

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

**Board Members Present:** Mr. Charlie Clark  
Mr. Wade Blevins  
Mrs. Darlene R. Neitch  
Mr. Todd Dishner (arrived at approximately 2:00 p.m.)  
Mr. Harold Slemp  
Mr. Michael Roberts  
Mr. Marvin Perry

**Staff Members Present:** Mr. Ed Whitmore  
Mr. Mike Carter  
Mrs. Becca Kirk  
Mr. Charlie Atkins  
Mr. John H. Tate, Jr.

Mr. Clark called the meeting to order at approximately 12:03 p.m.

Mr. Denton Staley led invocation and Charlie Atkins led the pledge of allegiance.

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With a consensus of the Board, the agenda was adopted along with the additional agenda. The Chairman also added the following two items: Joe Ellis and Bill Huber to speak later in the meeting on the old school house building also an IDA appropriation for TEDS, Inc.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the minutes of August 14, and 23, 2007 were approved.

Vote: 6 yea  
1 absent (Dishner)

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

General County		\$1,320,000
Department of Social Services (September 12-30, 2007)		\$300,000
(October 1-9, 2007)		\$70,000
Schools	Operating Fund	\$4,200,000
	Textbook Fund	\$10,000
	Debt & Capital Outlay Fund	\$10,000

Vote: 6 yea  
1 absent (Dishner)

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Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the accounts payable listing in the amount of \$663,835.26 was approved. This accounts payable includes a payment to Closed Networks, Fredrick G. Griffin Engineering for the radio system project in the amount of \$5,400.

Vote: 6 yea  
1 absent (Dishner)

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**CITIZEN'S TIME**

Doris Smith, of the Smyth County Extension Homemakers invited the Board to the annual brunch to be held on Tuesday, October 9 at 10:30 a.m. in the Smyth County Extension Office conference room (of the Morrison Building).

Earl McClure expressed his concerns with the old school house on Strother Street. He also expressed his concerns for the citizens poverty level in the county.

Tom Hower also spoke in reference to the old school building. He stated that the building offers character and is worth preserving. He explained that it could add to the already prospering downtown Marion. Mr. Hower stated that he is aware of a group interested in the building other than the historical society. He asked that the Board not make a hasty decision and, and that they work with the community for the best interest of the citizens.

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**NEW BUSINESS**

The Chairman asked that any Board member attending the Virginia Association of Counties Conference to be held Sunday, November 11 - Tuesday, November 13 let the staff know as soon as possible.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board appropriated up to \$2,000 from the contingency fund (# 001-056000-5827) for the Employee Wellness day to be held on Friday, September 21, 2007. Cost for each full time employee routine service is \$30.

Vote: 6      yea  
      1      absent (Dishner)

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Mr. Carter explained a request on behalf of Mr. Shannon Williams, 911 Coordinator. He requests that the Board approve the Sugar Grove AEP contract for the radio system. This contract needs to be approved so that it can be included in the bid documents. The budget committee hoped to go out for bids for the radio system in November. After discussion, Mr. Tate asked that this request be continued so that Mr. Williams can be present for the discussion.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board referred this issue to the Budget Committee for them to meet prior to the

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continued meeting on Thursday, September 27, when this issue will be discussed again.

Vote: 6      yea  
1          absent (Dishner)

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Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved a DMV Highway Safety Grant for the Sheriff's Department in the amount of \$38,850/Federal funds and \$7,770/Local funds. This grant period is from October 1, 2007 - September 30, 2008 (project # K8-2008-58131-3070). Mr. Kenny Lewis, Chief Deputy stated that the local match would come from in-kind funds such as fuel, court time, etc.

Vote: 6      yea  
1          absent (Dishner)

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Mrs. Sally Morgan briefly explained the Enterprise Zone Local Incentives, the administrative process, and the proposed changes to the County Code pertaining to this issue. Mrs. Morgan requested that this issue be referred to the Economic Development Committee so that it may be researched and discussed in more detail and return with a recommendation to the Board at a later date.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried, the Board referred this issue to the Economic Development committee made up of Mr. Blevins, Mr. Perry and Mr. Clark.

Vote: 6      yea  
1          absent (Dishner)

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With the recommendation of the Water and Sewer Committee, the Board unanimously approved a proposal from Draper Aden for a water rate study. This study will be conducted under the current term contract with Draper Aden in the amount of \$24,400. Mr. Simpson stated that with the Board's approval they will began immediately and he asked that it be funded from the Board's Supplemental Appropriations.

Vote: 6      yea  
1          absent (Dishner)

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Mr. Slemp inquired about the water supply throughout the county due to the drought. Mr. Simpson stated that the supply is good and water has been re-routed in some areas to alleviate the situation.

Mr. Slemp also asked if Sheridan Ridge is being informed on their water and sewer availability and if their presence would help in grants for sewer in the Atkins area.

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Mr. Slemp also stated that he has been in contact with Delegate Carrico on the fire hydrant requirements with the health departments.

Mr. Roberts reminded the Board of the unresolved issue with the Millers on the Allison Gap Sewer Project.

Mr. Simpson informed the Board that Vance Drive, Paradise Drive and Redstone Road are complete and those customers will have water in the very near future.

Mr. Tate briefly informed the Board on the bond inquiry from Mountain States Health Alliance. He has been in contact with their attorney who is currently seeking consent from the City of Norton. They will be before the IDA in the near future.

Mr. Tate explained to the Board that there was a clerical error in the judgment on the Ernie Sullins case. Law provides that the judge can change such errors. Mr. Tate stated that a new corrected order is in process

Upon motion of Mr. Perry, seconded by Mr. Slemp, and unanimously carried, the Board appropriated \$155,081.52 from a Tobacco Commission grant out of the IDA Incentive Fund (001-081030-8888-1) in order to reimburse TEDS, Inc. for eligible expenses from the Tobacco Commission grant funds.

Vote: 6     yea  
      1     absent (Dishner)

Mr. Dishner arrived at this time.

Steve Buston of the Virginia Department of Transportation distributed a map of roads that will be eligible for federal funds in this year's Six-Year Plan. Unpaved roads will be added to the list after the public hearing. The Board scheduled the public hearing on the Six-Year Plan for the regular meeting on Wednesday, November 14 at 7:00 p.m.

Rachel Brown of VDOT also informed the Board the grading and construction is proceeding at the Hardee's site in Chilhowie.

Mr. Steve Hill of Atkins spoke before the Board and the VDOT representatives and explained a problem with speeding at exit 50, Nicks Creek Road and Highway 11. With the industrial park there is a lot of congestion in that area at one time.

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

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Department of Transportation to conduct a traffic study at the Exit 50 interchange area in Atkins (Nicks Creek Road and Highway 11).

Vote: 7     yea  
      0     nay

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Upon motion of Mr. Perry, seconded by Mr. Dishner, and duly carried, the Board denied the recommendation from the Planning Commission to approve an application submitted by Mountain City Lumber for a Special Use Permit. The Planning Commission placed a condition on the permit if approved by the Board, that an 8 foot chain link fence be placed along Market Street and any other portion of the property to restrict access for safety measures and that the entrances be secured by gates at nighttime and during non-operational hours. The property is located across from 1123 Highway 16 in Marion. It is zoned Commercial and is identified as Tax Map Nos. 57-A-69A, 57-A-68, and 57-A-69A.

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

**Note:** Mr. Slemp stated that he is a realtor in Smyth County and could vote in a fair and impartial manner, however he has no interests in the following property.

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the Board approved a recommendation from the Planning Commission on the request of Robert Wilson and Richard Bolling on behalf of Premier Rentals for an amendment to the zoning map. The amendment is located on Napoleon Street and is approximately 5 acres. It is currently zoned Agricultural/Rural and is recommended it to be rezoned to Residential. The property is identified as Tax Map No. 45-A-115C.

Vote: 7     yea  
      0     nay

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Mr. Clegg Williams updated the Board on the Bobby Haga case. Mr. Williams and Mr. Tate went to court on this case earlier on the 11th and a temporary injunction was issued barring Mr. Haga from his junkyard activity. A November court date was scheduled.

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The Board then proceeded with a public hearing. Mr. Whitmore read the notice below as ran in the Smyth County News and Messenger. There were no citizen's present to speak.

9-11-2007

**NOTICE OF PUBLIC HEARING  
ON AMENDING THE SMYTH COUNTY SCHOOL BUDGET  
FOR THE FISCAL YEAR  
July 1, 2007 thru June 30, 2008  
On September 11, 2007 at 2:30 p.m.**

Pursuant to section 15.2-2507 of the Code of Virginia, the Smyth County Board of Supervisors will conduct a public hearing on September 11, 2007 at 2:30 P.M., in the Board of Supervisors meeting room at 121 Bagley Circle, Smyth County Office Building.

At the above mentioned day, time and place any citizen may appear and express their opinion(s).

The purpose of the hearing will be to receive public comment on proposed amendments to the School Board budget and the Smyth County budget for fiscal year 2007-2008. The amendments relate to the Smyth County Schools operating fund only and involve remaining funds from 2006-2007. A full copy of the current budget is at the Smyth County Board of Supervisors Office, 121 Bagley Circle, Suite 300. It may be viewed during regular business hours, Monday through Friday. A synopsis of the proposed budget amendments are as follows:

<b>Smyth County, Virginia Proposed School Board Budget For the Year Ending June 30, 2008 Summary of All Operations Budget Revenues</b>			
	<b>2007-2008 Original</b>	<b>2007-2008 Proposed</b>	<b>Difference</b>
School Operating Fund			
State Funds	\$29,675,096.00	\$29,675,096.00	\$0.00
Federal Funds	\$6,280,939.00	\$6,280,939.00	\$0.00
County Funds	\$9,218,942.00	\$10,713,942.00	\$1,495,000.00
Sales Tax	\$4,352,358.00	\$4,352,358.00	\$0.00
Other Funds	\$389,232.00	\$389,232.00	\$0.00
<b>Total School Operating Fund</b>	<b>\$49,916,567.00</b>	<b>\$51,411,567.00</b>	<b>\$1,495,000.00</b>
<b>Summary of All Operations Budget Expenditures</b>			
	<b>2007-2008 Original</b>	<b>2007-2008 Proposed</b>	<b>Difference</b>
School Operating Fund			
61000: Instruction	\$37,556,811.00	\$37,556,811.00	\$0.00
62000: Administration, and Attendance and Health	\$1,884,117.00	\$1,884,117.00	\$0.00
63000: Pupil Transportation Services	\$2,193,182.00	\$2,193,182.00	\$0.00
64000: Operating and Maintenance Services	\$4,475,755.00	\$5,970,755.00	\$1,495,000.00
65000: School Food Services	\$2,234,709.00	\$2,234,709.00	\$0.00
68000: Technology	\$1,571,993.00	\$1,571,993.00	\$0.00
<b>Total School Operating Fund</b>	<b>\$49,916,567.00</b>	<b>\$51,411,567.00</b>	<b>\$1,495,000.00</b>

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Smyth County School Board Budget Proposed County School Debt and Capital Outlay Fund For the Year Ending June 30, 2008			
	2007-2008 Original	2007-2008 Proposed	Difference
School Debt and Capital Outlay Fund Revenues			
County Funds	\$855,139.00	\$855,139.00	\$0.00
State School Construction	\$180,143.00	\$180,143.00	\$0.00
Lottery	\$429,223.00	\$429,223.00	\$0.00
Trigon	\$0.00	\$0.00	\$0.00
Literary Fund	\$0.00	\$0.00	\$0.00
<b>Total School Debt and Capital Outlay Fund Revenues:</b>	<b>\$1,464,505.00</b>	<b>\$1,464,505.00</b>	<b>\$0.00</b>
School Debt and Capital Outlay Fund Expenditures			
Capital Facilities	\$185,138.00	\$185,138.00	\$0.00
Debt Service	\$1,279,367.00	\$1,279,367.00	\$0.00
<b>Total School Debt and Capital Outlay Fund Expenditures:</b>	<b>\$1,464,505.00</b>	<b>\$1,464,505.00</b>	<b>\$0.00</b>

Done by Order of the Smyth County  
Board of Supervisors

Edwin B. J. Whitmore, III  
County Administrator

The public hearing was immediately closed due to no one wishing to speak.

Dr. Mike Robinson, School Superintendent commented on the amendment. He explained that the funds would be used to complete the following projects already in progress: renovation of HVAC Northwood Middle School, Facility Study, Rich Valley Elementary HVAC system, Northwood High School boiler system. He then explained that the following new projects would be done with the remaining funds: electrical lighting upgrades in the three high school auditoriums, renovation of the most used classroom in the County at Chilhowie, gym lights and roof at Sugar Grove Combined School, and complete the security system at all schools. Mr. Robinson then answered brief questions from the Board. Mr. Perry and Mr. Slemp commented on the schools saving funds in the past year.

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

Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board approved a proposed amendment to the Smyth County budget for fiscal year 2007-2008. This amendment relates to the Smyth County Schools Operating Fund only and involves remaining funds from 2006-2007 in the amount of \$1,495,000.

Vote: 7     yea  
      0     nay

Mr. Bobby Ingle of Washington County spoke before the Board requesting they adopt the resolution below.

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

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*WHEREAS*, the fire tower atop Clinch Mountain at Hayter's Gap Virginia has stood for approximately seventy five (75) years. It is a landmark, visible from both Washington and Russell Counties. It was centerpiece of Jack Kestner's book entitled "The Fire Tower", and

*WHEREAS*, recently, the Commonwealth of Virginia purchased the tract of land that is home to the fire tower. This large tract of land will be turned into a state forest in early September 2007 and managed by the Virginia Department of Forestry, and

*WHEREAS*, the Virginia Department of Forestry has mentioned that they have intentions to dismantle the fire tower. Many residents of the area are concerned about those plans and would like to see the fire tower remain in tact at its present location. Many people use this tower as a place to observe birds, some of which are unique to the Clinch Mountain habitat, and

*WHEREAS*, a group of volunteers from both Washington and Russell Counties have agreed to work on the tower to insure the safety of anyone who uses the tower for viewing purposes. A hiking trail that is now in the planning stages for the area between Hidden Valley Lake and Laurel Bed Lake will pass by the tower and the Great Channels of Virginia that is located adjacent to it, and

*NOW, THEREFORE, BE IT HEREBY RESOLVED* by the Board of Supervisors of Smyth County, Virginia to request that the Virginia Department of Forestry leave the fire tower a top Clinch Mountain as it now exists with the improvements to be made by volunteers in the near future.

Vote: 7     yea  
      0     nay

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Sheriff David Bradley introduced Alan Slagle who requested that the Board implement the Senior Navigation program, at a cost of \$2,500.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, this requested was referred to the Budget Committee for further investigation and consideration.

Vote: 7     yea  
      0     nay

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Stacey O'Quinn, Community and Government Relations Manager of Mountain States Health Alliance informed the Board of an informational and update session to be held at the Smyth County Community Hospital on Monday, November 26 at 12:30 p.m. All Board members are invited to attend.

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

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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 appropriate \$15,120 to pay Wythe County their portion of taxes collected on aircraft 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.
10. Appropriation request in the amount of \$5,000 from the Smyth County Celebration (**7-10-2007**).
11. Request the Board appoint a Board representative to the Community Policy Management Team (CPMT). At the request of Mr. Perry he was removed from the CPMT at the 6-12-2007 meeting. Code requires a Board member to serve on the Team. (**6-12-2007**).

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The Chairman appointed Mr. Wade Blevins to the Community Policy Management Team, as the Board member representative. Term will expire June 30, 2008.

12. 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**).

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Mr. Tate informed the Board that a meeting of County staff, Town of Marion staff and attorneys of both entities has been scheduled for Monday, September 17 at 10:00 a.m. to discuss and resolve number 12 on old business.

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Joe Ellis and Bill Huber spoke before the Board presenting their ideas for saving the old school building on Strother Street in down town Marion. They presented solutions to the parking situation and asked that the building be saved. In the end they requested that the building be donated to the Appalachian School of Music.

Martha Copenhaver, member of the Historical Society thanked Mr. Ellis and Mr. Huber for their hard work. She agreed with the idea of saving the building and stated that she hoped they could work together.

**CLOSED SESSION**

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, at 4:21 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A)

- (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- (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: 7    yea  
      0    nay

At 4:55 p.m. the Chairman ended the closed session.

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 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: 7    yea  
      0    nay

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**MEETING CONTINUED**

At approximately 5:00 p.m., upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the meeting was continued until Thursday, September 27, 2007 at 7:00 p.m. for a joint public hearing with the Planning Commission and any other issues that may arise.

Vote: 7     yea  
      0     nay

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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, September 27, 2007, at 7:00 p.m.

**Board Members**

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

**Board Members**

**Absent:** Mr. Harold Slemp

**Staff Members**

**Present:** Mr. Clegg Williams                                              Mrs. Sally Morgan  
Mrs. Amber Johnson                                              Mr. John Tate  
Mr. Mike Carter                                                      Mrs. Becca Kirk  
Mr. Scott Simpson

**Planning Commission**

**Members Present:** Mr. Karl Kalber (*served as Chairman*)  
Mr. Graham Davidson                                              Mr. Dennis Blevins  
Ms. Amy Tuell                                                              Mr. Norman Sparks  
Mr. Don Medley                                                              Mr. Wayne Venable

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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. Carter read the advertisement as ran in the Smyth County News and Messenger on September 15 & 22. Mr. Carter also read the rules for public hearings. There were 3 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, September 27, 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 applications to the Zoning Ordinance of Smyth County, Virginia:

An application from Theresa R. L. Ogle for a Special Use Permit to establish a *Retail Store and Shop* on a tract of land owned by Maryann Ogle. The property is located at 2480 Hwy. 107 in Saltville, is zoned Agricultural/Rural, and is identified by Tax Map No. 41-A-80A.

An application from Elmer L. Lundy for a Special Use Permit to establish a *Manufactured Home Park* in order to place a third manufactured home on a tract of land he owns on Farmview Road in Marion. The property is zoned Agricultural/Rural and is identified by Tax Map No. 56-A-87.

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.

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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

Mr. Clegg Williams, Zoning Administrator, summarized the first application submitted by Ms. Maryann Ogle who owns 2480 Hwy 107. She and her mother are negotiating to lease the building to a retail store. The property is identified by tax map #41-A-80 and is zoned Agricultural/Rural.

Mr. Williams mailed notification of this hearing to all adjoining property owners. Mr. Williams stated that he had not received any comments or questions on this application.

Mr. Williams also pointed out the following sections of the ordinance: Section 3-2.2) c) which allows a retail store in the A/R district by issuance of a SUP, Article 6 which contains the provisions for Special Use Permits, and 10-58 which defines Retail stores and shops.

Ms. Theresa Ogle was present to speak and answer any questions. She informed the Board and Commission that she has received several suggestions from local citizens for a tack and feed shop within the vicinity of their farms. She explained why she applied for a Special Use Permit as opposed to making a rezoning request.

No one else spoke on this application.

Mr. Williams then explained the second application received from Mr. Elmer Lundy for a special use permit submitted on September 12. Mr. Lundy would like to establish a site on his property for his granddaughter and her manufactured home. Because Mr. Lundy currently has two manufactured homes on the property, the addition of the third home is by definition a manufactured home park. Mr. Lundy's property is located on the corner of Old Ebenezer Road and Farmview Road and is identified by tax map #56-A-87. The property is zoned Agricultural/Rural.

Mr. Williams stated that he sent notification to all adjoining property owners by mail. He also stated that he had received no comments or questions on Mr. Lundy's application.

Mr. Williams also pointed out the following sections of the ordinance: Section 3-2.2) which allows a Manufactured home park in the A/R district by issuance of a SUP,

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Article 6 which contains the provisions for Special Use Permits, and 10-45 which defines Manufactured home park.

Mr. Lundy was present to speak and answer any questions. There was lengthy discussion regarding the Zoning Ordinance and the Manufactured Home Ordinance conflicting with each other regarding the number of homes that defines a manufactured home park.

Mr. Earl McClure was present and opposed this action entirely. He feels Mr. Lundy is being discriminated against and stated his reasons. He also stated his suggestions for what the County needs to do with the ordinances.

Ms. Theresa R. L. Ogle spoke very briefly supporting Mr. Lundy's request.

The hearing was closed at approximately 7:44 p.m. by both Chairman Clark and Kalber.

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The Board of Supervisors then recessed to the fourth floor Boardroom.

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Mr. Tate requested the Board's comments on his participation on an arbitration panel for a dispute between David R. Hickey and Blue Ridge Appraisal Company. With brief discussion, the majority of the Board felt it a conflict of interest for Mr. Tate to interfere with affairs of Wythe County. Mr. Tate stated he would decline the request from Mr. David Hickey to serve on the panel.

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Mr. Tate then briefly updated the Board on Sewer Treatment Plant agreement with the Town of Marion and the bond that was refinanced. Staff met with the Town of Marion and their attorney on September 17, 2007. It has been resolved that the County will continue to pay their portion at the current rate of 2.5%. The payment schedule will continue and will end with the last payment on February 1, 2014. The County's portion of the sewer plant still remains at 17.65%.

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Mr. Tate then discussed the option agreement on the former Shanklin Dairy Property. He stated that it expires October 15 and the Board could make a decision as late as the next regular Board meeting on Tuesday, October 9, 2007.

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**CLOSED SESSION**

Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, at 8:04 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A)

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- (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- (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  
      1     absent (Slemp)

At 8:28 p.m. the Chairman ended the closed session.

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

WHEREAS, the Smyth County Board of Supervisors has convened in a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

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

Vote: 6     yea  
      1     absent (Slemp)

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The following items were on the agenda as information and reminders:

- Mount Rogers Community Mental Health & Mental Retardation Services Board packet for September 24, 2007 is available in the office for any one interested.

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The chairman adjourned the meeting at approximately 8:30 p.m.

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C.C. Clark, Jr., Chairman

