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Rodney Blevins of 6839 Nelson Lane, Atkins, explained his situation. He purchased a water meter when the project was installed at the discounted rate at that time. He was not able to hook to the meter due to the fact that the fitting did not extend out of the meter box far enough. He stated that after several attempts requesting the Water Department for assistance, he informed the Water Department by letter to remove him from the billing system. At that time the Water Department removed the meter from his property. He is now ready to hook to the county system and has been informed by the Water Department that it will cost the full amount to have the meter replaced. The Blevins' contend that they wanted to be removed from the billing system because they could not use the meter and did not want to be billed for the unusable meter. They never requested that the meter be pulled. Cindy Blevins was also present who addressed the Board on this issue.

Mr. Carter and Mr. Mike Neal briefly responded to this issue. Mr. Carter had just received a letter from the Blevins' regarding this issue. Madam Chairman asked that they return to the Water and Sewer Committee meeting on Thursday, October 23 to allow staff time to work through this problem.

Donna Wilson of 330 Still House Hollow Road, Saltville, explained that she had requested her driveway be named due to the fact that her home is a considerable distance off Still House Hollow Road.

Mr. Shannon Williams, E-911 Coordinate explained that policy will not allow a road be named until there are 3 structures on the road.

Madam Chairman stated that her request would be further considered by staff.

Harold Blevins of 319 Pioneer Road, Marion, questioned the Board on the installation of water in his community. He recalled recent years of the county receiving funds for this project.

Mr. Simpson, Engineer responded that he hopes to bid this project with in the next two months.

CLOSED SESSION

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, at 12:25 p.m., the Board agreed to enter into closed session as allowed by the Code of

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Virginia, Section 2.2-3711 (A) (7) as described below:

(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 1:20 p.m. the Chairperson ended the closed session.

Upon motion of Mr. Clark, 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: 7 yea
 0 nay

Upon motion of Mr. Clark, and along with the Courthouse Committee's recommendation, the Board duly adopted the Courthouse renovation plan to include the court system only and for a 20 year projection needs in the renovation. This motion instructs the Wiley Wilson architect firm to begin plans for an administration building.

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

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Robert Hurt of the Virginia Department of Transportation distributed maintenance concerns regarding the curve before the McMullin railroad bridge and Children at Play signs request by a Ms. Debord.

Mr. Hurt also gave an update on Route 622 which will open in approximately 2 weeks. The advertisement for bids for the next section of the route will go out in mid-November. He also updated that the final review will be complete soon on the Exit 47, Location and Design.

Mr. Perry questioned the stability of the McMullin railroad bridge and if it could at least be painted. Mr. Clark inquired about the Highway 11 bridge in Seven Mile Ford and Mr. Tate mentioned a shoulder drop off at the on ramp of Exit 45.

Following an update from Jeff Richardson, Commissioner of Revenue, upon motion of Mr. Perry, seconded by Mr. Clark, and duly carried; the Board gave the Commissioner the authority to implement the following rehabilitated real estate tax exemptions for 2008 under the Enterprise Zone program for the following businesses:

- LT Development - \$6,099.03
- Ellis Hospitality - \$7,179.48
- Appalachian Realty - \$458.64

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

Below is a brief synopsis of a request of Jeff Richardson, Commissioner of Revenue:

- Mr. Richardson explained a staffing issue in the Commissioner's office due to the untimely death of an employee.
- Due to the current 90 day hiring freeze, the Commissioner has submitted a waiver request to the State, to allow him to immediately fill the Compensation Board position.
- Utilizing County funds for October and November, from the now vacant position; Mr. Richardson requested that an appropriation be made in the amount of \$3,070 to be used in the month of December to compensate the new hire.
- After December, the hiring freeze will be lifted and that office will begin receiving funds from the State for the filled position.
- If the waiver is granted by the State, this request will be null and void.

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Following discussion, the Board did agree to Mr. Richardson's request as follows and invited him to attend the next Budget Committee meeting on Wednesday, October 22, should this issue need further discussion:

The Board agreed upon this request with out any action needed due to the fact that the position held by this employee was partially funded by the County and those funds were included in the 2008-2009 budget. In December, \$3,070 will be used (county's supplemental funds to this position for October and November) to fully compensate the new hire. The freeze on new hires from the State is expected to end as of January 2009. At that time, the State and County funding for this position will resume as before.

*Note from Clerk: The Commissioner was notified October 15 that the waiver request was granted for his office.

At approximately 2:15 p.m. madam Chairman open the following public hearing as published in the Smyth County News and Messenger, July 19 and 26, 2008. Mr. Whitmore read the advertisement.

Public Hearing Proposed Increase in Water and Sewer Rates

Pursuant to Section 15.2-5136 of the Code of Virginia, the Smyth County Board of Supervisors proposes to increase the rates charged for Water and Sewer services within the Smyth County systems.

A Public Hearing will be conducted by the Smyth County Board of Supervisors on Tuesday, October 14, 2008 beginning at 2:00 p.m. in the Board of Supervisors meeting room, 121 Bagley Circle, Marion, Virginia.

A copy of the present and proposed rate schedule is on file at the Smyth County Administrators Office, 121 Bagley Circle, Marion, Virginia and may be viewed during normal business hours.

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

No one was present to speak regarding this public hearing. Mr. Simpson addressed the Board and answered brief questions as to when this advertisement was published and who was notified.

The hearing was closed at approximately 2:20 p.m.

Upon motion of Mr. Perry, seconded by Mr. Clark, and along with the Water and Sewer Committee's recommendation, the Board unanimously adopted the proposed

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increase in Water and Sewer rates. This rate increase will be effective November 1, 2008.

Water Rates – Residential

Current Rates		Proposed Rates	
0 – 3,000 gallons	\$20.00 minimum bill	0 – 1,000 gallons	\$15.00 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	1,001 – 6,000 gallons	\$6.50 per 1,000 gallons
		6,001 and over	\$8.00 per 1,000 gallons

Water Rates – Commercial

Current Rates		Proposed Rates	
0 – 4,000 gallons	\$25.00 minimum bill	0 – 4,000 gallons	\$35.00 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	Each additional 1,000 gallons	\$8.00 per 1,000 gallons

Water Rates –Industrial

Current Rates		Proposed Rates	
0 – 25,000 gallons	\$100.00 minimum bill	0 – 25,000 gallons	\$162.50 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	Each additional 1,000 gallons	\$8.00 per 1,000 gallons

Sewer Rates – Residential

Current Rates		Proposed Rates	
0 – 1,000 gallons	\$12.50 minimum bill	0 – 1,000 gallons	\$15.00 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	1,001 – 6,000 gallons	\$6.50 per 1,000 gallons
		6,001 and over	\$8.00 per 1,000 gallons
Residential Flat Rate	\$20.00 per month	Residential Flat Rate	\$28.00 per month

Sewer Rates – Commercial

Current Rates		Proposed Rates	
0 – 3,000 gallons	\$50.00 minimum bill	0 – 4,000 gallons	\$35.00 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	Each additional 1,000 gallons	\$8.00 per 1,000 gallons

Sewer Rates -Industrial

Current Rates		Proposed Rates	
0 – 3,000 gallons	\$50.00 minimum bill	0 – 3,000 gallons	\$50.00 minimum bill
Each additional 1,000 gallons	\$6.00 per 1,000 gallons	Each additional 1,000 gallons	\$8.00 per 1,000 gallons

Sewer Rates –Industrial Enterprise Zone

Current Rates		Proposed Rates	
0 – 3,000 gallons	\$40.00 minimum bill	0 – 3,000 gallons	\$50.00 minimum bill
Each additional 1,000 gallons	\$4.80 per 1,000 gallons	Each additional 1,000 gallons	\$8.00 per 1,000 gallons

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the nuisance complaint against the Ruby Eller Estate was continued until the November meeting. Mr. Clegg Williams, Zoning Administrator, informed the Board that this case is somewhat being resolved. The property owners have obtained a demolition permit and the inspector did see the contractors there on site.

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The following are motions made in regards to the recommendations from the Planning Commission from the joint public hearing held on Thursday, September 25:

1. Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board unanimously approved a recommendation from the Planning Commission regarding the application for a Zoning Map Amendment request from the Konnarock Retreat House. This application from Konnarock Retreat House was forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an amendment to the official Zoning Map at Konnarock, Virginia, to rezone approximately 5.205 acres from Conservation/Recreation-Public to Agricultural/Rural. The Smyth County Comprehensive Plan does not identify a density range and the general usage of this property has most recently been vacant. The property is located at 6402 and 6404 Whitetop Road in Troutdale, Virginia, and is identified as Tax Map No. 86-A-90 and can be found in Grid Map No. 165 of the official Zoning Map of Smyth County.

2. Upon motion of Mr. Blevins, seconded by Mr. Roberts, and unanimously carried, the Board approved the recommendation from the Planning Commission on the request of Hobert Widener for a Special Use Permit. This Special Use Permit is to establish an Automotive Sales and Service business beside Mr. Widener's residence at 296 Belle Hollow Road, Chilhowie. The property is zoned A/R and is identified as being Tax Map No. 77-A-70C.

Vote: 6 yea
 1 abstention (Neitch)

3. Upon motion of Mr. Clark, seconded by Mr. Dishner, the Board unanimously confirmed the Planning Commission's recommendation to deny Mr. Mark Caudill's application for a Special Use Permit to establish mini-storage units behind 6015 Lee Highway in Atkins. The property is identified as being Tax Map No. 49-A-7.

Note: Mr. Blevins left at this point in the meeting.

Roger Sturgill of the Riverside Community brought along visitors from the community interested in renovating the Riverside School.

Jack Garland, Pastor of the Riverside Baptist Church, explained his group's idea

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for the school. The group would be called Mount Rogers Mountain Mission and would be comprised of Board members from Smyth and Washington Counties. They would like to use the school for volunteers that will be staying in the area. These volunteers would also help renovate the school. A Mr. Bill Bard was also present to speak on behalf of the request.

Rev. Garland answered several questions regarding this request. The Board asked that he return to the Board with more information as the group becomes more organized.

Note: Mr. Dishner, Mr. Roberts, Mr. Clark declared their family members that work for the School Board and could vote impartially.

Superintendent, Dr. Michael Robinson and Dr. Jeff Cassell of the School Board Office was present for discussion. Discussion was held regarding a recommendation from the Budget Committee pertaining to the following appropriations request:

- Reduce debt service by paying off two (2) high interest loans - \$171,340
- Establish a school renovation and construction fund - \$250,000
- Replace roof at Smyth Career and Technology center - \$200,000
- Continue replacement of student desks at all schools \$100,000
- Upgrade fire alarm systems - \$50,000

Upon motion of Mr. Perry, seconded by Mr. Roberts, and unanimously carried, the Board amended the fiscal year 2008-2009 county budget from \$85,314,401 to \$85,364,401, and appropriated \$50,000 to the School Board budget line 66000-Capital Outlay.

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried, the remaining appropriation request from the School Board was continued for 120 days so that more information will be known on the status of the state budgets.

Bill Turman, Chief Animal Control Officer participated in the discussion pertaining to the new adoption program. He explained that this process would bring the county into compliance to ensure sterilization of adopted animals. Mr. Tate has reviewed the proposed adoption agreement, sterilization certificate, and the transfer procedure with the ordinance committee and has made his comments and minor changes. Below is a brief summary of the proposed new adoption program:

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- This new adoption program is to ensure sterilization of all adopted animals.
- A valid Virginia photo identification is required of all potential adopters.
- Adopters will be required to pay the following fee, in cash, prior to adoption and release of the animal:

Dogs:	\$55
Female Cats:	\$50
Male Cats:	\$35
- At the time of adoption the Smyth County Animal Shelter will issue a Sterilization Certificate, which is a means of monitoring this program.
- The adopter must contact the clinic of their choice to make an appointment for sterilization. Any charges by the service provider above and beyond these fees, is the sole responsibility of the adopter.
- Failure to comply with this program will result in reclamation of the adopted animal by the Smyth County Animal Control.

Upon motion of Mr. Clark, seconded by Mr. Dishner, and along with the Ordinance Committee's recommendation, the above new adoption program is approved for implementation.

Vote: 6	yea
1	absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Dishner, and unanimously carried by those present, the effective date of this new adoption program is effective December 1, 2008.

Vote: 6	yea
1	absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, **BE IT RESOLVED** that the Smyth County Board of Supervisors hereby encourages Appalachian Power to re-instate a program that assisted homes in converting old heating systems to heat pump systems, and

BE IT FURTHER RESOLVED that due to recent price increases for home heating fuel, the Board wishes to see this program in place for the upcoming winter season.

Vote: 6	yea
1	absent (Blevins)

NEW BUSINESS

Sally Morgan reported that the Industrial Development Authority will hold a Strategic Planning Session on October 30. The purpose of the session is to develop a plan with strategies to be accomplished over the next 2 to 3 years. The Economic Development Committee of the Board is invited to attend along with several outside resource persons involved in economic development in the region. The session will be facilitated by Betty Anne Tetter, formerly with the Virginia Economic Development partnership. It is the IDA's intention for the plan to be adopted by the IDA and

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presented to the Board upon completion.

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board appropriated \$8,694 from the Industrial Development Authority account, to Washington County for Smyth County's portion of the Route 11 Drainage Project for Highlands Business Park. This is a cost over run of \$782.16 from the original appropriation in 2006, which wasn't paid. This has been reviewed by the IDA and approved.

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Roberts, and unanimously carried, the following are approved, contingent upon the approval of Mr. Jeff Campbell (Water and Sewer Attorney):

- Mount Rogers Planning District Commission Kent Street Agreement
- Execution of the Kent Street Engineering Agreement with Anderson & Associates
- Execution of the North Holston Construction Contracts – Funding Agency Edition
- Execution of the North Holston Engineering Amendment
- Execution of the Pioneer, Shale Bank (Greenwood), Fox Valley Road Engineering Agreement - Funding Agency Edition (for contract administration, inspection, and permitting)

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, the Board adopted the resolution for North Holston Bond Financing, as presented.

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mrs. Waddell, seconded by Mr. Perry, and unanimously carried, the Board approved the application to Rural Development for the Groseclose Sewer loan in the approximate amount of \$855,000 (23.16% of total project).

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the following upcoming holidays were approved:

Wednesday, November 26 - Close at Noon
Thursday, November 27 - Closed - Thanksgiving Day

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Friday, November 28 - Closed - Day after Thanksgiving
Wednesday, December 24 - Close at Noon
Thursday, December 25 - Closed - Christmas Day
Friday, December 26 - Closed - Day after Christmas
Thursday, January 1 - Closed - New Years Day
Friday, January 2 - Closed - Day after New Years

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried, the Board appropriated the Fiscal Year 2008 Department of Fire Programs Funds, "Aid to Localities" (account #001-032020-5604-7) as follows.

Town of Chilhowie	\$5,083
Town of Saltville	\$5,083
Nebo Fire Dept.	\$13,083
Atkins Fire Dept.	\$13,083
Sugar Grove Fire Dept.	\$13,083
<u>Adwolfe Fire Dept.</u>	<u>\$13,083</u>
TOTAL	\$62,498

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mr. Dishner, seconded by Mr. Perry, and unanimously carried, the Board approved the contract with Waste Management for the solid waste transportation and disposal services. This has been reviewed by Mr. Jeff Campbell who only suggested minor changes that had no impact on the agreement.

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mrs. Waddell, seconded by Mr. Dishner, and unanimously carried, the Board nominated Mr. Phillip Michael May for another term, as the Rye Valley District representative to the Smyth County Board of Zoning Appeals. If approved by the Judge of the Circuit Court, his five (5) year term will be from January 1, 2009 and expire December 31, 2013. Mr. Tate mentioned an item of old business, a vacant spot on the alternate list which is in need of being filled.

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mr. Clark, seconded by Mr. Perry, and unanimously carried, the Board reappointed David Schwartz to the Board of Appeals to the Virginia Uniform

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Statewide Building Code. This four (4) year term is effective October 1, 2008 and will expire September 30, 2012.

Vote: 6 yea
1 absent (Blevins)

Mr. Clark requested that the following appointment be continued until the next meeting:

Smyth-Bland Regional Library Board
(Current unfilled 4 year term will expire 12-31-2010)
North Fork District - VACANT

Upon motion of Mr. Dishner, seconded by Mr. Clark, and unanimously carried by those present, the following recommendation from the Budget Committee was continued until the next meeting. Mr. Atkins will have an updated dollar amount for this contract.

The committee recommends renewing the additional one year option with Brown Edwards & Company for the Audit period ending June 30, 2008.

Vote: 6 yea
1 absent (Blevins)

The Board unanimously approved a standing recommendation from the Budget Committee, that on a case by case basis the over all county budget be amended and funds be appropriated for the clean up of properties brought to the courts level, under the Nuisance Ordinance.

Vote: 6 yea
1 absent (Blevins)

Upon motion of Mr. Clark, seconded by Mr. Dishner, and along with the Budget Committee's recommendation, the Board appropriated \$50,002 from the Animal Control line item (#001-035010-9005 -Specific Use) to make the necessary improvements in the air handling and circulation system for the Smyth County Animal Shelter.

Vote: 5 yea (Roberts, Dishner, Waddell, Neitch, Clark)
1 nay (Perry)
1 absent (Blevins)

With the recommendation of the Surplus Property Committee, the Board unanimously declared the following list of items surplus property and authorized staff to decide which would be the best option to dispose of these items.

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- Video conferencing equipment purchased by Smyth County Juvenile & Domestic Relations Court (purchased in 1997).

	Year	Vehicle	Mileage
<u>Sheriff's Department</u>	1998	Jeep Cherokee	142,712
	2001	Ford Crown Vic	200,056
	2001	Ford Taurus	99,240
<u>County</u>	2002	Ford Pickup	112,165
	1997	Mercury Sable	167,056
	1995	Chevy Caprice	???
	1981	International Bus	???
<u>Dept. of Social Services</u>	?	Mercury Sable	???
	?	Chevy Caprice	???

- PVC water pipe stored at the landfill purchased by the county around 1998.
 4" PVC DR-14 3 bundles with 50 pipe per bundle, each pipe is 20' in length
 = 3,000 feet
 6" PVC DR-14 14 bundles with 28 pipe per bundle, each pipe is 20' in length
 = 7,840 feet

Vote: 6 yea
 1 absent (Blevins)

OLD BUSINESS

1. Collection of delinquent taxes (**8-10-04**).
2. Marevine Slemper, request for water service on Fox Valley Road (**5-11-04**).
3. Re-codifying of the Smyth County Code (**1-10-2006**). - *Mr. Carter briefly stated that the draft copy for review has been received.*
4. Proposed revisions from the Planning Commission to the Subdivision Ordinance. (referred to the Ordinance Committee **6-13-2006**).
5. Disposal of former school building at 105 East Strother Street (**7-11-2006**).
6. 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**).
7. Appointments:
 - **Board of Zoning Appeals (2-12-2008)**
One Alternate - VACANT
 - **Department of Social Services Board (6-10-2008)**
Park District (4 year term) - VACANT
Upon motion of Mr. Dishner, seconded by Mr. Clark, and unanimously carried by those present, the Board appointed Anne Shults to the Smyth County Department of Social Services Board. Mrs. Shults' term will fill the previous member's term, which will expire June 30, 2012. Regular terms run four (4) years.

Vote: 6 yea
 1 absent (Blevins)

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- Community Policy Management Team (6-10-2008)
Private Provider Representative (1 year term) - VACANT
Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried by those present, the Board appointed Mr. Rick Bridges, new CEO of the Marion Youth Center (Keystone) to the Community Policy Management Team, as the Private Provider Representative. Bridges' one (1) year term will fill the current vacant term which will expire June 30, 2009.
Vote: 6 yea
1 absent (Blevins)
- 8. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer (5-13-2008).
- 9. Gas bids (6-26-2008).
- 10. Radio System Project (6-26-2008).
- 11. Staff is authorization to work with Mr. Tate on a property by the Allison Gap First Church of God. The Church is interested in purchasing this lot; the owners have failed to pay taxes on the property for quite sometime (8-12-2008).
- 12. A recommendation from the Planning Commission on the joint public hearing held on Thursday, August 28 (9-9-2008):
Recommendation on the request of Kenneth R. Hall for a Map Amendment: After discussion, Mr. Davidson made a motion, which was seconded by Mr. Medley and Mr. Sparks and unanimously carried, to recommend the Board of Supervisors approve the application for a Map Amendment as presented. The property is currently zoned A/R and is recommended to be rezoned R. The property is identified as being the remaining portion of Tax Map No. 56-A-89.
Mr. Clegg Williams, Zoning Administrator, will request the needed information (survey) from Mr. Kenneth Hall for the continued Board meeting.

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried, the above appointments that were addressed (Social Services and CPMT) were removed from old business.

Vote: 6 yea
1 absent (Blevins)

CLOSED SESSION

Upon motion of Mr. Dishner, seconded by Mr. Clark, and unanimously carried, at 4:39 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (5) and (7) as described below:

(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.

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Vote: 6 yea
1 absent (Blevins)

At 5:11 p.m. the Chairperson 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;

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 (Blevins)

CONTINUE THE MEETING

At 5:12 p.m., upon motion of Mrs. Waddell, and seconded by Mr. Clark, the Board continued this meeting until Thursday, October 23, 2008 at 7:00 p.m. for a joint public hearing with the Planning Commission, and along with any other issues that may arise.

Vote: 5 yea
2 absent (Blevins, Clark)

Darlene Neitch, Chairperson

Virginia: Continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, October 23, 2008.

Board Members

Present:

Darlene Neitch
Brenda Waddell
Wade Blevins
Charlie Clark
Marvin Perry

Absent:

Todd Dishner
Michael Roberts

Staff Members

Present:

Mike Carter
Scott Simpson
John Tate
Becca Kirk

Amber Johnson
Charlie Atkins
Clegg Williams
Sally Morgan

Planning Commission Members

Present:

Karl Kalber
Norman Sparks
Graham Davidson
Don Medley
Dennis Blevins
Amy Tuell

Absent:

Wayne Venable

Both Chairperson Neitch and Kalber called the public hearing to order. Mr. Carter, Assistant County Administrator, read the following legal advertisement as published in the Smyth County News and Messenger, on October 11th and 18th (Saturday editions).

With a motion by Mr. Blevins, seconded by Mrs. Waddell, and a unanimous vote of those present, the reading of the rules of procedures for public hearings was forgone.

There was only one citizen 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, October 23, 2008, 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 Ira Lee Lowe Jr. for a Special Use Permit for the expansion of a nonconforming use (garage, wrecker service and auto salvage) located at 575 Belle Hollow Road in Chilhowie. The property is identified as being Tax Map No. 77-A-57 and is zoned Agricultural/Rural.

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.

Copies of these applications along with their maps/drawings are on file in the Office of the County Administrator of Smyth County. Copies are also maintained by the 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
Karl A. Kalber, Chairman of the Planning Commission*

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Mr. Williams summarized the application he received from Mr. Lowe for a Special Use Permit to expand his garage for his multi-use business consisting of a garage, wrecker service and auto salvage. The business is located at 575 Belle Hollow Road in Chilhowie. The property is further identified by Tax Map number 77-A-57 and is zoned Agricultural/Rural. Mr. Williams stated that all adjoining property owners received notice of this hearing by mail. Mr. Williams mentioned the appropriate sections of the ordinance pertaining to this request. He stated that he received a letter from Mr. Lowe's neighbors, Donna and Larry Hall. Mr. Williams summarized the letter and said that it essentially was in full support of Mr. Lowe's request and that Mr. Lowe was a neighbor. He stated no one else had contacted him regarding this application.

Mr. Ira Lee Lowe Jr. was present to address the Board and Commission. He stated that he operates a 24-hour wrecker service and proposes to expand his building by adding on a garage to house and to work on his wrecker trucks. He expressed the safety hazards for himself and other vehicles whenever he has to answer a wrecker call in the early morning hours with a frosted over truck and occasionally time is of the essence. No one else spoke on this application.

At approximately 7:10 p.m. Chairperson Neitch and Chairman Kalber closed the joint public hearing. The Board recessed while the Planning Commission completed their meeting.

At 7:15 p.m. the Board reconvened in the Boardroom.

The issue regarding Kenneth R. Hall had been continued since the September 9 Board meeting. The Board had requested the survey plat of his proposal. Mr. Hall's plat was presented by Mr. Clegg Williams at this meeting.

After review and consent, upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimous of those present, the Board approved a recommendation from the Planning Commission regarding the application for a Zoning Map Amendment request by Mr. Hall. This application from Kenneth R. Hall was forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an amendment to the official Zoning Map at Marion, Virginia, to rezone approximately 7 acres from Agricultural/Rural to Residential. The Smyth County Comprehensive Plan does not identify a density range and the general usage of this property has most recently been vacant. The property is

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located on Old Ebenezer Road in Marion, Virginia, and is identified as Tax Map No. 56-A-89 and can be found in Grid Map No. 100 of the official Zoning Map of Smyth County.

Vote: 5 yea
 2 absent (Roberts, Dishner)

Mr. Atkins distributed the year ending June 30, 2007 County and IDA audits.

Upon recommendation of the Budget Committee and with a unanimous vote of those present, the Board renewed the additional one year option with Brown Edwards & Company for the Audit period ending June 30, 2008, for the amount of \$58,000.

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

Upon motion of Mr. Clark, seconded by Mr. Blevins, the Board unanimously appointed Mr. Danny Rose to the Smyth-Bland Regional Library Board, as the North Fork District representative. His term will fill the previous member's term which will expire December 31, 2010.

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

Upon motion of Mr. Perry, seconded by Mr. Clark, and unanimously carried by those present, the Board appropriated \$15,210 from East Hungry Mother Debt Retirement (501-085040-0174) to make the first interest only payment on the East Hungry Mother note. Payment to be made to Rural Development.

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

Mr. Shannon Williams, E-911 Coordinator was present for the following issues. He clarified and answered questions.

With the recommendation of the Budget Committee, and by a unanimous vote of those present, the Board rejects the bid from Nickels, Inc. for the 911 Center relocation to the Health Dept. Building, this current bid expires October 31, 2008. The Center relocation will be revisited at a later time.

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

With the recommendation of the Budget Committee, and by a unanimous vote of those present, the Board awarded the infrastructure portion of the radio system project

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to Morcom International, Inc, of Chantilly, VA, in the amount of \$1,946,841.50, this award is without the maintenance portion of the bid in the amount of \$239,000.

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

With the recommendation of the Budget Committee, and by a unanimous vote of those present, the Board accepted the Professional Communications Bid for the items below, for EMS Departments. Funding will be provided by the Rescue Squad Assistance Fund Grant with the remainder from the RSAF Grant Award line item:

Mobile Radios:	17	\$23,685.60
Portables Radios:	116	\$66,829.92
<u>Pagers:</u>	<u>40</u>	<u>\$17,600</u>
Total:		\$108,115.52

Furthermore, this motion approves utilizing the same bid from Professional Communications for the necessary items listed below for the fire departments. Funding will be provided by Assistance to Firefighter Grant (AFG) with the remainder from the Fire & Rescue Association Capital Line item:

Mobile Radios:	23	\$17,406.40
Portables Radios:	89	\$50,918.68
<u>Pagers:</u>	<u>120</u>	<u>\$52,800</u>
Total:		\$121,125.08

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

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried, the Board scheduled a public hearing for the courthouse refinancing. The hearing will take place on Wednesday, November 12, 2008 (next regular Board meeting) at 3:00 p.m. and will be published in the Smyth County News and Messenger on October 29 and November 5 (Both Wednesday editions).

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

The advertisement will appear as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that on Wednesday, the 12th day of November, 2008, the Board of Supervisors of Smyth County, Virginia, will hold a public hearing on the proposed issuance of general obligation public improvement bonds of Smyth County in one or more series and in the estimated aggregate maximum principal amount of \$20,000,000. The purpose of the proposed bonds is to finance, together with other available funds, a new courthouse facility.

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The public hearing, which may be continued or adjourned, will be held at 3:00 p.m. or as soon thereafter as the matter may be heard on November 12, 2008, in the Board of Supervisors meeting room on the first floor of the Smyth County Office Building at 121 Bagley Circle, Marion, Virginia 24354. Interested persons may appear at such time and place and present their views.

*Edwin B. J. Whitmore, III
Clerk, Board of Supervisors
Smyth County, Virginia*

Upon motion of Mr. Clark, seconded by Mrs. Waddell, and unanimously carried, at 7:45 p.m., the Board agreed to enter into closed session as allowed by the Code of Virginia, Section 2.2-3711 (A) (7) as described below:

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

At 7:52 p.m. the Chairperson ended the closed session.

Upon motion of Mr. Blevins, seconded by Mrs. Waddell, 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: 5 yea (Perry, Blevins, Waddell, Neitch, Clark)
2 absent (Dishner, Roberts)

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At 7:48 p.m., by motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, this meeting was adjourned. The next regular meeting is on Wednesday, November 12, 2008.

Darlene Neitch, Chairperson