

**Virginia:** The regular meeting of the Smyth County Board of Supervisors was held at the County Office Building on Tuesday, November 14, 2007 at 12:00 noon.

**Board Members**

**Present:** Mr. Charlie Clark Mr. Harold Slemp  
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. Clark called the meeting to order at approximately 12:00 p.m.

Rev. Herman Cress led invocation and Scott Simpson led the pledge of allegiance.

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Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the agenda was adopted along with the additional agenda. On the additional agenda, the Board moved Old Business, #12 (Request the Board consider revenue bond financing for Norton Community Hospital, Inc., Smyth County Community Hospital and Mountain States Health Alliance) from 3:00 p.m. to 1:30 p.m.

Vote: 7 yea  
0 nay

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After correcting votes on a couple motions, upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the minutes of October 9, 25, and 29, 2007 were approved.

Vote: 7 yea  
0 nay

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

General County	\$1,950,000
Animal Control (office supplies)	\$387
Department of Social Services (November 14-30, 2007)	\$300,000
(December 1-11, 2007)	\$65,000
Schools Operating Fund	\$3,000,000

Vote: 7 yea  
0 nay

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Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the accounts payable listing in the amount of \$1,279,290.85 was approved. This accounts payable includes a payment to Closed Networks, Fredrick G. Griffin

11-14-2007

Engineering for the radio system project in the amount of \$1,500.

Vote: 7     yea  
      0     nay

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**CITIZEN'S TIME**

Ronnie Harrington, spoke on behalf of the Smyth County Museum and requested an extension on the evacuation of the building. He requested 3 more months due to the holidays and the bad weather in the coming months. The museum anticipates that it will take that extra amount of time to find a new location and move their exhibits.

Stacey O'Quinn, Community and Government Relations Manager of Mountain States Health Alliance reminded the Board of an informational meeting at the hospital on Monday, November 26 at 2:00 p.m. All Board members are invited to attend.

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**CLOSED SESSION**

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, at 12:19 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A)

- (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: 7     yea  
      0     nay

At 1:08 p.m. the Chairman ended the closed session.

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Upon motion of Mr. Slemp, seconded by Mr. Perry, 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

11-14-2007

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: 7      yea  
      0      nay

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Following a short break, after closed session, the Board moved to old business, item number 12 (Request the Board consider revenue bond financing for Norton Community Hospital, Inc., Smyth County Community Hospital and Mountain States Health Alliance). This was continued from the October 25 meeting.

Lyndy White, CEO of Smyth County Community Hospital and Marvin Elchorn, Senior Vice President and Chief Financial Officer of Mountain States Health Alliance was present to explain the request and answer questions. Mr. Elchorn stated that Mountain States Health Alliance *only*, would be responsible for any principal and interest in the debt of these bonds.

The Board discussed the request with Mrs. White, Mr. Elchorn, and Mr. Tate then the following motion was made:

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board adopted the following resolution (included in the official minutes):

Vote: 7      yea  
      0      nay

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The Board then considered courthouse renovation solutions. Mayor David Helms and other members of the Marion Town Council were present. Mayor Helms explained that the Town of Marion is interested in helping preserve the old school on Strother Street. Mr. Mel Leman, Town Councilman also spoke. The Board discussed options and the motion below was made.

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

Upon motion of Mr. Slemp, seconded by Mr. Perry, and duly carried, the Board agreed to enter into an agreement with the Town of Marion and accept their offer of

11-14-2007

\$500,000 toward a parking facility and also accept their offer of \$250,000 in DHCD grants, if received by the Town, to purchase the old school after a public hearing, subsequent approval of the sale. This agreement would include all routine maintenance of the parking facility and is contingent once it has been written by Mr. Tate, submitted to the town and then approved by both entities.

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

The Board then continued their discussion on courthouse renovation solutions. Each Board member expressed their thoughts as to which direction they think the renovation should go. Following discussion the motion below was made:

Upon motion of Mr. Dishner, seconded by Mrs. Neitch, and duly carried, the Board decided to proceed with Option 1. This option includes leaving everyone in the facility (Constitutional Officers).

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

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board authorized Mr. Simpson to proceed in requesting proposals for the parking facility voted on above.

Vote: 7      yea  
      0      nay

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

Vote: 7      yea  
      0      nay

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board denied a request from Mr. Jeff Richardson, Commissioner of Revenue. He requested that the Board authorize Mr. Tate to petition the Circuit Court to change an incorrect assessment by Blue Ridge Appraiser's and to refund Mr. and Mrs. Harold Epperson for the difference of taxes since 2004. In denying this request, the Board instructs the Commissioner of Revenue to file the necessary forms to approach the Circuit Court for the correction.

11-14-2007

Vote: 7    yea  
      0    nay

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With the recommendation of legal counsel, upon motion of Mr. Slemp, seconded by Mr. Perry, and unanimously carried, the Board granted a \$25.20 personal property tax refund to Darrell Mabe for years 2004-2007.

Vote: 7    yea  
      0    nay

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board authorized the County Administrator or the Assistant County Administrator to sign checks for the purchase of Sheriff Department vehicles in the event they should arrive between board meetings.

Vote: 7    yea  
      0    nay

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With the recommendation of the Surplus Property Committee, the Board unanimously granted the following requests from the Sheriff:

- The title a 1990 Ford pick up is transferred to the Town of Saltville. This vehicle was seized by the Smyth County Sheriff's Office and title issued to the County December 2003. The Department of Criminal Justice Services granted in-kind use of this vehicle for law enforcement purposes.
- The title of a 1995 Ford Aerostar Van is transferred to the Southwest Virginia Regional Jail Authority for the purpose of hauling inmates. Title for this vehicle was issued to the County in January 1995. This van was purchases by the former sheriff with inmate funds and has been used to transport inmates since that time.

Vote: 7    yea  
      0    nay

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Upon motion of Mr. Perry, seconded by Mr. Dishner, and with the Budget Committee's recommendation, the Board unanimously, approved payroll early in the month of December due to the holidays. Pay day will occur on Friday, December 21, 2007.

Vote: 7    yea  
      0    nay

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Upon motion of Mr. Slemp, seconded by Mr. Perry, and with the Budget Committee's recommendation, the Board unanimously re-appropriated \$15,000 for the Walker Mountain Tower site, lease agreement. This is to be paid out of the current fiscal year (#001-031040-9005, Basic 911, Specific Use).

Vote: 7    yea  
      0    nay

11-14-2007

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board approved the advertisement of Request for Proposals (bids) for the Conventional VHS Radio Communication System.

Vote: 7     yea  
      0     nay

With the recommendation of the Ordinance Committee, the Board scheduled a public hearing for the next regular meeting on Tuesday, December 11 at 3:30 p.m. on the following proposed changes to the Zoning Ordinance and the Manufactured Home Park Ordinance.

- a. The definition of a manufactured home park found in the Zoning Ordinance be amended to mirror the Manufactured Home Park Ordinance to accommodate **four (4)** or more manufactured homes.
- b. Section 50-8 of the Manufactured Home Park Ordinance be removed which addresses the installation of a manufactured home on individual lots with three or less manufactured homes.

The Board discussed the following issue with Sally Morgan, John Tate, and Jeff Richardson.

With the recommendation of the Economic Development Committee, the Board duly authorized the Commissioner of Revenue to implement the real estate rehabilitation tax exemption starting this current tax year (2007), resulting in a decrease of \$6,099.03 in taxes for LT Development, LP, owner of the Lincoln Theatre property.

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

Upon motion of Mr. Perry, seconded by Mr. Slemp, and with the recommendation of the Economic Development Committee, the Board scheduled a public hearing for the next regular meeting on Tuesday, December 11 at 3:00 p.m. on proposed changes to the county code regarding the real estate rehabilitation tax exemption.

Vote: 7     yea  
      0     nay

Mrs. Johnson requested that the Board respond to her by Tuesday, November 27 so the RSVP date can be met for the Chamber of Commerce 2007 Annual Dinner Meeting on Tuesday, December 4 at 6:30 p.m. to be held at Hemlock Haven Conference Center.

11-14-2007

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The Board briefly discussed dates in January to host the Town and County Quarterly Meeting. Mrs. Morgan mentioned the Smyth County Vocational School as a venue and letting the culinary students cook. This would allow those attending to see those types of programs they offer for students. The Board will be updated as the planning for this meeting continues.

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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 application for a Special Use Permit submitted by Appalachian Animal Refuge, Inc. for a Kennel. This application is approved on the condition that the Refuge meet and maintain compliance in the following areas: Sanitation guidelines required by the Department of Health and the Department of Agriculture in regard to human safety and animal welfare; Department of Agriculture guidelines governing the operation of a releasing agency (Home-Based Rescue or Humane Society), and; Smyth County ordinances, including licensing, kennel restrictions, and noise ordinances and any other applicable rules or regulations that may apply.

Vote: 7     yea  
      0     nay

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Representing the Miss Mountain Empire Scholarship Organization, Robin Porter thanked the Board for their \$2,000 contribution made to the pageant last year and requested the same this year. She answered various questions from the Board.

Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, this request was referred to the Budget Committee. The Board requested the organization's budget information, revenue and expenditures, which should detail other contributors to the organization. Once that information is received, the committee will review the request.

Vote: 7     yea  
      0     nay

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**OLD BUSINESS**

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

**11-14-2007**

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, item 3a was dropped from old business. It was resolved with a committee recommendation earlier in the meeting.

Vote: 7     yea  
      0     nay

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

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Mr. Tate briefly stated that the re-codifying of the code is progressing. He and Mr. Carter has met and reviewed the changes with the attorney publishing the new code.

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5. 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 (**4-11-2006**).

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and with the recommendation of the Ordinance Committee, the Board unanimously removed item # 5 from old business. The committee felt it was not in the best interest of county citizens to merge the two ordinances.

Vote: 7     yea  
      0     nay

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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 appropriate \$15,120 to pay Wythe County their portion of taxes collected on air craft at the Smyth Wythe Airport for 2006 (**6-12-2007**).

9. Request the Board consider the following tax refund requests (**7-10-2007**):

- a. BB&T Leasing Corp. on two pieces of equipment assessed incorrectly for a total of \$415.60.  
b. BB&T Leasing Corp. on a piece of equipment assessed incorrectly for a total of \$774.90.

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Jeff Richardson, Commissioner of Revenue, stated that the following 2006 tax assessments were mistakes made in his office. With that said, upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board approved the following tax refund requests for 2006, a total of \$1190.49:

- a. BB&T Leasing Corp. on two pieces of equipment assessed incorrectly for a total of \$415.60.

11-14-2007

- b. BB&T Leasing Corp. on a piece of equipment assessed incorrectly for a total of \$774.89.

Vote: 7     yea  
      0     nay

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board removed the above item (#9 a & b) from old business).

Vote: 7     yea  
      0     nay

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- 10. Appropriation request in the amount of \$5,000 from the Smyth County Celebration (**7-10-2007**).
  - 11. 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**).
  - 12. Request the Board consider revenue bond financing for Norton Community Hospital, Inc., Smyth County Community Hospital and Mountain States Health Alliance (**10-25-2007**).

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This issue (#12) was resolved earlier in the meeting.

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- 13. Request the Board consider the following Budget Committee recommendations from their meeting on October 15, 2007 (**10-25-2007**):
    - a. Request from the Circuit Court Clerk to fund an additional \$23,000 per year position to help with that office's increasing workload.  
*Mr. Dishner and Mr. Clark who both serve on the Personnel Committee again approved the request. Mr. Slemp also expressed his approval of the request.*
    - b. Request from the Animal Shelter for a full time shelter attendant. The Chief Animal Control Officer asked that the Personnel Committee consider transferring a current part time employee into full time.  
*Mr. Dishner and Mr. Clark who both serve on the Personnel Committee again approved the request. Mr. Slemp also approved the request.*

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With the Budget Committee's recommendation the Board duly approved a request from Jimmy Warren for an additional employee in the Clerk of the Circuit Courts office. This employee would be fully funded by the County at a maximum annual salary of \$23,000, plus benefits. This would be reflected in a budget increase and will cause a budget amendment to the current budget.

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

With the recommendation of the Budget Committee, the Board duly approved a request from Bill Turman, Chief Animal Control Officer to make a current part time Shelter Attendant position into a full time position with benefits. With Mr. Turman's

11-14-2007

suggestion, funds to cover the salary will come from Animal Control (fund #003). This would be reflected in a budget increase of \$21,070 and will cause a budget amendment to the current budget in like amount. Funds will be transferred from Animal Control (fund #003) to equal this amount for the current year.

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

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board removed item number 13 from old business.

Vote: 7      yea  
      0      nay

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The Board briefly discussed a couple of the appointments expiring December 31, 2007.

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Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried, the Board instructed the staff to begin the process of writing a resolution of recognition to present to the family of Mrs. Mary Ann Evans in memory of her recent passing.

Vote: 7      yea  
      0      nay

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**CLOSED SESSION**

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, at 4:19 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.

Vote: 7      yea  
      0      nay

At 4:27 p.m. the Chairman ended the closed session.

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Upon motion of Mr. Perry, 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

11-14-2007

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: 7     yea  
      0     nay

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board encourages the Industrial Development Authority to appropriate and pay half of the incentive of \$300,000 discussed in closed session. If Washington County agrees, they would pay the remaining half.

Vote: 7     yea  
      0     nay

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**MEETING CONTINUED**

At approximately 4:28 p.m. the Chairman continued the meeting until 7:00 p.m. for a joint public hearing with Virginia Department of Transportation.

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At 6:58 p.m. the Chairman called the meeting back to order and first allowed time for any citizen's to address the Board with concerns relating to the Department of Transportation.

Mr. William Hunt a resident of Riverside expressed problems with drainage on his road which affects his property. He named the different people he has spoken to over the past several years to try to remedy this problem. Mr. Hunt has installed ditching and barriers to try to help alleviate the drainage. He requested that the Board authorize and fund this project so that VDOT can fix this big problem.

Mr. Steve Buston of the Virginia Department of Transportation then spoke before the Board and explained the following request and answered questions.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby authorizes the

11-14-2007

Department of Transportation to close State Route 622, from Route 16 to 1.925 kilometers south of Route 686 south, for the time necessary to complete construction of the road way.

Vote: 7      yea  
      0      nay

Mr. Buston then explained the process for the public hearing. After reviewing comment sheets and suggestions from citizens, VDOT will meet with the Board to determine how many roads can be placed on this plan. It will then be approved by the Board, which may not be until at least May 2008. Following the hearing VDOT representatives will meet with anyone wishes to speak with them. Mr. Buston had with him, Mr. Robert Hurt, Doug Bowling - over the Marion area, and Jeff Jones - who is currently filling in a vacant position over the Chilhowie/Bradford area.

At 7:20 p.m. the Chairman called the public hearing to order. There were approximately 4 citizens present. Mr. Carter read the following advertisement as ran in the Smyth County News and Messenger on Saturday, October 27 and Saturday, November 3, 2007. After the advertisement, Mr. Carter read the rules for public hearings.

**NOTICE OF PUBLIC HEARING**

*The Virginia Department of Transportation and the Smyth County Board of Supervisors, in accordance with section 33.1-70.01 of the Code of Virginia, will conduct a joint public hearing on Wednesday, November 14, 2007, at 7:00 p.m., or soon there after, in the Board of Supervisors meeting room at 121 Bagley Circle, Smyth County Office Building.*

*The purpose of this public hearing will be to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2008/2009 through 2013/2014, for Smyth County, and on the Secondary System Construction Budget for Fiscal Year July 1, 2008 to June 30, 2009. Copies of the proposed plan and budget may be reviewed at the Abingdon Residency of the Virginia Department of Transportation, located at 700 East Main Street, Abingdon, Virginia, or at the Smyth County Administrator's Office at 121 Bagley Circle, Suite 100, Marion, Virginia.*

*All projects in the Secondary Six-Year Plan that are eligible for the federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate federal transportation funds.*

*Persons requiring special assistance to attend and participate in this hearing should contact the Virginia Department of Transportation at 276-676-5503. Persons wishing to speak at this public hearing should contact the Smyth County Board of Supervisors at 276-783-3298.*

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

**11-14-2007**

The first citizen to speak was Mr. Roy Stevenson on Route 624. He thanked VDOT for the new bridge on Route 624. Mr. Stevenson explained that the "Sally Moore Hill" portion of Route 624 is narrow for two cars to pass. He also mentioned that paving would help the condition of Route 624. He requested that this Route be placed on the Six Year Plan.

The only other citizen to speak was Mr. Bill Tilson of Tilson Hollow Road. He mentioned that the road is gravel and narrow but isn't interested in requested in having it upgraded.

The Chairman closed the hearing at 7:29 p.m. and with no other business the meeting was continued until Thursday, November 29 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, November 29, 2007, at 7:00 p.m.

**Board Members**

**Present:** Mr. Charlie Clark, Chairman Mr. Marvin Perry  
Mrs. Darlene Neitch Mr. Michael Roberts  
Mr. Harold Slep Mr. Todd Dishner

**Board Members**

**Absent:** Mr. Wade Blevins

**Staff Members**

**Present:** Mr. Clegg Williams Mr. Charlie Atkins  
Mrs. Amber Johnson Mr. John Tate  
Mrs. Becca Kirk Mr. Ed Whitmore

**Planning Commission**

**Members Present:** Mr. Dennis Blevins Mr. Wayne Venable  
Mr. Graham Davidson Mr. Karl Kalber  
Mr. Norman Sparks Mr. Don Medley

**Planning Commission**

**Members Absent:** Ms. Amy Tuell

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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. Whitmore read the advertisement as run in the Smyth County News and Messenger on November 17 & 24. Mr. Whitmore also read the rules for public hearings. There were approximately 30 citizens present.

***BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS AND  
SMYTH COUNTY PLANNING COMMISSION***

*The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, November 29, 2007, at 7:00 P.M. or as soon after 7:00 P.M. as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application(s) to the Zoning Ordinance of Smyth County, Virginia:*

*An application from Smyth County Community Hospital for an amendment to the zoning map to rezone approximately 32 acres from Agricultural/Rural to Commercial. The property is located between Althea Street and Lee Highway in Marion and is identified by Tax Map No. 47-A-17 and a portion of 154-24-2.*

*At this public hearing, subject to the rules of procedure of the Board of Supervisors and Planning Commission of Smyth County, Virginia, any person may appear and state his/her views thereon.*

*These files are at the Offices of the County Administrator and County Zoning Administrator at the address given above, and may be viewed during regular business hours Monday through Friday.*

*Done by order of the Board of Supervisors and the Planning Commission.  
Edwin B.J. Whitmore III, County Administrator  
Dennis Blevins, Chairman of the Planning Commission*

11-29-2007

Mr. Williams explained the application submitted by the Smyth County Community Hospital (SCCH) who is negotiating to purchase approximately 40 acres from Judith Shultz and Kenneth Greer. He explained they propose to develop a medical facility between Hwy. 11 and Althea Street near Marion. The project will cover approximately 32 acres in the County and approximately 8 acres in the Town. Currently, all of the property mentioned above is zoned Agricultural/Rural. SCCH is requesting the property be rezoned to Commercial.

Mr. Williams informed the Board room that rezoning the property is the first of a two part process for SCCH to gain zoning approval for their proposed development. *Medical Care Facility* is a use only found in the Commercial District and then only with the issuance of a special use permit. As a result, SCCH have first applied to have the property rezoned to Commercial. With their application SCCH also submitted an owner's consent form. Mr. Williams also stated that notice was mailed to all adjoining property owners. Mr. Williams acknowledged that he has taken general questions regarding this case but no one requested that he convey their comments at the public hearing. Mr. Williams highlighted §3-4 which contains the district regulation for the Commercial district (the proposed zoning classification for the property), §3-2 the district regulations for the Agricultural/Rural (the current zoning classification for the property), and Article IX which covers amendments to the ordinance and map.

Mr. Williams then introduced Hank Carr of Corridor Properties, LLC. Mr. Carr gave a synopsis of SCCH's intentions to develop the property. He highlighted the hospital's history in the community, the site criteria (commercial visibility, approximately 40 acres and adequate utilities), the site itself and the zoning request presented.

Mr. Williams and Mr. Carr provided the GIS map of the proposed site to the audience which illustrated the present zoning classifications for both the county and town.

Ms. Lindy White, CEO of SCCH spoke on the hospital's wishes to develop this property and answered various questions.

Mr. Gary Peacock, Chairman of the Board of SCCH offered his support for the project. He highlighted that SCCH is in fact a part of the community and they currently

11-29-2007

sit in the middle of a residential area.

Judith Schulz, owner of the property, spoke in favor of the development and expressed her care and concerns for the community. She stated that she intended for this transaction to be for the good of the community, the citizens of the Town of Marion and Smyth County.

The following citizens voiced their opinions and concerns to the development:

Phil Martin	Charlie Wassum
Tina Graham	Jim Gates
Tom Burkett	Mary Martin
Seth Martin	Pat Martin
Alice Freeman	

The citizens spoke about essentially the same concerns including noise and light levels, elevation and placement of buildings, time frame of construction, and the entrances and access roads (mainly Althea Street and Water Mill Road). Another common concern among those that spoke was about the future of the property should the hospital's proposed plan not develop. The citizen's requested that the decision be postponed until more specific plans can be produced or that the zoning be made conditional.

Mr. Williams addressed the citizen's request for a postponement of the decision. He explained that this hearing is only for the map amendment and the Planning Commission is not authorized to impose any restrictions on a map amendment. He reiterated that SCCH would still have to apply for a Special Use Permit for a medical care facility after the map amendment and that the Planning Commission could recommend restrictions to the Board for the Special Use Permit. The Board would then have the right to impose restrictions on the developers. He explained that if the Planning Commission and Board decide to approve the map amendment and the hospital did not develop the property as proposed, the property's zoning classification would remain Commercial until one of three things took place: the property owner applied to have the property rezoned to A/R, the Planning Commission, or the Board of Supervisors initiate the rezoning of the property back to A/R.

No one else spoke on this application.

Chairmen Clark and Chairman Blevins closed the joint public hearing at 7:57 p.m.

11-29-2007

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The Board then continued their meeting in the Board room on the fourth floor.

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved a budget amendment in the amount of \$783,000 to allow for the East Hungry Mother Water Project. This is a revenue neutral project.

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

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Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board approved an appropriation in the amount of \$511,958.35 for the East Hungry Mother Water Project.

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

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Mr. Whitmore requested the Board consider an alternate gasoline supply other than at the county jail house. That pump has been damaged and will cost a good amount to repair. In light of the courthouse renovations he felt it would be best to go elsewhere for gasoline.

Following discussion, upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board gave Mr. Whitmore the Authority to find a gasoline supply, on an emergency basis, for up to 90 days until a more permanent supply is found, at that time the Board will reevaluate the options.

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

The following notice was posted the next morning:

**NOTICE**  
***Under §2.2-4303 (F) - DETERMINATION FOR EMERGENCY  
PROCUREMENT SERVICES***

*At a continued meeting of the Smyth County Board of Supervisors held Thursday, November 29, 2007, upon a presentation by Edwin B.J. Whitmore, III, County Administrator, the Board determines that there are only two sole sources, and no other source is practicably available for gasoline supply service to Smyth County employees due to 24 hour service requirements.*

*The Board has agreed to procure temporary (90 days) gasoline services from two 24-hour Chevron service stations in Marion. These Chevron service stations will directly bill the County monthly. In using these stations, the county will be exempt from applicable state and road taxes.*

*This action was taken because no other source is practicably available for this needed resource. The Board of Supervisors announced its decision to award this contract last evening, Thursday, November 29, 2007, and this notice is posted in the designated public area of the Smyth County Courthouse, 109 West Main Street, Marion, VA, and the Smyth County Office Building, 121 Bagley Circle, Marion, VA.*

11-29-2007

*Signed this day, Friday, November 30, 2007*

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

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Mr. Whitmore asked that a request for the Board to consider farmers relief for hay be placed on the agenda. At the meeting he asked that the Board table this issue. After further explanation, the Board agreed to let this request die until a proper request is presented to the Board.

Mr. Tate distributed the draft agreement to the Board with the Town of Marion on the old school and the parking facility. The Town of Marion will be meeting soon to discuss this document and will return with their comments. The Board can then make any comments and changes.

Mrs. Johnson listed the following reminders and information:

- APPOINTMENTS - Appointment Committee will be meeting again Wednesday, December 5 at 9:00 a.m. Please turn in any suggestions for nominations for those that expire December 31, 2007 by this meeting.

*Mr. Roberts turned in an appointment nomination for the Virginia Highlands Community College Board following the meeting.*

- VACo/VML Legislative Day, February 7, 2008, information is attached. Please let Amber know by December 17, if you wish to attend.

*Mr. Roberts stated that he would go to the VACo/VML Legislative Day.*

- VACo County Supervisors Forum, January 4-6, 2008, information is also attached. Those wishing to attend should let Amber know AS SOON AS POSSIBLE.

The Chairman closed the meeting at approximately 8:20 p.m.

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C.C. Clark, Jr., Chairman

