion was held then the following motion was made:

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and duly carried, the Board reappointed Mr. Dennis Blevins to the Smyth County Planning Commission, as the Atkins District representative. Mr. Blevins' four (4) year term will begin January 1, 2008 and will expire December 31, 2011.

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

Upon motion of Mr. Dishner, seconded by Mr. Slemp, and unanimously carried, the Board reappointed Mr. Karl Kalber to the Smyth County Planning Commission, as the Park District representative. Mr. Kalber's four (4) year term will begin January 1, 2008 and will expire December 31, 2011.

Vote: 7 yea
 0 nay

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board re-appointed Mr. Dick Ryan to the Smyth-Bland Regional Library Board, as

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the Chilhowie District representative. This four year term will begin January 1, 2008 and will expire December 31, 2011.

Vote: 7 yea
 0 nay

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board appointed Ms. Margaret McKinnon to the Smyth-Bland Regional Library Board, as the Rye Valley District representative. This four year term will begin January 1, 2008 and will expire December 31, 2011. Ms. McKinnon replaces Vickie Stamper who was not eligible for reappointment.

Vote: 7 yea
 0 nay

With the recommendation of the Appointment Committee, the Board duly removed the following:

- Local Transportation Safety Commission (4 year term, district specific)
- Saltville District - Frank E. Lewis
- North Fork District - C. P. Brickey
- Chilhowie District - Robert E. Cochran
- Park District - Ed Whitmore
- Atkins District - James Parlier
- Royal Oak District - Eddie D. Foster
- Rye Valley District - Sidney Blankenbeckler

This Commission has been inactive for sometime. It can be reappointed if needed.

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

The Board then considered the non-district specific appointments below which were recommendations from the Appointment Committee.

Upon motion of Mr. Perry, seconded by Mr. Slemp and with the recommendation of the Appointment Committee, the Board unanimously agreed to remove the Allison Gap Sewer Committee (County's members). The project is complete but not closed out. The County has designated its left over funds elsewhere and the Town of Saltville has exhausted the remaining portion of their funds. Any outstanding issues can be addressed by the Water and Sewer Committee.

- Allison Gap Sewer (until the project is closed out)
- Charlie Clark
- Michael Roberts

Vote: 7 yea
 0 nay

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Upon motion of Mr. Dishner, seconded by Mr. Slemp, and unanimously carried, the Board reappointed Mr. Les Whitt to the Board of Appeals to the Virginia Uniform Statewide Building Code. This four (4) year term will begin January 1, 2008 and will expire December 31, 2011.

The vacancy by Don Martin and Brian Reynolds was continued.

Board of Appeals to the Virginia Uniform Statewide Building Code (4 year term)
Les Whitt
Don Martin

Alternates:
Brian Reynolds

Vote: 7 yea
 0 nay

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and duly carried, the Board nominated Mr. Ron Thomason and Mr. Robert Shults for another term to the Smyth County Board of Zoning Appeals as alternates. If approved by the Judge of Circuit Court, their five (5) year terms will begin January 1, 2008 and expire December 31, 2012.

The vacancy of Jackie French was continued (as an alternate). The nomination for the Saltville District BZA member and these nominations for alternates will be held until all nominations are made by the Board so that one submission can be made to the Judge of Circuit Court.

Board of Zoning Appeals (5 year term, district specific, recommendations by Smyth County Board of Supervisors, Appointed by Judge of Circuit Court)

Alternates: *Expired October 7, 2007*
Ron Thomason
Robert Shults
Jackie French

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

With the recommendation of the Appointment Committee, the Board unanimously reappointed Mr. Marvin Perry to the District Three Governmental Cooperative Board of Commissioners and Mr. Todd Dishner as the alternate. Their one (1) year terms will expire December 31, 2008.

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

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The Appointment Committee unanimously recommended to the Board that the County Administrator (Ed Whitmore) be appointed as the Emergency Services Director.

This motion failed with the following vote:

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

Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and duly carried, the Board reappointed Mr. Michael Roberts as the Emergency Services Director. His one (1) year term will expire December 31, 2008.

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

With the recommendation of the Appointment Committee the Board unanimously removed the Historian appointment.

Historian (4 year term)
Betsy L. Sayers

Vote: 7 yea
 0 nay

With the recommendation of the Appointment Committee, the Board unanimously reappointed Mrs. Darlene Neitch to the Konnarock Neighborhood Facility Authority for another 4 year term, beginning January 1, 2008 and expiring December 31, 2011.

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

With the recommendation of the Appointment Committee, the Board unanimously agreed NOT to appoint a Board member in Mr. Slemp's place on the Lincoln Theatre Board. A Board of Supervisor is not necessary on that Board.

Vote: 7 yea
 0 nay

With the recommendation of the Appointment Committee, the Board unanimously appointed Mr. Todd Dishner as the Board member representative to fill Mr. Slemp's term on the Marion Downtown Revitalization Committee. This term will expire June 30, 2008.

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

With the recommendation of the Appointment Committee, the Board unanimously nominated Melinda Duncan to the New River/Mount Rogers Workforce Investment Board. If appointed, Ms. Duncan will be filling Ms. Rhonda Taylor's term, this will be

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from February 1, 2008 through March 31, 2010.

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

With the recommendation of the Appointment Committee, the Board unanimously agreed to reappoint Mr. Marvin Perry to the Smyth-Washington Regional Industrial Facilities Authority for another 4 year term, January 1, 2008 and expiring December 31, 2011.

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

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and duly carried, the Board appointed Mr. Tom Hill to the Smyth-Wythe Joint Airport Commission. This Smyth County representative's four year term will begin January 1, 2008 and will expire January 31, 2011.

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

No action was taken on the following and therefore it was continued:

Transportation Citizen's Participation Committee (Mt. Rogers P.D.C., 1year term)
Ron Thomason

Alternate:
James D. Parlier

With the recommendation of the Appointment Committee, the Board unanimously reappointed Mr. Marvin Perry to Virginia's aCorridor, Mount Rogers Partnership. His one (1) year term will expire December 31, 2008.

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

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried the Board appointed Mrs. Kimberly Clark to the Virginia Highlands Community College Board. Mrs. Clark will be filling Mr. James Bonham's term, her term will begin as of December 11, 2007 and will expire June 30, 2011.

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

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, the Board appointed the following members to the Emergency Services

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Communications Committee. This committee now consists of three Board of Supervisors who are voting members and five non-voting advisory members.

Voting Members (Board of Supervisors)
Brenda Waddell - Chairman
Emergency Services Director (currently Michael Roberts)
Wade Blevins

Non-Voting Members
David Bradley (Sheriff)
David Haynes (Chilhowie Fire Department, Chief)
Eddie Louthian (Saltville Rescue Squad)

Shannon Williams (E-911 Coordinator)
Charlie Harrington (Emergency Services Coordinator)

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

With the recommendation of the Appointment Committee, the Board unanimously nominated Mr. Michael Roberts for another term to the Highlands Juvenile Detention Center Commission. If approved by the Juvenile and Domestic Relations Court Judge, his four (4) year term would be from January 1, 2008 through December 31, 2011.

Vote: 7 yea
0 nay

With the recommendation of the Appointment Committee, the Board unanimously approved the reappointment of Ms. Tuell to the Mount Rogers Planning District Commission, as the Smyth County Planning Commission representative. Her term on the MRPDC would expire when her term as a Smyth County Planning Commission member expires, January 1, 2008 through December 31, 2010. (The Smyth County Planning Commission recommended to the Board that she be reappointed).

With this motion the Board also approves a recommendation from the Appointment Committee to reappoint Mr. Michael Roberts to the Mount Rogers Planning District Commission, as the Smyth County Board of Supervisor representative. His term on the MRPDC will expire when his term as Board of Supervisor expires, January 1, 2008 through December 31, 2009.

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

With the recommendation of the Appointment Committee, the Board unanimously appointed Barbara DeBord, Tourism Director as Smyth County's representative to the

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Ninth District Development Financing Incorporated Board of Directors and Mrs. Sally Morgan as the alternate. Their two year terms will begin January 1, 2008 and will expire December 31, 2009.

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

The following was referred to the Appointment Committee at the regular Board meeting on October 9, 2007:

The Board decided to continue designating a liaison to the local sesquicentennial committee. The Appointment Committee will discuss this appointment at their next meeting which will allow Mr. Whitmore more time to obtain information on the program.

The Committee reported that they have discussed a couple suggestions for this appointment. No definite decision has been made. This appointment will continue to be discussed in the Appointment Committee.

Mr. Whitmore distributed copies of the agreement with the Town of Marion for the parking facility and the old school building. After a brief discussion, the Board agreed to allow the Courthouse Committee to review this agreement closely before taking action.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and duly carried, the Board would support the following Letter of Interest.

LETTER OF INTEREST

The Marion Historic District Enhancement/Smyth County Schoolhouse Adaptive Reuse Planning Grant

The Town of Marion ("Town") and Smyth County ("County") are interested in partnering to apply for a Planning Grant from the Department of Housing and Community Development "Community Development Block Grant" Program.

This application would be for the amount of \$40,000, and would provide basic studies, analyses, and community workproducts designed to assist the community with the adaptive reuse of the historic 1908 schoolhouse, located at 105 East Strother Street in downtown Marion, Virginia.

The Marion Historic District Enhancement/Smyth County Schoolhouse Adaptive Reuse Planning Grant would provide, at a minimum:

- 1) Complete Structural Analysis of the building;*
- 2) Preliminary Engineering and Architectural Analysis to provide information necessary to stabilize the structure and ensure compliance with all current buildings codes and to preserve and restore the historic facade;*
- 3) Cost estimates for all construction to be done related to items #1 and #2;*
- 4) A facilitated community program to solicit and evaluate alternative proposals for reuse of the building based on financial feasibility, including building improvements and*

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ongoing operation and maintenance costs, and overall community impact for the reuse of the building.

5) If determined to be feasible, the recommended reuse plan for the building will include a plan for ownership, management, and funding.

6) A comprehensive study of the adjacent areas, from North Church to Broad to Lee to Main, which will include parking, streetscape improvements, pedestrian walkways, facades, signage, etc. to enhance connectivity and continuity of the project to the existing character of the downtown district.

This Letter of Interest is to indicate the Town's and the County's interest in submitting a planning grant application in the amount of \$40,000. The Town and County are ready to proceed immediately upon notification, with an anticipated start date of January 2008.

The Town of Marion and Smyth County agree to each provide \$2,500 as local match to this Planning Grant.

David P. Helms, Mayor
Town of Marion

Charlie Clark, Chair
Smyth County Board of Supervisors

(date)

(date)

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

With the recommendation of the Insurance Committee, the Board duly approved the following renewal rates from Anthem, summarized by Mr. Atkins (if no lower rate can be obtained from Anthem):

Employee only	\$419.58
Employee & one child	\$629.41
Employee & children	\$965.08
Employee & spouse	\$881.25
Employee & family	\$1,342.73
Medicare carve out	\$427.97

The above proposal is an 8% increase from the current rate (Medicare rate is a greater increase). It makes no change in the current program and the employer/employee ratio will stay the same. Mr. Perry requested that Anthem be contacted as to whether Medicare participants could elect not to participate in the drug program at a reduced premium.

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

Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved the renewal of the Wilkinson Mill Convenience station lease. This lease is identical to the past lease.

Vote: 7 yea
 0 nay

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Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board approved the following letter of support:

*Robert B. Stroube, MD, MPH
State Health Commissioner
Virginia Department of Health
Madison Building
109 Governor Street, 13th Floor
Richmond, Virginia 23219*

Re: COPN Request NO: VA-7527 to Replace and Relocate Smyth County Community Hospital

Dear Dr. Stroube:

We would like to express our support of Mountain States Health Alliance's request for the relocation and construction of a replacement hospital for Smyth County Community Hospital in Marion, Virginia. As a private, not-for-profit organization, all income generated by MSHA goes back into the organization for services to the community. Projects such as the replacement and relocation of Smyth County Community Hospital are funded internally in order to benefit the community. It is important that hospitals in our more rural region keep up with the latest technologies and maintain the ability to reinvest in their facilities and the community.

Today, our Board of Supervisors voted unanimously to support this application and we are hopeful it will be approved.

Sincerely,

*Edwin B.J. Whitmore, III
County Administrator*

Vote: 7 yea
 0 nay

Mr. Roberts, Emergency Services Director updated the Board on the Annual Emergency Services training drill held Sunday evening, December 9 on the grounds of the Southwestern State Hospital. Mr. Roberts reported that the drill went well with many of local fire, EMS and law enforcement participating and with the E-911 Coordinator present. He stated that the only problems were wrong phone numbers in the Emergency Operations Plan for the Administrators which are now in the process of being changed.

Mr. Steve Buston of the Virginia Department of Transportation distributed a list of requests that came out of the hearing held on November 14 for the Six-Year Plan. Clarifications were made to road names on the list.

Mr. Buston and Mr. Robert Hurt, both of VDOT answered brief questions from the Board. Route 622 (Nicks Creek Road) is in the advertisement phase. Mr. Buston also briefly replied to Mr. Hunt's request (citizens time). Mr. Buston has been in contact with

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Mr. Hunt to help his problem.

The Board thanked Mr. Buston and Mr. Hurt of VDOT for the past years help to Smyth County.

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved a recommendation from the Planning Commission, on the request of Smyth County Community Hospital for a map amendment. The property is currently zoned Agricultural/Rural and is recommended to be rezoned Commercial. The property is identified by all of Tax Map No. 47-A-17 and a portion of Tax Map No. 154-24-2.

Vote: 7 yea
 0 nay

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to grant Ms. Reva Presley (500 Riverside Road, Chilhowie) until April 15, 2008 to get her structure destroyed by fire cleaned up. Virginia Cares (a non-profit organization) submitted a letter on Ms. Presley's behalf. In that letter, they offered their assistance in cleaning the site. This motion also waives tipping fees, in the event that debris is taken to the Smyth County landfill for disposal.

Vote: 7 yea
 0 nay

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board gave Mr. Williams the authority to proceed with the necessary legal action against Mr. Sanders Jackson of 1005 Shuler Hollow Road, Chilhowie, for the removal of a structure destroyed by fire.

Vote: 7 yea
 0 nay

The Board then proceeded with the following public hearing at approximately 3:05 p.m. Mr. Whitmore read the ad as ran in the Smyth County News and Messenger on November 24 and December 1, 2007, both Saturday editions. There were no citizens present, therefore the rules for public hearings were not read.

Notice of Public Hearing

The Smyth County Board of Supervisors in accordance with section 15.2-1427 (F) of the Code of Virginia, will hold a public hearing on Tuesday, December 11 at 3:00 p.m., or soon there after, in the Board of Supervisors Meeting Room at the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia.

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The purpose of the hearing is to receive comments on proposed changes to the Smyth County Code - Article VII – Enterprise Zone Exemptions. These proposed changes are contained in Section 34-206 through Section 34-211, and relate primarily to the definitions, eligibility requirements, and application process for Rehabilitated Real Estate Tax Exemption.

The text of the proposed amendments is on file and can be viewed at the County Administrator’s Office at 121 Bagley Circle, Marion, Virginia. Any questions regarding the proposed changes can be directed to Sally Morgan at 276-783-7000, Ext. 206 or smorgan@smythcounty.org

*Done by order of the Smyth County Board of Supervisors
Edwin B.J. Whitmore, III, County Administrator*

Mrs. Sally Morgan answered questions and clarified concerns of the Board.

Following the public hearing, upon motion of Mr. Slemp, seconded by Mr. Perry, and duly carried, the Board approved proposed changes to the Smyth County Code - Article VII – Enterprise Zone Exemptions. These changes are contained in Section 34-206 through Section 34-211, and relate primarily to the definitions, eligibility requirements, and application process for Rehabilitated Real Estate Tax Exemption. These changes are effective this day, Tuesday, December 11, 2007 (changes included in official minutes).

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

The Board then proceeded with the following public hearing at approximately 3:31 p.m. Mr. Carter read the ad as ran in the Smyth County News and Messenger on November 24 and December 1, 2007, both Saturday editions. There was one citizen present, therefore upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the rules for public hearings were not read.

Vote: 7 yea
 0 nay

Notice of Public Hearing

The Smyth County Board of Supervisors in accordance with section 15.2-1427 (F) of the Code of Virginia, will hold a public hearing on Tuesday, December 11 at 3:30 p.m., or soon there after, in the Board of Supervisors Meeting Room at the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia.

The purpose of the hearing is to receive comments on proposed changes to the Smyth County Zoning Ordinance and the Smyth County Manufactured Home Park Ordinance.

The first proposed change is to amend Section 10-45 of the Zoning Ordinance, the definition of a manufactured home park as: a site, lot, or tract of land equipped to accommodate four or more manufactured homes for dwelling purposes.

The second proposed change is to remove Section 50-8 of the Manufactured Home Park Ordinance which addresses the installation of a manufactured home on individual lots with three or less manufactured homes.

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Text of the proposed amendments is on file and can be viewed at the County Administrator's Office at 121 Bagley Circle, Marion, Virginia. Any questions regarding the proposed changes can be directed to Clegg Williams, Building and Zoning Department Administrator at 276-783-3298, Ext. 227 or buildingandzoning@smythcounty.org.

*Done by order of the Smyth County Board of Supervisors
Edwin B.J. Whitmore, III, County Administrator*

Mr. William Hunt of Riverside Road was the only citizen to speak on the above proposed amendments. He voiced his concerned against the changes to accommodate four or more manufactured homes for dwelling purposes.

Mr. Clegg Williams, Zoning Administrator briefly addressed Mr. Hunt's concerns.

Following the public hearing, with the recommendation of the Ordinance Committee, the Board unanimously approved the amendment to Section 10-45 of the Zoning Ordinance, the definition of a manufactured home park as: a site, lot, or tract of land equipped to accommodate four or more manufactured homes for dwelling purposes.

Vote: 7 yea
 0 nay

Following the public hearing, with the recommendation of the Ordinance Committee, the Board unanimously approved the proposed change to **remove** Section 50-8 of the Manufactured Home Park Ordinance which addresses the installation of a manufactured home on individual lots with three or less manufactured homes.

Vote: 7 yea
 0 nay

OLD BUSINESS

1. Collection of delinquent taxes **(8-10-04)**.
2. Marevine Slep, request for water service on Fox Valley Road **(5-11-04)**.
3. Request for tax relief status on building improvements **(12-5-2006)**
4. Re-codifying of the Smyth County Code **(1-10-2006)**.
5. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee **6-13-2006**).
6.
 - 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).
7. Request the Board appropriate \$15,120 to pay Wythe County their portion of taxes collected on aircraft at the Smyth Wythe Airport for 2006 **(6-12-2007)**.

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8. Appropriation request in the amount of \$5,000 for the Smyth County Celebration (7-10-2007).

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and duly carried, the Board appropriated \$5,000 to the Smyth County Celebration. These funds are appropriated from the Smyth County Celebration line, account #001-056000-6022.

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

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9. Invoice from the Town of Marion for the County's 17.65% of the refinanced Virginia Resource Authority (VRA) bond on the Regional Sewer Treatment Plant (8-14-2007).

Mr. Tate briefly discussed verbal changes to the above agreement with the Town Of Marion.

Upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board approved the agreement with the mentioned (verbal) changes by Mr. Tate.

Vote: 7 yea
0 nay

-
10. Request from the Smyth County Museum for a 3 month extension on the evacuation of the building (11-14-2007).

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board agreed to grant the Smyth County Museum's request to allow for a 3 month extension. This would make the museum's deadline to vacate the building on or before Tuesday, April 1, 2008. The Board reaffirmed a previous decision not to repair any further major heating problems should they arise.

Vote: 7 yea
0 nay

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11. A request for a letter of support from Isle of Wright County to ban the use of plastic bags, it was continued until Mr. Whitmore is present to explain more on this request (11-14-2007).

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board, removed item number 11 from old business. Mr. Whitmore explained that it should be at the State Legislature to be a statewide ban.

Vote: 7 yea
0 nay

Jeff Richardson, Commissioner of Revenue distributed information in the Board packet concerning American Highwall Systems 2007 Abatement of Machinery and

12-11-2007

Tools. Mr. Tate stated that he would research this information further due to the amount of the abatement (\$43,200) and return to the Board with further information in the further.

The following Reminders and Information was listed on the agenda:

- VACo/VML Legislative Day, February 7, 2008. Please notify Amber by December 17, if you wish to attend.
- The County's Quarterly meeting will be hosted on Tuesday, January 15, 2008 at 6:30 p.m. at the Smyth Career and Technology Center. Food will be provided by the Culinary Arts Department.

At this time (approximately 5:00 p.m.) Mr. Slemp excused himself. He thanked the Board for the past four years and wished them the best of luck in the future.

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board commended Mr. Slemp and recognized him for his years of service on the Board of Supervisors as the Atkins District Representative, January 1, 2004 through December 31, 2007.

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

Note: Mr. Blevins left during closed session.

CLOSED SESSION

Upon motion of Mr. Blevins, seconded by Mr. Perry, and unanimously carried, at 5:25 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A)

- (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
- (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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

At 5:42 p.m. the Chairman ended the closed session.

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

12-11-2007

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

Upon motion of Mr. Perry, seconded by Mrs. Neitch, and unanimously carried, the Board gave Mr. Williams the authority to proceed with the necessary legal action against Ms. Ethal Berger of 190 Churchland Drive, Atkins, for the removal of a junkyard/automobile graveyard.

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

At approximately 5:43 p.m., upon motion of Mrs. Neitch, seconded by Mr. Perry, and unanimously carried, the meeting was adjourned.

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

