

The Smyth County Board of Supervisors held its regular August meeting at 12:00 noon, **Tuesday, August 11, 2009**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

**MEMBERS PRESENT:**

C.C. "Charlie" Clark, Jr.	Darlene R. Neitch
Wade H. Blevins, Jr.	M. Todd Dishner (arrived at 12:06 p.m.)
Brenda J. Waddell	Marvin R. Perry (left at 2:43 p.m.)

**MEMBERS ABSENT:**

Michael D. Roberts

**STAFF PRESENT:**

Michael Carter, Acting County Administrator  
John H. Tate, Jr., County Attorney  
Pam Testerman, Office Service Assistant  
Scott Simpson, County Engineer  
Charlie Atkins, CFO  
Sally Morgan, Economic Development Planner  
Kenny Lewis, Deputy (arrived at 12:17 p.m.)

**OTHERS PRESENT:**

Dan Kegley, Smyth County News & Messenger (arrived at 12:14 p.m.)

**CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE**

With a quorum present, the meeting was called to order at 12:00 noon. Mr. Mark Haga gave the invocation and Mrs. Norma Teaters led the pledge of allegiance.

**ADOPTION OF AGENDA**

Supervisor Blevins motioned to adopt the agenda as to form, along with the additional agenda. Supervisor Waddell seconded the motion, vote is as follows:

AYES:	5
NAYS:	0
ABSENT:	Dishner, Roberts

## MINUTES OF PREVIOUS MEETINGS

The Board was presented with the minutes from the following meetings:

Tuesday, July 14, 2009

Thursday, July 23, 2009

After a short discussion and with a couple of changes suggested by Mr. Tate, Supervisor Blevins made a motion to approve the minutes as presented with the changes as suggested by Mr. Tate. Supervisor Dishner seconded the motion and the vote is as follows:

AYES: 6  
NAYS: 0  
ABSENT: Roberts

Mr. Atkins, Chief Financial Officer informed the Board the financial status of the County. Mr. Atkins stated he had met with Debbie in the Treasurer's Office and there were sufficient funds to cover the appropriations below. Mr. Atkins stated there are sufficient funds in the Police Activity Fund for a request later in the meeting.

## PAYMENT OF COUNTY INVOICES

Supervisor Blevins motioned to approve the following listed appropriations.

### Appropriations

General County	\$ 1,980,000.00
Animal Damage Fund 3	\$ 156.91
Long Hollow Water	\$ 107,460.37
Social Services (July 15-31, 2009)	\$ 325,000.00
(August 1 – 11, 2009)	\$ 75,000.00
Schools - Operating Fund	\$ 2,000,000.00
Textbook Fund	\$ 20,000.00
Debt and Capital Outlay	\$ 900,000.00

Supervisor Dishner seconded the motion. The vote is as follows:

AYES: 6  
NAYS: 0  
ABSENT: Roberts

Supervisor Neitch motioned to approve the accounts payable listing in the amount of \$687,757.21, which includes \$124,047.23 to Wiley Wilson and \$210.00 to Mosley Architects for courthouse renovations. Supervisor Dishner seconded the motion and the vote is as follows:

AYES: 5 C. C. "Charlie" Clark Jr. M. Todd Dishner  
Darlene R. Rowland Marvin R. Perry  
Brenda J. Waddell

NAYS: 1 Wade H. Blevins, Jr.

ABSENT: Michael D. Roberts

## **CITIZEN'S TIME**

There were six citizens present, the following spoke:

**Mrs. Mable Umbarger**, Atkins, spoke concerning landlords receiving the water bill, and responsibility it places on the landlord. Mrs. Umbarger made a 20 cent error in writing her check last month. Her landlord had to come to the Water Department, and sign a paper so her water would not be turned off.

*Supervisor Perry stated he was not aware of this situation, but he would look into it. If something needs to be corrected, the Board has the authority to correct it.*

**Mrs. June Wheeler**, Atkins, Mrs. Umbarger's landlord, spoke concerning the 20 cents. Mrs. Wheeler felt the 20 cents should either have been written-off or added to next bill. Mrs. Wheeler stated that Mrs. Umbarger had never been late prior to this instance.

**Stacy O'Quinn**, Mt. State Health Alliance, invited the Board to a Ribbon Cutting for the new Smyth County Community Hospital's Helipad on August 21, 2009.

**Walter Robinson**, Extension Office, invited the Board to a retirement luncheon for Donna Hamm on Friday August 14, 2009.

## **NEW BUSINESS**

At the request of Lavonda Carson of the Virginia Department of Health, Supervisor Perry made a motion that the Board appropriate \$341.70 (from the Animal Control fund - office supplies, #003-091060-5401) to be used for the advertisements of the dog and cat vaccination clinics to be held by the Virginia Department of Health, through out the county. This motion was seconded by Supervisor Blevins, and unanimously carried by the Board. The vote is as follows:

AYES: 6  
NAYS: 0  
ABSENT: Roberts

These advertisements will run in the Smyth County News and Saltville Progress.  
Smyth County News - \$118.35 for 2 weeks = **\$236.70**  
Saltville Progress - \$52.50 for 2 weeks = **\$105.00**

At the request of Kenny Lewis, Chief Deputy, Supervisor Blevins made a motion and was seconded by Supervisor Dishner, and unanimously carried, to appropriate \$18,000 from the Policy Activity Fund for the purchase of one vehicle. This is one of five vehicles to be purchased by the Sheriff's Department during the 2009-2010 fiscal year. This appropriation authorizes the Acting County Administrator to sign a check not to exceed \$18,000 once the vehicle arrives. The vote is as follows:

AYES: 6  
NAYS: 0  
ABSENT: Roberts

With advice from John Tate, County Attorney; Supervisor Waddell made a motion and was seconded by Supervisor Dishner to approve the annual performance contract between Mt. Rogers Community Services Board and Department of Mental Health, Mental Retardation and Substance Abuse Services. The vote is as follows:

AYES: 6  
NAYS: 0  
ABSENT: Roberts

Mr. Scott Simpson discussed with the Board the projected annual cost and annual income on Pioneer, Greenwood, and Fox Valley Waterline Project. Mr. Simpson stated he did not receive the bid information in time to present this information to the Water/Sewer Committee. This information will be presented to the Water/Sewer Committee on August 27, 2009.

**COMMITTEE RECOMMENDATIONS**

With the Water and Sewer Committee recommendation the Board approved the following water and sewer accounts write-offs:

Julie Ann Barr - \$101.68  
Lorie Lee Robinson -\$ 70.26

**Total                    \$171.94**

The vote is as follows:

AYES: 6  
NAYS: 0  
ABSENT: Roberts

Mrs. Sally Morgan introduced Mr. Dan Motley, Industrial Development Manager with Norfolk Southern Railway. Mr. Motley gave a powerpoint presentation on the Crescent Corridor Intermodal Freight Project. This project would help get trucks off the highway and onto railcars.

Mrs. Sally Morgan, Community and Economic Development, informed the Board they had a copy of the letter of support concerning the Crescent Corridor Project.

Supervisor Perry made a motion to adopt the letter of support and was seconded by Supervisor Neitch. The vote is as follows:

AYES:           5       Marvin R. Perry               Darlene R. Neitch  
                                  C.C. "Charlie" Clark, Jr.   M. Todd Dishner  
                                  Wade H. Blevins, Jr.

NAYS:           1       Brenda J. Waddell

ABSENT:               Michael D. Roberts

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

Mr. Robert Hurt informed the Board on the New Access Management Rules effective October 1, 2009. Mr. Hurt stated prior approvals would be accepted. A form requesting exception from the new rules may be filled out. Mr. Hurt accepted maintenance concerns from some Board members.

Mr. Steve Buston stated that 19 out of 40 rest areas in Virginia were closed, and at this time there is no reopening date.

## **ZONING DEPARTMENT - CLEGG WILLIAMS**

### **Planning Commission Recommendation**

Clegg Williams briefly went over the Planning Commission's public hearing and their decision concerning Louis Conklin's special use permit application. Mr. Williams took brief questions from the Board. Mr. Conklin was present to hear the

Board's decision. Supervisor Blevins made a motion to accept the Planning Commission's recommendation to deny the special use permit application submitted and was seconded by Supervisor Neitch. The vote was as follows:

AYES:	4	Wade H. Blevins, Jr. Marvin R. Perry	Darlene R. Neitch Brenda J. Waddell
NAYS:	2	C.C. "Charlie" Clark M. Todd Dishner	
ABSENT:	1	Roberts	

Mr. Williams updated the Board on some Zoning issue court cases.

Mr. Williams informed the Board that Mr. Buddy Galliher would like a 30 day continuance on the Appeal Hearing. Mr. Galliher appealed a Subdivision Compliance decision by Mr. Williams on an existing soil drive. A 30 day continuance was granted, since Mr. Williams and Mr. Galliher are in agreement for this continuance.

## **PUBLIC HEARING ANNUAL MUSICAL FOR ENTERTAINMENT FESTIVAL PERMIT**

At 2:56 p.m. the Chairman of the Board called the public hearing to order. Mr. John Tate read the advertisement below, which was published in the Smyth County News and Messenger on July 18 and July 25.

### **PUBLIC HEARING BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS**

The Smyth County Board of Supervisors will conduct a public hearing on Tuesday, August 11, 2009, at 3:00 P.M. or as soon there after, as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application for an Annual Musical or Entertainment Festival permit under the Code of Smyth County, Virginia:

*The Adwolfe Volunteer Fire Department has submitted a festival application for a three (3) day event to be held September 11, 12, and 13, 2009. This event will be held at the Adwolfe Volunteer Fire Department located at 104 Thomas Bridge Road, Marion, Virginia, 24354. The applied festival hours are as follows:*

*Friday, September 11 - 5:00 p.m. thru 11:00 p.m.  
Saturday, September 12 - 12:00 noon thru 11:00 p.m.  
Sunday, September 13 - 12:00 noon thru 10:00 p.m.*

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

A copy of this application along with their maps and plans are on file in the Office of the County Administrator of Smyth County at the address given above, and may be viewed during regular business hours Monday through Friday.

Done by order of the Board of Supervisors  
Michael L. Carter, Acting County Administrator

No citizens were present or contacted the office with any concerns.

Gary Dempsey with the Adwolfe Volunteer Fire Department was present for any questions.

The hearing closed at 3:01 p.m.

With permit requirements being met, Supervisor Neitch made a motion to approve the festival permit application submitted and was seconded by Supervisor Waddell. The vote is as follows:

AYES: 5  
NAYS: 0  
ABSENT: Michael D. Roberts  
Marvin R. Perry

## **OLD BUSINESS**

1. Collection of delinquent taxes **(8-10-04)**. Mr. Carter updated that he has an updated delinquent tax list. Supervisor Perry motioned to continue this issue. Supervisor Neitch seconded the motion and it duly passed.

AYES: 6  
NAYS: 1 C.C. "Charlie" Clark, Jr.

2. Marevine Slemp, request for water service on Fox Valley Road (5-11-04).
3. Proposed revisions from the Planning Commission to the Subdivision Ordinance (referred to the Ordinance Committee 6-13-06).
4. Disposal of former school building at 105 East Strother Street (7-11-06).
5. Appointments: Board of Zoning Appeals (2-12-08)  
One Alternate - VACANT

Area Beautification Committee Judges (12-9-08)  
(Chamber of Commerce, 1 year term each calendar year)  
North Fork District - Debbie Ogle

6. Recommendation from the Budget Committee to discuss reconciliations with the Treasurer (5-13-08).
7. Radio System Project (6-26-08).

8. Request referred from the Budget Committee for a full Board discussion: In reference to a written request from the Commonwealth Attorney, Treasurer, and the Sheriff. Mr. Roy Evans, Commonwealth Attorney appeared before the Budget Committee on November 7 to explain the request on behalf of his office. He requested that the Board consider a raise for the Constitutional Offices equal with the raises of the county employees that was approved for fiscal year 2009. He stated that the requested raise would be from December 1, 2008 through June 30, 2009. The state has deferred their 2% raise for December 2008 to July 2009 (11-12-08).

**At the August 11, 2009, meeting, Supervisor Blevins motioned to remove this item from Old Business and was seconded by Supervisor Neitch. The vote is as follows:**

**AYES: 6**  
**NAYS: 0**  
**ABSENT: Roberts**

9. Possibility of no longer selling car decals but adding that cost to tax tickets. The Ordinance Committee was asked to look at this for the end of 2009 (1-13-09). **At the June 9, 2009 meeting, Mr. Tom Burkett, Treasurer, spoke to the Board on the elimination of the sell of car decals and incorporating a licensing fee to tax tickets. Mr. Burkett took brief questions. Mr. Jeff Richardson, Commissioner of Revenue, stated it would have minimal impact on his office to no longer sell car decals. Supervisor Perry made the motion to eliminate car decals. Supervisor Neitch seconded and the vote was as follows:**

**AYES: 6**  
**NAYS: 0**  
**ABSENT: M. Todd Dishner**

***At the June 25, 2009, meeting: After a brief discussion, Supervisor Perry motioned to rescind his prior motion to eliminate the sale of car decals, and was seconded by Supervisor Neitch. This motion was rescinded due to the loss of revenue it would create. The vote was as follows:***

**AYES: 7**  
**NAYS: 0**

10. Referred to the Water and Sewer Counsel, proceed with legal documents to provide uncollectable names and accounts from the Water and Sewer Department to other water providers in the county **(2-10-09)**.

11. Nuisance complaint against a property owned by Joseph F. Ellis, Jr. - The Board voted to leave the matter on the Old Business agenda until the conclusion of a civil case is resolved. At that time, the nuisance issue will be revisited. Mr. Patton Graham (Mr. Ellis' Attorney) will update the Board on the civil case as it progresses **(4-14-09)**.

## **CLOSED SESSION**

At 2:16 p.m. a motion was made by Supervisor Neitch to enter into Closed Session under Section 2.2-3711 – A.5 (Industry Prospects) and Section 2.2-3711-A.7 (Counsel and Staff Consultation) of the Code of Virginia. This was seconded by Supervisor Blevins and the motion passed with the following vote:

AYES: 6  
NAYS: 0  
ABSENT: Roberts

Upon returning to open meeting, a motion was made by Supervisor Dishner to adopt the following resolution certifying the business conducted in closed session as follows:

### **RESOLUTION CERTIFICATION OF CLOSED SESSION**

**WHEREAS**, the Smyth County Board of Supervisors has convened in a closed session 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 a 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

The motion was seconded by Supervisor Blevins and the vote is as follows:

AYES: 6  
NAYS: 0  
ABSENT: Roberts

## **ADJOURN**

At 3:02 p.m. Supervisor Neitch motioned to adjourn the meeting and was seconded by Supervisor Dishner. The vote is as follows:

AYES: 5  
NAYS: 0  
ABSENT: Perry, Roberts







The Smyth County Board of Supervisors held a called special meeting at 4:00 p.m., **Thursday, August 27, 2009**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

**MEMBERS PRESENT:**

C.C. "Charlie" Clark, Jr.	Darlene R. Neitch
Wade H. Blevins, Jr.	M. Todd Dishner
Marvin R. Perry	Michael D. Roberts

**MEMBERS ABSENT:**

Brenda J. Waddell

**STAFF PRESENT:**

Michael Carter, Acting County Administrator  
John H. Tate, Jr., County Attorney  
Pam Testerman, Office Service Assistant  
Scott Simpson, County Engineer  
Charlie Atkins, CFO  
Sandy Elswick, Registrar  
Kenny Lewis, Deputy

**OTHERS PRESENT:**

Smyth County News & Messenger  
3 Citizens

**CALL TO ORDER**

With a quorum present, the meeting was called to order at 4:02p.m.

This meeting was called to discuss the issues surrounding the death of Mr. Jimmy L. Warren, Clerk of Circuit Court. Upon Mr. Warren's death, the Board must file a petition to have a special election within fifteen (15) days. The fifteenth day will be August 28, 2009. Mr. John Tate prepared and presented the petition for a special election. This petition allows the court to set the date for the election.

Supervisor Roberts questioned a special appropriation needed to hold a special election. Mrs. Sandy Elswick stated a special election will cost \$6 to \$8 thousand. This appropriation will need to be concerned once a date had been set for the election.

After discussion, Supervisor Perry motioned to approve signing the petition for special election to the court. Supervisor Dishner seconded the motion and the vote is as follows:

AYES: 6  
NAYS: 0  
ABSENT: Waddell

Mr. Mike Carter informed the Board, the Courthouse and Proposed Administrative Building was included on the agenda incase something came about that needed to be discussed. At this time there is nothing to be discussed.

## **ADJOURN**

At 4:13 p.m. Supervisor Perry motioned to adjourn the meeting and was seconded by Supervisor Roberts. The vote is as follows:

AYES: 6  
NAYS: 0  
ABSENT: Waddell





