

Virginia: The regular meeting of the Smyth County Board of Supervisors was held at the County Office Building on Tuesday, February 12, 2008 at 12:00 noon.

Board Members

Present: Mr. Charlie Clark Mrs. Brenda Waddell
Mr. Wade Blevins Mr. Michael Roberts
Mrs. Darlene R. Neitch Mr. Marvin Perry
Mr. Todd Dishner (arrived at approximately 12:51)

Staff Members

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

Chairperson, Neitch called the meeting to order at approximately 12:00 p.m.

Mr. Walter Robinson gave invocation and Pam Testerman led the pledge of allegiance.

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

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

Upon motion of Mr. Perry, seconded by Mrs. Waddell, and unanimously carried, the following resolution was adopted. Mr. Perry presented the resolution below to Mr. Bobby Evans, Mrs. Mary Ann Evans' husband, in honor of long service to the county. Mr. Perry and Mr. Roberts remarked on the life of Mrs. Evans as a County employee.

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

WHEREAS, Mary Ann Evans was a dedicated employee of Smyth County with 30 years of full time service and 3 years of part time service; and

WHEREAS, Mrs. Evans served as the Assistant County Administrator and as the County Administrator for a short period of time while employed by Smyth County; and

WHEREAS, Mrs. Evans served the County with confidence and pride throughout her many years with Smyth County; and

THEREFORE BE IT RESOLVED, that the Smyth County Board of Supervisors celebrates the life of Mrs. Mary Ann Evans and recognizes her years of service to this County, both as an employee and as a citizen; and

BE IT FURTHER RESOLVED, that the Smyth County Board of Supervisors joins many, in expressing its sympathies to her family in the loss of Mrs. Mary Ann Evans.

Upon motion of Mr. Blevins, seconded by Mrs. Waddell, and unanimously carried, the minutes of January 8 and 24, 2008 were approved with a couple of notations made.

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

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

General County		\$1,720,000
Animal Control (office supplies)		\$152.81
Department of Social Services (February 13-29, 2008)		\$300,000
(March 1-11, 2008)		\$65,000
Schools	Operating Fund	\$3,900,000
	Debt and Capitol Outlay	\$70,000

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

Upon motion of Mr. Blevins, seconded by Mrs. Waddell, the Board unanimously approved the accounts payable listing in the amount of \$1,031,697.54. This accounts payable includes a payment to Closed Networks, Fredrick G. Griffin Engineering for the radio system project in the amount of \$9,000.

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

CITIZEN'S TIME

Mr. Wes Collins of 223 Sparks Lane appeared before the Board to explain his encounter with rabies. Mr. Collins inquired if there was a public notice currently in effect when a rabies case is known in the County. The Virginia Department of Health was mentioned and how they would play a role in these situations.

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried this issue was referred to the Ordinance Committee for further study. The Committee is to speak with the Virginia Department of Health on this public concern.

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

Mr. Walter Robinson, representing the Chilhowie Church of God requested to be relieved of tipping fees for debris of a demolished a building.

Pastor Adam Blackwell also spoke in relation to this concern. Larry Taylor, another church member signed up to speak but did not do so.

Upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried, this issue was referred to the Solid Waste Committee; the Committee is to return with a recommendation to the Board.

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

Mr. Earl McClure initially signed up to speak during citizen's time. He requested that he be allowed to speak during Zoning time since his concern related to that issue.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board would allow Mr. McClure to speak during Zoning time.

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

Upon motion of Mr. Roberts, seconded by Mr. Clark, and unanimously carried, the Board appointed Mr. Marvin Perry to the Smyth County Department of Social Services Board as the Royal Oak District representative (and Board of Supervisor representative). His four year term will expire February 6, 2012.

Mr. Roberts included in his motion to send a letter of thanks to Rev. Eddie Foster the Royal Oak District representative and J.E. "Gene" Buchanan the North Fork District representative for their years of service on the Department of Social Services Board, both of which were not eligible for reappointment. Rev. Foster's term expired February 6, 2008. Mr. Buchanan's term expires February 29, 2008.

6 yea (Roberts, Waddell, Neitch, Clark, Blevins, Perry)
1 absent (Dishner)

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board continued the appointment of the North Fork district representative to the Social Services Board. Mr. Clark motioned to appoint Mr. Mike Carter, further information is needed as to whether this is a conflict of interest.

6 yea (Roberts, Waddell, Neitch, Clark, Blevins, Perry)
1 absent (Dishner)

With the recommendation of the Water and Sewer Committee, the Board unanimously agreed that a balance of \$2238.63 be written off the books, due to the Sheriff Department unable to locate 10 customers to serve warrant in debt claims. This debt can be collected in the event they request new water service.

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

With recommendations of the Budget Committee, the Board unanimously approved the following two grants:

1. Rescue Squad Assistance Fund Grant (RSAF): Smyth County was awarded \$108,398.00 for replacement of radios and pagers. The County must provide a 20% local match of \$21,679.60 in order for the grant to be approved. This local match will be funded from the Fire and Rescue Association line (#001-032020-5604-8).
2. Virginia Wireless Services Board Grant: Smyth County was awarded \$145,989.00 for replacement of computers, monitors, servers, and networking equipment. The County must provide a 20% local match of \$29,198.00 in order for the Grant to be approved. This local match will be funded from the 911 Relocation Cost Center line (#001-070000-8888-55).

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

With the recommendation of the Budget Committee, the Board unanimously appropriated \$2,000 from the Contingency Fund (#001-056000-5827) to the 2008 Miss Mountain Empire Scholarship Pageant to be held at the Lincoln Theatre on February 22 and 23, 2008.

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

With the recommendation of the Budget Committee, the Board unanimously, amended the Rules of Procedures, Section 4.10 (2) – Identify \$2,000.00 as request amount that can be approved by Board without being on agenda or going through Budget Committee. Over \$2,000.00 would continue under current Rules and Regulations.

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

Upon motion of Mr. Roberts, seconded by Mr. Perry, and unanimously carried, the Board agreed to donate \$1,000 to Chilhowie High School for Project Graduation 2008. The same amount will be donated to Northwood High School and Marion Senior High School for After Prom 2008 activities, upon receipt of their requests. This appropriation will come from the Board's Supplemental Appropriations fund (#4-001-011010-8888).

Mail to: Chilhowie High School
 ATTN: Project Graduation
 PO Box 2280
 Chilhowie VA 24319

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

Mutual Aid agreements with the Town and Washington County update:

Mr. Tate inquired on the status of the Mutual Aid Agreements with the three Towns and with Washington County that were approved at the December 2007 Board

meeting. Mr. Carter stated that he had spoken with Sheriff Bradley who informed him that the agreement with the Towns is currently at the Town of Saltville awaiting approval signatures. Sheriff Bradley also informed Mr. Carter that the agreement with Washington County is with Sheriff Fred Newman, waiting their approval and signatures. After discussion with the Board and with Chief Deputy Kenny Lewis, on the status of these agreements the following motion was made:

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board instructed Mr. Tate and Mr. Lewis to work together on obtaining concrete status of the Mutual Aid Agreement with the three towns and the Mutual Aid Agreement with Washington County. Mr. Tate and Mr. Lewis are to work toward getting these agreements executed.

Vote: 7 yea
 0 nay

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the following deed, a sale of Route 622 easement to Virginia Department of Transportation for \$1,000.

Vote: 7 yea
 0 nay

Upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried, the Board appointed Ms. Lynn McKinney to the Upper Tennessee River Roundtable Board as the Smyth County representative. Ms. McKinney's two year term is effective immediately and will expire January 31, 2010.

Vote: 7 yea
 0 nay

Mr. Carter informed the Board that a letter had been received from Judge Lincoln confirming Mr. Roberts' reappointment to the Appalachian Juvenile Commission for another four year term.

Chairperson Neitch read the invitation from the Evergreen Soil & Water Conservation District to the annual brunch informational meeting. This will be held on Tuesday, March 11, 2008 at 10:30 a.m. at the New Pioneer Restaurant. Those interested in attending should RSVP by March 3.

Mr. Steve Buston, Mr. Robert Hurt and Mrs. Rachel Brown all of the Virginia Department of Transportation distributed a handout (and presented a slide) of Exit 47. This detailed the new traffic pattern due to the development off that exit. VDOT representatives reviewed the changes in detail and answered questions from the Board.

Mr. Hurt then commented on the status of construction of the bridge at exit 44 (over I-81). He stated that it would be open with in the next week. He also took comments and maintenance concerns.

Mr. Earl McClure was permitted to speak at this time.

He expressed his concerns that the Planning Commission had not followed the requirements of the Zoning Ordinance when recommending approval of the hospital's application for a special use permit.

Upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried, the Board approved the Planning Commission's recommendation to grant the Smyth County Community Hospital's application for a special use permit to establish a Medical Care Facility.

Vote: 7 yea
 0 nay

Mr. Clegg Williams, Zoning Administrator, briefly updated the Board on the pending case against Mr. Bobby Haga.

Mr. Williams also stated that the Assign-A-Highway program in Smyth County has begun. Probationers are now being assigned roadways to pick up by the judge. The program seems to be working well so far.

Mr. Tate also informed the Board that the Judge would not consider their nomination of Mrs. Emily Hutchins to the Board of Zoning Appeals as an alternate, because she is not a real estate owner. The Board will need come up with a new nomination.

At 3:00 p.m. the Board proceeded with the following public hearing. Mr. Carter read the advertisement below as ran in the Smyth County News and Messenger on Wednesday, January 30, 2008. There were no citizens present to speak therefore upon motion of Mr. Clark, seconded by Mr. Blevins; the rules for public hearings are forgone.

NOTICE OF PUBLIC HEARING

Smyth County will hold a public hearing on Tuesday, February 12, 2008 at 3:00 p.m. to solicit public input on local community development and housing needs in relationship to the Community Development Block Grant (CDBG) funding. The public hearing will be held in the Board of Supervisors Meeting Room at the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia. Information on the amount of funding available, the requirements on benefit to low and moderate-income persons, eligible activities, and plans to minimize displacement and provide displacement assistance as necessary will be available. Citizens also will be the given the opportunity to comment on Smyth County's past use of CDBG funds. All interested citizens are urged to attend. For additional information, please contact Sally Morgan at 783-3298, Ext. 206. If you plan to attend and you have special needs requirements, please call the number listed above.

Mrs. Sally Morgan briefly explained the Community Development Block Grant (CDBG) funding, and then hearing was closed at approximately 3:04 p.m.

Following the hearing Mrs. Morgan explained that the Groseclose Sewer project was a possible candidate for the project as a residential sewer area.

Upon motion of Mr. Roberts, seconded by Mrs. Waddell, and unanimously carried, the Board scheduled a public hearing for the next regular meeting on March 11, 2008 at 3:00 p.m. to solicit public input on the proposed Community Development Block Grant (CDBG) application to be submitted to the Virginia Department of Housing and Community Development for the proposed Groseclose Sewer Project.

Mr. Peter Cassan, Spectra Energy representative spoke before the Board and clarified the request below.

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board approved the Spectra Energy easement request. This easement is

for the work site on Route 107 for an extended 8 month period. The current 24 month easement expires February 16, 2008.

Vote: 7 yea
 0 nay

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. Request for tax relief status on building improvements for the Lincoln Theatre **(12-5-2006)**.

Upon motion of Mr. Blevins, seconded by Mrs. Waddell, and unanimously carried, the Board removed item #3 from old business.

Vote: 7 yea
 0 nay

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

Mr. Carter and Mr. Tate stated that the changes to the code are still being incorporated and are in the hands of the attorney in Florida.

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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 air craft at the Smyth Wythe Airport for 2006 **(6-12-2007)**.
 8. 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)**.

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

Upon motion of Mr. Perry, seconded by Mr. Blevins, and unanimously carried, the Board approved the following agreement.

Vote: 7 yea
 0 nay

Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, the Board removed item #8 from old business.

Vote: 7 yea
 0 nay

9. Appointments (**12-11-2007**):

- Area Beautification Committee Judges (Smyth County Chamber of Commerce)
 North Fork District - Debbie Ogle-290 North Drive, Marion (783-2606)
- The Board referred designating a liaison to the local sesquicentennial committee to the Appointment Committee at the regular meeting October 9, 2007. The Committee reported they are discussing appointees (**12-11-2007**).

Mr. Whitmore requested suggestions for the appointment to the local sesquicentennial committee. Mr. John Clark was suggested for Mr. Whitmore to contact to see if he would be interested.

10. Mutual Aid Agreements with Russell and Wythe Counties (**12-11-2007**).

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board ratified the following Mutual Aid Agreement with Wythe County.

Vote: 7 yea
 0 nay

CLOSED SESSION

Upon motion of Mr. Dishner, seconded by Mrs. Waddell, and unanimously carried, at 3:16 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 3:29 p.m. the Chairman ended the closed session.

Upon motion of Mr. Clark, seconded by Mr. Blevins, 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

Mr. Whitmore distributed the County's monthly financial statement.

The Board also briefly discussed upcoming meetings with the Town of Marion on February 13 and 25 concerning the disposition of the old school house.

Mrs. Morgan briefly reviewed information on the following upcoming meetings:

1. March 13, 2008 - Entrepreneur Express: Moving Your Business Forward

2. March 14, 2008 - The Knowledge Economy Roadshow

Mr. Whitmore informed the Board of a meeting on March 13 at 2:00 p.m. in Chilhowie hosted by Sheridan Ridge.

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried, at 3:59 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) as detailed below. Mr. John Politis and Mr. Jeff Mitchell were permitted to participate in closed session discussions.

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: 6 yea (Roberts, Dishner, Waddell, Neitch, Clark, Perry)
 1 absent (Blevins, out of the room)

At 5:21 p.m. the Chairman ended the closed session.

Upon motion of Mr. Roberts, 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; public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies,

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 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

Upon motion of Mr. Blevins, seconded by Mr. Roberts, and unanimously carried, the Board authorized the Ordinance Committee to consider a Community Development

Authority (CDA) and review tax revenues of the county and tax revenues of the Town of Marion from Wal-Mart.

Vote: 7 yea
 0 nay

At approximately 5:28 p.m., upon motion of Mr. Dishner, seconded by Mr. Clark, and unanimously carried, the meeting was continued until Thursday, February 28, 2008 at 7:00 p.m., in the event the meeting is not needed, Madam Chairman will cancel.

Vote: 7 yea
 0 nay

