

VIRGINIA : At the organizational meeting of the Smyth County Board of Supervisors

held at the County Administration Building on Tuesday, January 13, 2004

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PRESENT: All Board Members.

STAFF: Edwin B. J. Whitmore, III; John H. Tate, Jr.; Michael Carter; Sally

Morgan ;

Duncan McGregor and Mary Ann Evans .

Edwin B. J. Whitmore, III, Temporary Chairman, called the meeting to order.

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Mr. Harold Slep led the invocation and Ms. Heather Waddle led the Pledge of Allegiance.

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Mr. J. L. Warren, Clerk of the Circuit Court, administered the Oath of Office to Messrs. Harold D. Slep, Michael Todd Dishner, C. C. "Charlie" Clark, and Mrs. Darlene Neitch , newly and re-elected supervisors.

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The Temporary Chairman opened the floor for nomination of Chairman of the Smyth County Board of Supervisors.

Upon motion of Mr. Clark, seconded by Mr. Slempp, Marvin R. Perry was nominated.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, Darlene Neitch was nominated.

Upon motion of Mr. Clark, seconded by Mr. Slempp, and unanimously carried, that the nominations for Chairman cease.

Vote was taken on nomination for Marvin R. Perry:

Vote: 4 Yea (Slempp, Dishner, Perry, Clark)

3 Nay (Neitch, Roberts, Blevins)

Vote was taken on nomination for Darlene Neitch :

Vote: 3 Yea (Roberts, Blevins, Neitch)

4 Nay (Slempp, Dishner, Perry, Clark)

Marvin R. Perry is elected Chairman of the Smyth County Board of Supervisors for calendar year 2004.

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Temporary Chairman turned the meeting over to the Chairman.

Chairman accepted nominations for Vice Chairman.

Upon motion of Mr. Dishner, no seconded was received, Harold Slempp was nominated for Vice Chairman.

Upon motion of Mr. Blevins, no seconded was received, Darlene Neitch was nominated for Vice Chairman.

The Chairman closed the nominations.

Vote was taken on nomination of Harold Slempp:

Vote: 4 Yea (Clark, Perry, Dishner, Slempp)

3 Nay (Roberts, Neitch, Blevins)

Vote was taken on nomination of Darlene Neitch :

Vote: 3 Yea (Blevins, Roberts, Neitch)

4 Nay (Clark, Dishner, Perry, Slempp)

Mr. Harold Slempp is elected Vice Chairman of the Smyth County Board of Supervisors for calendar year 2004.

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Upon motion of Mr. Clark, seconded by Mr. Slemp, and unanimously carried, Edwin B. J. Whitmore, III is appointed Clerk of the Smyth County Board of Supervisors for calendar year 2004.

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Upon motion of Mr. Clark, seconded by Mr. Slemp, and unanimously carried, Michael L. Carter is appointed Deputy Clerk of the Smyth County Board of Supervisors for calendar year 2004.

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Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board approves the agenda as to form adding Board of Equalization.

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Upon motion of Mr. Slemp, seconded by Mr. Clark, and unanimously carried, the Board sets its meeting on the second Tuesday of each month at twelve noon , except the following month – November 10<sup>th</sup>, 2004 because of the Virginia Association of Counties meeting on November 7<sup>th</sup> – 9<sup>th</sup>, 2004 .

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Upon Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, BE IT RESOLVED that the Board of Supervisors adopts the Smyth County Board of Supervisors Rules of Procedures for calendar year 2004.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approves the minutes of December 9<sup>th</sup>, 2003 , December 18<sup>th</sup>, 2003 , and December 22<sup>nd</sup>, 2003 . as presented.

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During Citizen's Time, Sonya Strouth, appeared to request the Board grant permission or whatever is necessary for a rescue squad to be established in the Rye Valley area of Adwolfe, Thomas Bridge, Teas, Stoney Battery and other areas that the Adwolfe Volunteer Fire Department works. The Chairman referred the aforementioned matter to a committee composed of Messrs. Perry, Slemp, and Mrs. Neitch for study and recommendation.

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Earl McClure appeared during Citizen's Time to commend the Board on opening their meeting with Prayer and the Pledge of Allegiance. He informed the Board as he was checking the Board Minutes for information he noticed the Smyth County web site has not been updated in the last six months He also expressed his objection to the County employing a Financial Officer.

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Mr. Sid Cheeks and Dr. Neil Hollyfield, Smyth County representative, appeared to inform the Board about the Crossroads Shelter, Inc. 240 Calhoun Street Wytheville ,

VA , serving the homeless in Bland County , Carroll County , Grayson County , Montgomery County , Pulaski County , Smyth County and Wythe County . They provide basic needs for the homeless persons and families. Mr. Cheeks requested the Board consider including said Shelter in preparation of Smyth County budget for fiscal year 2004 – 2005.

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Dr. F. David Wilkin, President, Virginia Highlands Community College , presented the Board Virginia Highlands Community College annual report for fiscal year 2002 – 2003. Dr. Wilkin stated enrollment grew to 1,667 representing a 5 percent increase over the previous year. He also stated more than 600 members of the local workforce received training through customized courses provided by the Center for Business and Industry and 133 new jobs were created through the Small Business Development Center, proving they support economic development in the region.

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Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors appropriates the following sums for expenditures during the month of January and February 2004:

General County	\$1,034,000.00
Department of Social Services (Jan. 2004)	\$340,000.00
( February 1 <sup>st</sup> – 10 <sup>th</sup> , 2004 )	\$ 35,000.00

Schools

Operations	\$2,700,000.00
Textbook	-0-
Capital Outlay and School Debt	\$ 75,000.00
Green Hill/Shuler Hollow	\$ 155,679.61
Social Security Fund	\$1,415.82

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Upon motion of Ms. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approves and appropriates the sum of \$13,801.50 in Two For Life Funds being distributed as follows:

Sugar Grove Rescue Squad	\$3,450.38
Marion Life Saving Crew	\$3,450.38
Chilhowie Fire Department/EMS	\$3,450.37
Saltville Rescue Squad	\$3,450.37

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Upon motion of Ms. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approves the necessary and reasonable expenses of the new elected Chairman

and Vice Chairman to attend the Chairpersons' Institute to be held February 12 – 14, 2004 at the Omni Richmond Hotel. Registration fee, \$200.00, Lodging is \$107.00 per day plus mileage, per person.

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Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, the Board approves the request of the Commissioner of Revenue for a 2003 Personal Property Tax refund to Daimler Chrysler Service P. O. Box 25952, Shawnee Mission, KS 66225-5952, and appropriates the sum of \$88.88, upon recommendation of the County Attorney .

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Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board accepts the award of Grant #04-H9359VA03 from the Department of General Services for a Law Enforcement, VSTOP Program, awarded to the Smyth County Sheriff's Department in the amount of \$35,755.00 (\$26,816.00 Federal Funds, \$8,939.00 Local Funds).

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Upon motion of Ms. Neitch, seconded by Mr. Slemph, and unanimously carried, the matter of request for the Board to authorize an additional payroll deduction for dues



to the Mountain Empire Chapter of the Virginia Police Benevolent Association is ordered dropped from the agenda.

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Upon motion of Mr. Clark, seconded by Mr. Roberts, and unanimously carried, J. E. "Gene" Buchanan is reappointed a member of the Smyth County Department of Social Services Board for a term of office beginning upon his qualification and expiring 2-29-2008 .

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The Chairman continued the appointment or reappointment of Mr. Eddie D. Foster to the Smyth County Department of Social Services Board.

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Upon motion of Mr. Blevins, seconded by Ms. Neitch, and unanimously carried, upon recommendation of the Smyth County Planning Commission, Amy Tuell is appointed a member of the Mount Rogers Planning District Commission, for a term of office beginning upon her qualification and expiring 12-31-2007 .

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Upon motion of Mr. Clark, seconded by Mr. Roberts, and unanimously carried, Rita Frye is reappointed a member of the Smyth-Bland Regional Library for a term of office beginning upon her qualification and expiring 12-31-2007 .

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Upon motion of Mr. Blevins, seconded by Ms. Neitch, and unanimously carried, Dick Ryan is reappointed a member of the Smyth-Bland Regional Library for a term of office beginning upon his qualification and expiring 12-31-2007 .

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, Michael Todd Dishner is appointed as alternate member of the District Three Governmental Cooperative for a term of office beginning upon his qualification and expiring 12-31-2004 .

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Upon motion of Mr. Dishner, seconded by Mr. Blevins, and unanimously carried, Robert E. Guy is reappointed a member of the Smyth County Industrial Development Authority for a term of office beginning upon his qualification and ending June 30, 2007 .

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, Harold Slep is appointed a member of the 911 and Communications Committee beginning upon his qualification and expiring 12-31-2007 .

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, William F. Farmer, 636 Cedar Springs Road , Sugar Grove , VA is appointed a member of the Rye Valley Water Authority for the unexpired term of William K. Medley, resigned, beginning upon his qualification and expiring 6-30-2004.

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Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, Harold D. Slemp is appointed a member of the Marion Downtown Revitalization Committee for the unexpired term of J. S. Staley, Jr., resigned, beginning upon his qualification and expiring 6-30-2004 .

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Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, Marvin R. Perry is appointed as a member of the Virginia 's aCorridor for the unexpired term of Suzanne Jennings, resigned, for a term of office beginning upon his qualification and expiring 12-31-2004 .

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The Chairman appointed Mr. Michael Roberts to replace Mr. Donnie Fullen on the Mount Rogers Planning District Commission, Indoor Plumbing Housing Program.

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Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, the matter of telecommunication towers is referred to the Ordinance Committee for study and recommendations.

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Following discussion, upon motion of Mr. Roberts, seconded by Mr. Clark, and unanimously carried, the Board appropriates and directs the County Administrator to draw a check on the On-Site Wastewater Disposal Program in the amount of \$165,000 payable to the Department of Environmental Quality P. O. Box 1688 Abingdon, VA to repay the balance of VRLF Project Number C-520-002.

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The Board continued the following Board Matters:

1. Matter of collection of delinquent real estate taxes.
  
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation. (Building & Grounds Committee)
  
3. Ken Health's request concerning establishment of local tax abatement ordinance.

(Referred to County Attorney ) ( 7-1-2003 )

4. East County Spring Source Study. ( 8-1-2003 )
  
5. Cole Crest Drive reference being brought into Secondary Road System.  
(County  
  
Attorney awaiting information before advertising a public hearing)
  
6. Bob Mason request concerning road repairs on privately owned road – Green  
  
Hills Project. (Water/Sewer Committee) ( 10-1-2003 )
  
7. Memorandum of understanding between Smyth County and Tazewell County  
for  
  
Micro-Enterprise Loan Program (CDBG Funds) ( Sally Morgan )

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Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the matter of Sheriff Bradley's request for a metal cover to be placed in front of Jail and tables be placed under said cover is ordered dropped from the agenda.

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Upon motion of Mr. Roberts, seconded by Mr. Clark, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors supports the following resolution:

RESOLUTION IN OPPOSITION

TO

NATURAL RESOURCE FUNDING BASED ON FEES

WHEREAS, funding for Natural Resources is necessary for the Commonwealth to meet its constitutional requirement to protect the public health, safety, and welfare; and

WHEREAS, the Governor appointed Natural Resources Funding Commission to study this matter and recommend a solution (s) to a critical lack of revenues to do so; and

WHEREAS, the Governor's Natural Resources Funding Commission has studied the issue and has recommended a water connection fee of \$2.00 per connection per month; recordation fee of \$10.00 per transaction, per month; solid waste tipping fee of \$3.00 per ton; petroleum fee of .006 cents per gallon; and a electrical utility fee of \$2.00 per connection, per month; and

WHEREAS, the Mount Rogers Planning District Commission is in agreement that all Virginians will benefit from having clean drinking water, safe streams, well maintained parks, preserved historic areas, conserved farm lands, protected wildlife, and an environment passed on to the next generation better than the one for which we accepted responsibility; and

WHEREAS, the Mount Rogers Planning District Commission views this method of gathering revenues to support state services as being unfair to urban areas by establishing an uneven distribution of costs to maintain the services.

THEREFORE BE IT RESOLVED that the Mount Rogers Planning District Commission doth hereby and hereby declares that services needing funding are not being constitutionally provided; and

BE IT FURTHER RESOLVED that these services should be paid off for by all Virginians because all Virginians benefit from the services; and

BE IT FURTHER RESOLVED that the fairest source for funding these services the General Fund.

BE IT FINALLY RESOLVED that the Mount Rogers Planning District Commission supports funding these services via the General Fund not a fee structure as proposed.

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Earl McClure, Planning Commission Chairman, gave an update on Commission activities.

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Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, the Board approves the recommendation of the Smyth County Planning Commission to not approve Bobby Haga's special use permit to operate an Automotive Sales and Services business.

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Upon motion of Mr. Dishner, seconded by Mr. Blevins, and unanimously carried, the Board agreed to enter into executive session for consultation with legal counsel concerning probable litigation as outlined in §2.2-3711 (A) (7) of the Code of Virginia, as amended.

The Chairman declared the executive session ended and the doors were opened to the public.

Vote: 7 Yea

0 Nay

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Motion made, seconded, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive 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, §2.2-3712 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such executive 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 executive meeting to which this certification resolution applies, (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 7 Yea

0 Nay

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Upon motion of Mr. Slemp, seconded by Mr. Clark, and unanimously carried, the Board authorizes the County Attorney to take legal action concerning violations of the Zoning Ordinance on Mr. Bobby Haga, 942 Pierce Road , Marion , VA , reference an automobile graveyard located at 942 Pierce Road and Mr. James Rouse, 239 Seven Mile Ford Road, Marion, VA reference establishment of a junkyard of Seven Mile Ford Road.

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Pursuant to notice duly published in a local newspaper, the Board proceeded to conduct a public hearing on the proposed issuance of bonds by Smyth County . The general purpose for which the bonds are to be issued is to finance the constructing, installing, and connecting the water lines of the Atkins and Groseclose communities of the County, and the estimated maximum amount of such bonds and such notes is \$503,049.00.

Three citizens were in attendance.

Earl McClure ask the Board if they had exhausted all other sources for funds on said project.

No one else appeared to speak for or against said bonds.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board continues its meeting to January 22, 2004 , at 7:00 p.m. for a joint public hearing with the Smyth County Planning Commission and other matters as the Board may deem appropriate.

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Following discussion, upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the County Administrator is directed to notify the Local Assistance Division, Virginia Department of Transportation, 1401 East Broad Street, Richmond, Virginia 23219 that the County of Smyth intents to participate in the “Revenue Sharing Program” for fiscal year 2004 – 2005. The County will provide \$150,000.00 for this program, to be matched on a dollar-for-dollar basis from funds of the State of Virginia . The County worked with its Resident Engineer, and developed the attached prioritized list of eligible items of work recommended to be undertaken with these funds. The County also understands that the program will be reduced on a pro rata basis if requests exceed available funds.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried,  
BE IT RESOLVED that the Smyth County Board of Supervisors adopts the following  
American Electric Power Company contract extension:

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Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried,  
the County Administrator is authorized to sign the following documents on behalf of the  
Smyth County Board of Supervisors regarding the Groseclose Water Project:

“Virginia Resources Authority (the ‘Authority’) is pleased to advise you that the Virginia  
Department of Health (the ‘Department of Health’) has authorized funding from the  
Virginia Water Supply Revolving Fund to Smyth County (the ‘County’) in the amount of  
\$661,906. The funding consists of a grant in the amount of \$158,857 (the ‘Grant’) and an  
interest-free loan in the amount of \$503,049 (the ‘Loan’). The Loan funds will be loaned  
for a period of thirty (30) years.

The Loan and Grant will be used to finance the extension of water service to the Atkins  
and Groseclose communities, together with related expenses (the ‘Project’). The  
Authority offers to extend to the County the Loan as stated, subject to the satisfaction of  
the conditions to purchase the County’s Local Bond as set forth in the enclosed Financing  
Agreement (Section 2.1, 3.1, and 3.2). A form of Grant Agreement is also enclosed.

The Loan will be secured by a pledge of revenues from the County's water and wastewater systems. The County's Local Bond evidencing the Loan shall be issued on a parity basis with all pre-existing bonded indebtedness secured by a pledge of water and wastewater system revenues. In addition, the Loan will be secured by a pledge of the County's full faith and credit.

Loan and Grant closing and the disbursement of funds there under shall also be subject to the receipt of requisite funding from the United States Environment Protection Agency by the

fund's Capitalization Grant under the Safe Drinking Water Amendments of 1996.

Loan and Grant closing and the disbursement of funds in connection therewith shall remain subject to satisfaction of any condition prerequisite thereto established by the Department of Health. The County shall comply in all respects with all applicable federal laws, regulations and other requirements relating to or arising out of or in connection with the Project and the funding thereof by the Authority, including, but not limited, the federal 'crosscutting' requirements identified in the attached Schedule A.

Where noncompliance of such requirements is determined by the Authority or the Department of Health, the issue shall be referred to the proper Federal authority or agency for consultation or enforcement action.

The Authority reserves the right to withdraw or alter the terms of this commitment if, between the date of the County's loan application and the date of closing, the County

incurs any debt or its financial condition changes in any way deemed material by the Authority in its sole discretion.

If Loan closing shall not have occurred by March 1, 2004 , it is understood that the Authority reserves the right to modify any of the conditions of this commitment or to withdraw the funding offer.

The foregoing terms and conditions are hereby acknowledged and accepted the 13<sup>th</sup> day of January 2004.

BY: \_\_\_\_\_ (Edwin B. J. Whitmore, III)

County Administrator ”

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE  
OF A \$503,049 GENERAL OBLIGATION WATER AND SEWER BOND  
OF SMYTH COUNTY , VIRGINIA , AND  
PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

Smyth County (the “County”) has elected to be treated as a city for the purpose of issuing its bonds, pursuant to Section 10 (b) of Article VII of the Constitution of Virginia.

Pursuant to the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) (the “Act”), the Board of Supervisors of Smyth County (the “Board of Supervisors”) is authorized to contract debts on behalf of the County and

to issue, as evidence thereof, bonds, notes or other obligations payable from a pledge of the revenues from the County's water and sewer systems and a pledge of the County's full faith and credit.

The Board of Supervisors has determine it necessary and expedient to authorize the issuance of general obligation bonds of the County in the maximum principal amount of \$503,049 to finance the costs of constructing, installing and connecting water lines for the benefit of the Atkins and Groseclose communities of the County.

The Board of Supervisors has held a public hearing on the proposed issuance of the bonds, in accordance with Section 15.2-2606 of the Act.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SMYTH  
COUNTY ,  
  
VIRGINIA :

#### ARTICLE I

#### DEFINITIONS

Section 1.1 Definitions. Whenever used in this resolution, unless a different meaning clearly appears from the context:

“Bondholder” shall mean the register owner of the Bond.

“Bond” shall mean the County's General Obligation Water and Sewer Bond, issue hereunder.

“Closing Date” shall mean the date on which the Bond is delivered to VRA upon payment, or first partial payment, of the purchase price therefore.

“Fund” shall mean the Virginia Water Supply Revolving Fund, its successors and assigns.

“VRA” shall mean the Virginia Resources Authority, as Administrator of the Fund.

## ARTICLE II

### AUTHORIZATION, FORM, EXECUTION, DELIVERY,

### REGISTRATION AND REDEMPTION OF BOND

Section 2.1 Authorization of the Bond. It is hereby determined to be advisable, necessary and expedient for the County to borrow an amount not to exceed \$503,049, to provide funds, together with other funds that may be available, to finance the costs of constructing, installing and connecting water lines for the benefit of the Atkins and Groseclose communities of the County, and to pay the costs of issuing the Bond. Pursuant to the Act, there is hereby authorized to be issued and to pay the costs of issuing the Bond. Pursuant to the Act, there is hereby authorized to be issued and sold to the VRA a general obligation water and sewer bond of the County in an aggregate principal amount not to exceed \$503,049. The Bond shall be designated “General Obligation Water and Sewer Bond (Groseclose Water Project),” with an appropriate

series designation. The Bond will provide for principal advances to be made and noted on the Bond from time to time as funds are advanced by the VRA under the Bond.

Section 2.2 Details of the Bond.

- (a) The Bond shall be issued as a single, fully registered bond without coupons, shall be dated the Closing Date, shall be numbered R-1, and shall bear no interest.
- (b) Each of the Chairman or Vice-Chairman of the Board of Supervisors is hereby authorized to determine and approve all of the other final details of the Board, including, but not limited to, its original principal amount, the payment dates of principal, the amount of each principal payment, and the provisions for prepayment or redemption, provided that (a) the original principal amount of the Bond shall not exceed \$503,049, and (b) the due date of the last installment of principal of the Bond shall not be later than 40 years after the date of the Bond. The execution and delivery of the Bond as described in Section 2.3 and Section 2.7 hereof shall conclusively evidence such details as having been so determined and approved as authorized by this Resolution. Principal of the Bond shall be payable in lawful money of the United States of America .

Section 2.3 Execution of Bond. The Bond shall bear the manual signature of the Chairman or Vice Chairman of the Board of Supervisors and shall bear a manually impressed or imprinted facsimile of the seal of the County attested by



the manual signature of the Clerk of the Board of Supervisors. In case any officer whose signature shall appear on the Bond shall cease to be such officer before the delivery of the Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The Bond may be signed by such persons as at the actual time of the execution thereof shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

Section 2.4 Form of Bond. The Bond shall be in substantially the form attached hereto as Exhibit A, with such variations, insertions and omissions as shall be consistent herewith, the execution and delivery of the Bond constituting conclusive evidence that any variations, insertions and omissions are consistent herewith. Upon request of the VRA, the County shall arrange to have prepared, executed, authenticated and delivered in exchange as soon as practicable bonds in printed forms in an aggregate principal amount equal to the unpaid principal of the Bond in typewritten form, in denominations of \$5,000 and multiples thereof, except for one bond which may be issued in an odd denomination of not less than \$5,000, of the same form and maturity and registered in such names as requested by the VRA or its duly authorized attorney or legal representative. The typewritten bond surrendered in any such exchange shall be canceled.

Section 2.5 Bond Registrar. The County Administrator of the County is hereby appointed Bond Registrar for the Bond.

Section 2.6 Registration, Transfer and Exchange. The County shall cause books for the registration and transfer of the Bond (and any printed bond or bonds issued in accordance with Section 2.4 above) to be kept at the office of the Bond Registrar, and the County hereby instructs the Bond Registrar to keep such books and to make such registrations and transfers under such reasonable regulations as the County or the Bond Registrar may prescribe. Transfer of the Bond or any printed bond issued in substitution for it may be registered upon books maintained for the purpose at the office of the Bond Registrar. Prior to due presentment for registration of transfer, the Bond Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and the exercise of all other rights and powers of the owner.

Section 2.7 Preparation and Award of Bond. After consideration of the methods of sale of the Bond and the current state of the municipal bond market, the Board of Supervisors hereby determines that it will be in the best interests of the County to accept the offer of the VRA to purchase the Bond, and the Bond is hereby awarded to the VRA in accordance with the Financing Agreement described in Section 2.8 hereof. Each of the Chairman or Vice-Chairman of the Board of Supervisors is hereby authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with its terms and to deliver the Bond to the VRA in accordance with the terms of the Financing Agreement, as defined hereafter.

Section 2.8 Authorization of Financing Agreement and Other Matters. The Financing Agreement between the VRA and the County, the form of which has been presented to the Board of Supervisors at this meeting and filed with the records of the Board of Supervisors, is approved (the "Financing Agreement"). Each of the Chairman or Vice Chairman of the Board of Supervisors and the County Administrator is authorized to execute and deliver on behalf of the County the Financing Agreement in substantially the form submitted to the Board of Supervisors, with such changes, insertions or omissions as may be approved by the Chairman, Vice Chairman or County Administrator, whose approval shall be evidenced conclusively by the execution and delivery of the Financing Agreement. The acceptance by the County of grants from governmental agencies in furtherance of the improvements is approved and authorized. Each of the Chairman, Vice Chairman or County Administrator and any other officer of the County is authorized to execute and deliver on behalf of the County grant agreements and such other instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this resolution or contemplated by the Bond or the Financing Agreement, and all of the foregoing, previously done or performed by such officers of the County, are in all respects approved, ratified and confirmed.

amount on all the taxable property in the County in an amount sufficient to pay principal of the Bond as the same becomes due and payable.

Section 2.9 Constitutional Authority. The Bond shall be issued under the provisions of Article VII, Section 10 (a) of the Constitution of Virginia (other than Subsection (2) thereof). The principal of the Bond shall be payable (a) from the revenue derived from the operation of the County's water and sewer system (the "System") and (b) from ad valorem taxes to be levied without limitation as to rate or amount on all property in the County subject to taxation, to the extent other funds of the County are not lawfully available and appropriated for such purpose.

Section 2.10 Election of Applicable Law. To the extent permitted by Section 15.2-2601 of the Act, the Board of Supervisors elects that the Bond will be issued under the provisions of the Act without regard to the requirements, restrictions or provisions contained in any charter or local or special act applicable to the County.

### ARTICLE III

#### PARTICULAR COVENANTS

Section 3.1 Payment of the Bond. The County shall pay promptly, as provided herein, the principal of the Bond. Nothing in the Bond or in this resolution shall be deemed to create or constitute an indebtedness of the Commonwealth of Virginia or any political subdivision thereof other than the County, or a pledge of the full faith and credit of the Commonwealth of Virginia or of any political subdivision thereof other than the County.

Section 3.2 Tax Rate Covenant. The Board of Supervisors hereby covenants and agrees that as long as the Bond is outstanding, unless other funds are lawfully available and appropriated for timely payment of the Bond, the Board of Supervisors will levy and collect annually, at the same time and in the same manner as other taxes of the County are assessed, levied and collected, over and above all other taxes authorized, or limited by law, an ad valorem tax, without limitation as to rate or amount, on all the taxable property in the County in an amount sufficient to pay principal of the Bond as the same becomes due and payable.

Section 3.3 Pledge of Revenues. To the extent provided in the Financing Agreement, revenues derived from the System shall be pledged to the payment of the Bond. Such pledge shall be on parity with any pledge of revenues of the System to the payment of principal of or interest on the following bonds issued or assumed by the County (the “Existing Bonds”):

1)	\$156,900 Water Revenue Bond, Series of 1989A;
2)	\$32,700 Water Revenue Bond, Series of 1989B;
3)	\$117,500 Water Revenue Bond, Series of 1990A;
4)	\$25,100 Water Revenue Bond, Series of 1990B;
5)	\$281,000 Water Revenue Bond, Series of 1990C;
6)	\$354,000 Sewer Revenue Bond, Series of 1991;
7)	\$40,000 Landfill Revenue Bond, Series of 1991;
8)	\$18,000 Landfill Revenue Bond, Series of 1991;

9)	\$411,600 Water Revenue Bond (Ebenezer Project), Series of 1992;
10)	\$160,000 Water Revenue Bond (Midway Phase II Project), Series of 1992;
11)	\$225,700 Water Revenue Bond ( Walker 's Creek Project), Series of 1992A;
12)	\$102,000 Water Revenue Bond ( Walker 's Creek Project), Series of 1992B;
13)	\$505,800 Water Revenue Bond (Watson's Gap Project), Series of 1992;
14)	\$36,000 Water Revenue Bond ( Crystal Spring Project), Series of 1992;
15)	\$109,800 Water Revenue Bond ( Currin Valley Project), Series of 1992A;
16)	\$53,600 Water Revenue Bond ( Currin Valley Project), Series of 1992B;
17)	\$136.000 Water Revenue Bond (Route 613 Project), Series of 1993A;
18)	\$18,600 Water Revenue Bond (Route 613 Project), Series of 1993B;
19)	\$1,374,900 Water Revenue Bond ( Cleghorn Valley Phase II Project), Series of 1994;
20)	\$73,500 Sewer Revenue Bond (Bear Creek Project), Series of 1995;
21)	\$1,129,000 General Obligation Solid Waste Disposal Bond, Series of 1996;
22)	\$263,600 Water Revenue Bond (Possum Hollow Project), Series of 1996;
23)	\$1,655,000 General Obligation Sewer Bond (Hungry Mother Sewer Project), Series of 1997;

24)	\$334,000 Water Facility Bond, Series 2001 B (Hutton Branch Water Project);
25)	\$133,000 Water Facility Bond, Series 2001 C (Hutton Branch/Currin Valley Water Project);
26)	\$346,000 Water Facility Bond, Series 2002 B (Hutton Branch Water Project);  and
27)	\$797,700 Sewer Facility Bond, Series 2002 C (Green Hill Sewer);

provided, however, that the holders of the Existing Bonds consent to such pledges being on parity with each other. If consent to such parity is not obtained from the holders of the Existing Bonds, the pledge of revenues securing the Bond shall be subordinate to the pledge of revenues securing the Existing Bonds. The Bond shall contain a statement of parity or subordination, as appropriate.

#### ARTICLE IV

#### MISCELLANEOUS

Section 4.1 Contract with Bondholders. The provisions of this resolution shall constitute a contract between the County and the Bondholder for so long as the Bond is outstanding.

Section 4.2 Authority of Officers and Agents. The officers and agents of the County shall do all acts and things required of them by this resolution and the Bond for the complete and punctual performance of all the terms, covenants and agreements contained therein. The appropriate officers of the County are further authorized and empowered to take such action as they may consider necessary or desirable to carry out the intent and purpose of this resolution, and the issuance of the Bond.

Section 4.3 Limitation of Liability of Officials of County. No covenant, condition or agreement contained herein shall be deemed to be a covenant, agreement or obligation of an officer, employee, member of the Board of Supervisors, or agent of the County in his or her individual capacity, and no officer of the County or member of the Board of Supervisors executing the Bond shall be liable personally on the Bond or be subject to any personal liability or accountability by reason of the issuance thereof. No officer, employee or agent of the County shall incur any personal liability with respect to any other action taken by him or her pursuant to this resolution, provided he or she acts in good faith.

Section 4.4 Conditions Precedent. Upon the issuance of the Bond, all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia or this resolution to have happened, exist and to have



been performed precedent to or in the issuance of the Bond shall have happened, exists and have been performed.

Section 4.5 Headings. Any headings in this resolution are solely for convenience of reference and shall not constitute a part of the resolution nor shall they affect its meaning, construction or effect.

Section 4.6 Severability. If any court of competent jurisdiction shall hold any provision of this resolution to be invalid and unenforceable, such holding shall not invalidate any other provision hereof.

Section 4.7 Effective Date. This resolution shall take effect immediately. All ordinances, resolutions or parts thereof in conflict herewith are hereby repealed.

Section 4.8 Filing of Resolution. The Clerk is hereby authorized and directed to see to the prompt filing of a certified copy of this resolution with the Circuit Court of Smyth County, Virginia.

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Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, BE IT RESOLVED that the Board of Supervisors fixes the Board of Equalization compensation as follows:

For more than three (3) hours of service on any calendar day - \$100.00

For three (3) or less hours of service on any calendar day - \$50.00

On any day of service \$.32.5 cents per mile for mileage incurred.

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Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the County Administrator is directed to advertise a proposed ordinance that will permit any qualifying land owner to be afforded an additional sixty (60) days to make application for land use taxation making a total time for filing these applications ninety (90) days. Said public hearing to be held on February 10, 2004 , at 3:00 p.m.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board fixes the cost for a land owner to pay an application fee for each parcel of land Ten (\$10.00), and in addition Ten (\$0.10) Cents per acre over fifty (50) acres to the Treasurer of Smyth County for the application of the land owner for land use taxation. Said fee to be included in the proposed ordinance pursuant to Section 58.1-3234 of the Code of Virginia, said public hearing to be held on February 10, 2004 , at 3:00 p.m.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the matter of special ordinance pursuant to authorization provided in Section 58.1-3234 of the Code of Virginia, and to fix certain fees for application for land use taxation effective upon the adoption of the special ordinance, and to any applications filed

following the general reassessment of Smyth County, Virginia which was effective January 1, 2004, is referred to the Ordinance Committee for study and recommendation.

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VIRGINIA : At a continued meeting of the Smyth County Board of Supervisors held at the

County Office Building on Thursday, January 22, 2004 , at 7:00 p.m.

STAFF: Edwin B. J. Whitmore, III; John H. Tate, Jr.; Michael Carter; Mary Ann Evans; Amber Tilson, and Sally Morgan .

The Chairman called the meeting to order.

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Pursuant to notice duly published in a local newspaper, the Board proceeded to conduct a joint public hearing with the Smyth County Planning Commission on an application from George Rouse to rezone 755 Lee Highway from Agricultural/Rural to Commercial. The lot is .5 acres in size and is identified by tax map #54-7-15A.

Approximately four citizens were present.

Ms. Heather Luttrell, property manager, spoke on behalf of the application.

Marvin R. Perry and Harold D. Slemph, Board of Supervisors members, also spoke in favor of the request.

The Chairman declared the public hearing closed.

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VIRGINIA :           At the regular meeting of the Smyth County Board of Supervisors  
  
held at the County Office Building on Tuesday, February 10, 2004  
  
at 12:00 Noon .

PRESENT:           All Board Members.

STAFF:             Edwin B. J. Whitmore, III; John H. Tate, Jr.; Mike Carter; Mary  
  
Ann Evans; Amber Tilson ; Sally Morgan and Duncan McGregor.

The Chairman called the meeting to order.

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Rev. Gary Trout, Calvary Baptist Church , led the invocation and Betty Blizzard  
led the Pledge of Allegiance.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried,  
the Board approves the agenda as to form.

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Upon motion of Mr. Blevins, seconded by Mr. Slempp, and unanimously carried,  
the Board approves the minutes of January 13, 2004 and January 22, 2004 , as presented.

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During Citizen's Time, James Parlier appeared to inform the Board of damage to his property he had sustained during the last flooding because of incorrect work by the contractor that was working on Route 622 in Atkins , Virginia . He stated VDOT would not work with him to correct this problem and he just wanted the Board to know of his problem and ask them if there was anything they could help him do to get the problem solved. Mr. Perry requested Mr. Parlier to come back when the Highway representatives came at 1:00 p.m. to discuss the matter with them.

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John Clark, Town of Marion Manager, and Jacob Craig, Project Manager, for Anderson & Associates, appeared to discuss the Route 16 Park Boulevard Bikeway trail. Mr. Clark requested the Board adopt the low bid \$382,489.40 from W & L Construction and Paving Inc. Mr. Clark stated by agreement the Town of Marion and Smyth Count agreed to share the 20% Local Match of \$76,497.88. By agreement the Town of Marion would pay 60% (\$45,898.73) of the match funds and the county would pay 40% (\$30,599.15).

Following discussion, upon motion of Mr. Clark, seconded by Mr. Slemp, and duly carried, the matter of funding request for a total of \$30,599.15 is referred to the Budget Committee.

Vote: 6 Yea

1 Nay (Neitch)

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, Mr. John Clark is requested to present the Board a copy of the new plans for the Biking Trail and this matter is continued.

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Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors approves and appropriates the following out of the appropriate fund account:

General County	\$1,000,000.00
Department of Social Services (Feb. 2004)	\$ 340,000.00
(March 1 <sup>st</sup> – 8 <sup>th</sup> )	\$ 35,000.00

Schools

Operations	\$2,850,000.00
Capital Outlay & School Debt	\$ 150,000.00
Green Hill/Shuler Hollow	\$ 189,992.40
Social Security Funds	\$ 1,917.60
Animal Damage	\$ 287.13
Hutton Branch	\$ 2,215.74

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Upon motion of Ms. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approves the attached warrant listing in the amount of \$741,097.41 from the appropriate fund account.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approves use of the Smyth County Courthouse lawn, exterior restrooms and electrical connection for the following events, as per request of the Marion Downtown Revitalization Association:

May 28<sup>th</sup>, June 4<sup>th</sup>, June 11<sup>th</sup>, June 18<sup>th</sup>, June 25<sup>th</sup> “Lunchtime on the Lawn”

July 16<sup>th</sup> – 18<sup>th</sup> “Hungry Mother Arts & Craft Festival”



Sept. 11<sup>th</sup> “3<sup>rd</sup> Annual Patriot’s Day Commemoration”

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Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, upon recommendation of the Budget Committee, the Board approves a donation of \$1,000 each to the following, subject to a letter of request from each high school or organization giving a project graduation activity.

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Upon motion of Mr. Slemph, seconded by Mr. Clark, and duly carried, the matter of establishment of a Methadone Clinic is referred to the Smyth County Planning Commission for study and recommendation.

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Upon motion of Mr. Roberts, seconded by Mr. Dishner, and unanimously carried, Eddie D. Foster is reappointed a member of the Smyth County Department of Social Services for a term of office beginning upon his qualification and expiring 02-06-08 .

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Upon motion of Mr. Roberts, seconded by Ms. Neitch, and unanimously carried, Roy F. Evans, Jr. is reappointed a member of the Southwest Virginia Community Correction for a term of office beginning upon his qualification and expiring 02-28-06 .

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Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried,  
BE IT RESOLVED that the Smyth County Board of Supervisors supports the Resolution  
in Support of Principles to Guide Tax Reform as presented by the Mount Rogers  
Planning District Commission:

WHEREAS, the Governor, the General Assembly, and several study committees  
have recognized the need for Tax Reform in the Commonwealth of Virginia; and

WHEREAS, the Governor and other prominent members of the General  
Assembly have promulgated Tax Reform Plans; and

WHEREAS, in order for the Commonwealth and its citizens to receive fair and  
equitable benefit from this process some principles need to be established and followed to  
guide the process;

NOW, THEREFORE, BE IT RESOLVED that the Mount Rogers Planning  
District Commission doth hereby and hereon declares that the following principles should  
be adopted to guide the Tax Reform process; and

BE IT FURTHER RESOLVED that the Commonwealth meet its commitment to  
fund mandatory basic services; and

BE IT FURTHER RESOLVED that the state stabilize its financial structure; and

BE IT FURTHER RESOLVED that the state retain its Triple-A bond rating; and

BE IT FURTHER RESOLVED that the state enact practical and fair increases in state taxes such as income, sales, use, and gas; and

BE IT FINALLY RESOLVED that the state protect existing local tax authority for counties, cities, and towns.

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At the request of the Chairman, the matter of a letter from the Smyth County Planning Commission concerning request to the Board that draft revisions to the Zoning Ordinance be returned to the Planning Commission for further study. Following discussion, upon motion of Mr. Slemp, seconded by Mr. Dishner, and duly carried, the Board referred the revisions to the Zoning Ordinance back to the Smyth County Planning Commission for study and recommendation.

Vote: 4 Yea

3 Nay (Roberts, Blevins, Neitch)

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The Board was informed that the 911 contracts with the Towns will expire on December 31, 2004 . The Chairman requested Shannon Williams and the County Administrator obtain contract documents and any other information that may be needed for the Board to further study this matter.

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The following Board matters are continued:

1. Matter of collection of delinquent taxes.
  
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation. (Building & Grounds Committee)
  
3. Ken Heath's request concerning establishment of local tax Abatement ordinance. ( County Attorney ) ( 7-1-2003 )
  
4. East County Spring Source Study. ( 8-1-03 )
  
5. Cole Crest Drive reference being brought into the Secondary System. ( County Attorney )
  
6. Bob Mason's request concerning road repairs on privately owned Road – Green Hills Project. (Water/Sewer Committee) ( 10-1-03 )
  
7. Request from Sonya Strouth concerning establishment of a rescue squad in the Adwolfe area. ( 1-1-04 )

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Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried, the Board approves the Management Plan and contract with Tazewell County on the Micro-Enterprise Loan Program (CDBG) Funds and Sally Morgan is empowered to select a Smyth County banker to serve on said committee.

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The Chairman referred the matter of Sid Cheeks, Crossroads Shelter, Inc., request for said organization to be included in the fiscal year 2004 – 2005 proposed budget for a donation to the Budget Committee for study and recommendation.

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Sally Morgan informed the Board the Smyth County Planning Commission had begun work to update the Comprehensive Plan.

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Upon motion of Mr. Clark, seconded by Mr. Slemp, and unanimously carried, the Board approves the Smyth County Planning Commission recommendation to approve the application from George Rouse to rezone 755 Lee Highway from Agriculture/Rural to Commercial.

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Corbin Stone, representing Robinson, Farmer, Cox and Associates, appeared to discuss fiscal year ending June 30, 2003 , audit with the Board of Supervisors.

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Pursuant to notice duly published in a local newspaper, the Board proceeded to conduct a public hearing on Special Ordinance pursuant to authorization provided in Section 58.1-3234 of the Code of Virginia, and to fix certain fees for applications for Land use taxation effective upon the adoption of the special ordinance, and to any applications filed following the general reassessment of Smyth County , Virginia , which was effective January 1, 2004 .

The proposed ordinance will permit any qualifying land owner to be afforded an additional sixty (60) days to make application for land use taxation making a total time for filing these applications ninety (90) days. This Special Ordinance will require a land owner to pay an application fee for each parcel of land of Ten (\$10.00), and in addition Ten (\$0.10) cents per acre over fifty (50) acres to the Treasurer of Smyth County for the application of the land owner for this land use taxation.

Three citizens were present.

No one appeared to speak either for or against said proposed ordinance.

The Chairman declared the public hearing closed.

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Upon motion of Ms. Neitch, seconded by Mr. Dishner, and unanimously carried,  
BE IT RESOLVED that the Smyth County Board of Supervisors adopts the following:

## SPECIAL ORDINANCE

(Not to be incorporated into the Smyth County Code)

WHEREAS, the Board of Supervisors of Smyth County (Board) adopts a Special Ordinance of limited application for the year of a general reassessment of real property.

An ordinance of the County provides for assessments for land use taxation as permitted in a section of the County Code of Smyth County , Virginia , and Section 58.1-3230, et. seq, of the Code of Virginia. This Special Ordinance shall affect the application filing deadlines to the Commissioner of Revenue of Smyth County, Virginia, by extending the deadlines for filing applications for these assessments under Section 58.1-3234, and to fix, for the current assessment period, application fees to be paid by property owners who apply for this use taxation.

NOW, THEREFORE, BE IT ORDAINED as follows:

1. The filing deadline fixed by Section 58.1-3234, which is thirty (30) days after the notice of assessment is mailed to the property owner, is hereby extended, as permitted by such code section, until ninety (90) days after the mailing of the notice of reassessment in this year of general reassessment, and any subsequent year of general reassessment, unless changed by subsequent ordinance of the Board.
2. It is further ordered, and hereby adopted, an application fee for the year of application for land use taxation, without re-certification fees, except in a year

in which a general reassessment is held or when a new application is required by virtue of a change in ownership, a flat fee for each qualifying parcel of Ten Dollars (\$10.00), and in addition, a fee of the Ten Cents (\$0.10) an acre for each acre of any tract of more than fifty (50) acres. This fee shall be paid to the Treasurer's Office of Smyth County.

Nothing further is intended to be accomplished hereby.

Vote: 7 Yea

0 Nay

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Upon motion of Ms. Neitch, seconded by Mr. Clark, and unanimously carried, the Zoning Administrator is directed to advertise a proposed amendment to the Zoning Ordinance of Smyth County, Virginia, as follows:

The provisions of the Ordinance are hereby amended by adding a new section, in Article IV, Section 4-12, which will follow Section 4-11 in the printed Code, which will add a provision, with a special use permit, for the installation, operation and regulation of Emergency Communications Network Towers (ECN), as defined herein; to define these towers in Article X, of the Ordinance; and, to amend certain language in Article III of the Ordinance.

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Duncan McGregor, County Engineer , gave the Board information on the following projects: Allison Gap Water Project bids; Smyth County Courthouse – Phase I; Groseclose Water easements.

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Upon motion of Ms. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board agreed to enter into executive session to discuss a personnel matter as outlined in Section 2.2-3711 (A) (1) of the Code of Virginia, as amended, and Section 2.2-3711 (A) (5) of the Code of Virginia, as amended, concerning prospective industries were no announcement has been made.

The Chairman declared the executive session ended and the doors were opened to the public.

Vote: 7 Yea

0 Nay

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Upon motion of Ms. Neitch, seconded by Mr. Slemph, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive 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 executive 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 7 Yea

0 Nay

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Upon motion of Mr. Clark, seconded by Mr. Slemp, and unanimously carried, and unanimously carried, the Board approves the Budget Committee recommendation

to transfer \$200,000 from the General Fund (line item 4-001-011010-8887-2 Economic Development – Water & Sewer \$100,000.00 and line item 4-001-081030-7019 Industrial Site Acquisition & Development Funds \$100,000.00) to Fund 502 Revenue Account #1-4000-00-1 Revenue Collections for funds to upfront needed monies for water/sewer projects until reimbursement from said project funds are received.

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Upon motion of Ms. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approves the Budget Committee recommendation for sum a not to exceed \$16,000 to be taken from line item 4-001-081022-3002 Professional Services for contract work to be performed by Duncan McGregor after March 1, 2004 for county engineer services.

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Upon motion of Mr. Clark, seconded by Ms. Neitch, and unanimously carried, the Board authorizes the County Administrator to transfer \$200,000 from line item 4-001-081030-8888-1 Incentive Fund to the Industrial Development Authority of Smyth County checking account for part of payment to General Dynamics Inc.

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Upon motion of Mr. Roberts, seconded by Ms. Neitch, and unanimously carried, the Board approves and appropriates the following sums, and accept said deeds for the Hazard Mitigation Grant Program Property Acquisition:

Patsy W. Roark	\$25,000
Paul D. Holmes & Barbara A. Holmes	\$22,000
Doris L. Hogston & Harry R. Hogston	\$18,000
Gaylan McKinley Surber	\$17,000
Earl M. Cregger, Jr. & Mary A. Cregger	\$21,000

Mr. McGregor stated the County had received \$99,000 in grant funds and the local match would be \$4,000.

The Board also approved funds for the following easements on the Groseclose Water Project Easements:

Odesser Robinette	\$600
William & Loretta S. Shupe	\$200
Phillip & Ellen Patterson and	
Jerry D. & Joanne Patterson	\$375

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Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the County Administrator is authorized to sign above stated deeds and easements on behalf of the Board.

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Upon motion of Ms. Neitch, seconded by Mr. Slemph, and unanimously carried, the Board continues its meeting to February 26, 2004 at 7:00 p.m. for a joint public hearing with the Smyth County Planning Commission.

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VIRGINIA : At a continued meeting of the Smyth County Board of Supervisors  
  
held at the County Office Building on Thursday, February 26, 2004 ,  
  
at 7:00 p.m.

PRESENT: All Board Members.

STAFF: Edwin B. J. Whitmore, III; Michael Carter; Duncan McGregor;  
  
Mary Ann Evans ; Amber Tilson .

The Chairman called the meeting to order.

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Pursuant to notice duly published in a local newspaper, the Board proceeded to conduct a joint public hearing with the Smyth County Planning Commission to consider

the adoption of amendments to the Smyth County Code, in the part of the Code styled Smyth County Zoning Ordinance, which deals with zoning in the County, and particularly the following:

Amend Article VI, GENERAL PROVISIONS AND SUPPLEMENTARY REGULATIONS, by adding a new Section 4-12, to the zoning ordinance of Smyth County , adopted January 1, 2002 ; to amend Article X, DEFUBUTUIBS; as well as to make wording changes in ARTICLE 3, DISTRICT REGULATIONS.

The amendments propose to add a new section, Section 4-12 to follow Section 4-11 in the printed code, which will make provisions for the installation, operation and regulation of EMERGENCY COMMUNICATIONS NETWORK TOWERS (ECN towers), as defined therein, with a special use permit; to define these towers in Article X of the Ordinance, and to amend certain language to clarify the definition of communications towers in the Ordinance in Article III in the manner prescribed in the proposed amendments.

Questions were asked by Board of Supervisors and Planning Commissions for clarification.

No citizen appeared to speak either for or against said proposed amendment.

The Chairman declared the public hearing closed.

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Michael Carter, Assistant County Administrator, informed the Board DEQ mandated updating the Solid Waste Management Plan by July 1, 2004 . The last plan

was submitted to DEQ in 1992. A meeting was held at the Mount Rogers Planning District Commission office in January 2004 to organize a meeting with representatives of the Counties of Smyth, Bland, Washington, Wythe, and the Incorporated Towns of Marion, Saltville, and Chilhowie to work on forming a regional solid waste plan. Interviews were conducted in February 2004 and the firm of Draper Aden and Associates, were selected to prepare a Solid Waste Plan at a cost not to exceed \$35,000. Cost to each County and Town was based on population. Smyth County has 28% of the total population of the region, resulting in a cost not to exceed \$9,800, said amount budgeted in the current solid waste operating budget. To recover the cost of each town's portion of the plan, Mr. Carter suggested using the same criteria used in determining each county's portion, which was cost by population. The following cost for the Towns is recommended:

Town of Chilhowie not to exceed \$490; Town of Marion not to exceed \$1,862; Town of Saltville not to exceed \$588...total \$2,940.

Following discussion, upon motion of Ms. Neitch, seconded by Mr. Clark, and unanimously carried, the Board approves the aforesaid recommendation.

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Upon motion of Mr. Slemph, seconded by Mr. Blevins, and unanimously carried, the Board approves the County Administrator signing the notice to proceed on the Groseclose Water Project.

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Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried,  
the Board approves submittal of a supplemental application to the Tobacco Commission  
for the Allison Gap Project in a sum not to exceed \$277,306.

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Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried,  
BE IT RESOLVED that the Smyth County Board of Supervisors approves an additional  
appropriation of \$175,000 for the Industrial Development Authority during the month of  
February 2004 General County Fund.



**Virginia :** At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, March 9, 2004 at 12:00 noon .

**Board Members**

<b>Present:</b>	Mr. Marvin Perry	Mr. Charlie Clark
	Mr. Harold Slemp	Mr. Todd Dishner
	Mrs. Darlene Neitch	Mr. Michael D. Roberts
	Mr. Wade Blevins	

**Staff Members**

<b>Present:</b>	Mr. Edwin BJ Whitmore, III	Mr. John H. Tate, Jr.
	Mr. Michael Carter	Mr. Duncan McGregor
	Mrs. Sally Morgan	Mr. Scott Simpson
	Mrs. Mary Ann Evans	Ms. Amber Tilson

The Chairman called the meeting to order at 12:01PM .

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Rev. Nouhad Melki, of Atkins First Church of God, led the

invocation and Clegg Williams led the Pledge of Allegiance.

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Mr. Brad Starkey, Mr. Bill Weaver, and Mr. Philip Hendren were in attendance representing Utility Trailer for the announcement of the facilities expansion which would add 100 new jobs with in the next 30 months and \$11.5 million dollar investment.

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Mr. Whitmore introduced the new County Engineer , Mr. Scott Simpson and the new Financial Officer, Mr. Charlie Atkins .

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Upon the motion of Mr. Clark and seconded by Mr. Slemp, and unanimously carried, the Board approved the agenda as to form.

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Upon the motion of Mr. Slemp and seconded by Mr. Blevins, and unanimously carried, the Board approved the minutes of the February 10 and February 26, 2004 meetings, as presented.

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During citizen's time, Mr. Charles Fowler of the Currin Valley water system questioned the rate difference between his area and the rest of the County. He stated that years ago his area was promised the same rate as the whole county when the Hutton Branch Water system was running. He was also requesting fire hydrants in his area. He stated that if the reassessments value of property taxes was worth 25% more then why their rates couldn't be readjusted and fire hydrants be installed on the Currin Valley water system.

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During citizen's time the following people spoke.

- Mr. Ed Thompson – he stated that the real estate taxes should remain the same or lowered based on the high reassessment figures. He also had concerns with the Broadford VDOT shop possible closing.
- Mr. Raymond Buchanan – Was also concerned with the possible closing of the Broadford VDOT shop closing. He requested that the board pass a resolution in support of maintaining the shop in its present location.

## **RESOLUTION**

WHEREAS, we understand that the Virginia Department of Transportation (VDOT) is examining cost-saving measures in terms of their continued operation of road maintenance facilities or “shops”, and in particular, may be considering the closure of the Broadford VDOT maintenance shop in Smyth County; and

WHEREAS, the Broadford VDOT maintenance shop serves a wide-reaching geographic area, specifically the Rich Valley area of Smyth County (which constitutes the entire northern third of the county); and

WHEREAS, the Broadford VDOT shop and its employees have provided exemplary service to the taxpayers of the Commonwealth over many years; and

WHEREAS, the presence of the Broadford shop is important to residents of the area who depend on daily and prompt maintenance repairs needed along the many miles of secondary roads in that part of the county; and

WHEREAS, the citizens of the Rich Valley area are deeply concerned about the negative impacts on local transportation that would result from the closure of the Broadford maintenance facility.

THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors expresses its opposition to any proposed closure of the VDOT maintenance facility in Broadford , Virginia .

Adopted by Board of Supervisors March 9, 2004 .

- Mr. Norman Sparks – He was also concerned with the possible closing of the Broadford VDOT shop.

- Ted Buchanan – From Chilhowie presented the Board with the following questions concerning the high property reassessments;

-What is the balance of funds in the county Treasurer at this time?

-What are the plans for the surplus money?

-What are the plans for the tax increase?

-Would the citizen's get a refund if the county had a surplus?

-Did the county plan to take from the reserve fund for the courthouse renovation?

- Nikki Wyatt – She had concerns with the high reassessments. She asked the Board when they set the rate would they take into consideration the fact that there are no factories or work here that someone would not come here and pay that much for property.

She was also requesting fire hydrants to be installed on the Pleasant Heights water line.

- Earl McClure – Concerned with the high reassessment figures and its potential impact on retirees. He suggested that the Board let the Planning commission create a five year plan for capitol projects of the county.

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Mrs. Kristi Stilen-Lare informed the Board of the 2-1-1 program and what it could do for this area. The Chairman referred the matter to the Communications

Committee and suggested that Mrs. Lare make an appointment with Shannon Williams, the 911 Coordinator for further discussion.

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Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors approves and appropriates the following out of the appropriate fund account:

General County	\$1,204,000.00
Department of Social Services (March 2004)	\$ 340,000.00
(April 1 <sup>st</sup> – 8 <sup>th</sup> )	\$ 35,000.00
Schools	
Operations	\$2,975,000.00
Capital Outlay & School Debt	\$ 70,000.00
Green Hill/Shuler Hollow	\$ 84,909.31

Animal Damage	\$	112.00
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Social Security Funds	\$	391.00
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Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, the board approves the attached the warrant listing in the amount of \$775,363.49 from the appropriate fund account.

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Upon the motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approves a refund in the amount of \$260.04 to the James C Wilson, JR, 632 Shuler Hollow Road , Chilhowie VA 24319 , for a personal property tax refund.

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Upon the motion of Mr. Clark, second by Mr. Slemp, and unanimously carried, the board recommends that Mr. Doug Jackson and Mr. Lowry Hobbs be reappointed as Smyth County representatives on the New River/Mount Rogers Workforce Investment Board for a term of office beginning upon their qualifications and term of office ending March 31, 2007.

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Upon the motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the board declares the Hungry Mother Arts and Crafts Festival signs as “official signs” of Smyth County to comply with VDOT regulations.

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Upon the motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the County Administrator is directed to advertise a public hearing to be set at 3:00PM on April 13, 2004 on proposed readopting amendment to Title 34 of the Smyth County Code, Finance and Taxation, Article III, Court Costs, Section 34-77, et seq. designated as Division 4, Cost Assessment for Court security Section 34-77.

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The following Board matters were continued:

1. Matter of collection of delinquent taxes.
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).



3. Ken Heath's request concerning establishment of local tax abatement ordinance (referred to County Attorney , 7-1-2003 ).
4. East County Spring Source Study ( 8-1-2003 ).
5. Cole Crest Drive reference being brought into the Secondary System. ( County Attorney is awaiting information before advertising a public hearing).
6. Bob Mason's request concerning road repairs on a privately owned road – Green Hills Project (Water/Sewer Committee 10-1-2003 ).
7. Request from Sonya Strouth concerning establishment a rescue squad in the Adwolfe area ( 1-1-2004 ).
8. Methadone Clinic, referred to the Planning Commission ( 2-1-2004 ).
9. Draft revisions for Zoning Ordinance referred back to Planning Commission for study and recommendation ( 2-1-2004 ).
10. Request concerning 911 contracts with the towns (911 Committee, 2-1-2004 ).
11. Bike Trail (Budget Committee)

-----

During Highway Department time Mr. Steve Buston, Resident Engineer was present.

Mr. Joe Copenhaver appeared to ask Mr. Buston if the Department of Highway had a schedule for clean up along road sides. Mr. Buston agreed that the Highway Department would clean up trash in his area in the near future.

Mr. Buston informed the Board that the Bristol District office was studying ways for budget adjustments that may have to be made in the future. There are no definite plans outlined for the Broadford VDOT shop at the present time.

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Upon motion of Mr. Clark, seconded by Mr. Roberts, and unanimously carried, the County Administrator is directed to draft a resolution in support of maintaining the VDOT shop in Broadford. Copies will be sent to Senator William Wampler, Delegate Joe Johnson, Delegate Bill Carrico, and Senator Philip Puckett.

-----

Norma Teaters , Chairmen of the CMPT Committee, appeared to inform the Board that her current budget is \$490,000.00 with expenditures to date

\$429,004.00. At the present 61 children have been served, with 42 of those being foster care children who are partially funded through IV-E or Medicare. Comprehensive Service Act (CSA), have court involvement and services that are ordered by the judge. The team requested the Board allocate an additional appropriation of \$112,000.00 for the remainder of fiscal year 2003-2004, with County Local match of \$26,175.00.

Upon motion of Mr. Roberts, seconded by Mr. Slemph, and unanimously carried, the Board approves the additional appropriation as aforesaid for fiscal year 2003-2004.

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Bids were received as follows on Phase I of Smyth County 's Gas Remediation plan:

- Griffin Dewatering, Inc.	\$142,000.00
-Emats, Inc.	\$108,500.00
-Shaw Emcon	\$106,700.00
-SCS Field Services	\$ 89,995.00

Michael Carter, Assistant County Administrator recommends the low bid of SCS Field Services in the amount of \$89,995.00 be accepted. He further stated said funds for Phase I is in the current fiscal year budget.

Upon the motion of Mrs. Netich, seconded by Mr. Blevins, and unanimously carried, the board approves the recommendation for low bid of SCS

Field Services in the amount of \$89,995.00 for Phase I of Smyth County 's Gas Remediation Plan.

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Pursuant to a Public Hearing held on February 26, 2004 on the proposed amendment concerning ECN Towers , upon motion made by Mr. Clark, and seconded by Mr. Blevins, and unanimously carried, that board accepts the Smyth County Planning Commission recommendation to approve the following amendments/addition:

**Section 4-12 Regulations for an Emergency Communications Network (ECN) Tower**

**4-12.1** All towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the federal government with authority to regulate towers and antennas.

**4-12.2** Information required for special use permit application: Each applicant requesting a special use permit for a communication tower shall submit a scaled plan and elevation view and supporting drawings, calculations, and other documentation, signed by appropriate licensed professionals, showing the location and dimensions of all proposed improvements.

**4-12.3** The height of Emergency Communications Network (ECN) towers shall be dictated by the final engineering design. In a district where ECN towers are permitted, any tower of two hundred (200) feet in height or greater shall be properly lighted.

**4-12.4** The location of an ECN tower shall be no less than 200 feet from any residential dwelling or structure.

**4-12.5** No equipment shall be located on an ECN tower unless such equipment is used solely for emergency services communications by a governmental entity.

**4-12.6** In addition to the provisions of Section 4-12.4, all ECN towers and accessory facilities must satisfy the minimum zoning district setback requirements for principal structures.

**4-12.7** Except in District 3.3 (Residential), ECN towers may be installed in any other zoning district with special use permit as defined in Section 10-66 of this ordinance.

**4-12.8** If any provision of Section 4.11 shall conflict with Section 4.12, Section 4.12 shall control for the erection of an ECN tower.

**Add a new definition to Article X of this ordinance after Section 10-17 by adding a new Section 10-17(A) as a new definition, as follows:**

**Section 10-17(A) Emergency Communications Network Tower (ECN).** A communications tower which support(s) an Emergency Communications Network operated by a Governmental Entity.

**Amend Article III of the Smyth County Zoning Ordinance:**

Amend all references in Article III of the Smyth County Zoning Ordinance and replace the words “ Telecommunication Tower(s) ” with the words “ Communication Tower(s) ” at any place it appears in the text of Article III.

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Mrs. Annie B. Crockett, of the Wythe County Board of Supervisors appeared to inform the Board that she was appointed the Virginia Association of Counties Representative for the Southwest Virginia area.

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Mr. Con Smith, Chairmen of the Smyth/Washington Regional Industrial Facilities Authority gave an annual report.

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Upon motion made by Mr. Roberts, and seconded by Mr. Clark, and duly carried the Board approves the amended funding arrangement with the Town of Saltville and Smyth County on the Allison Gap Sewer project.

The Board directs the county engineer to inform Rural Development by letter of the Board's approval as follows:

“Ms. Sally Hamer

USDA – Rural Development

The Smyth County Board of Supervisors greatly appreciates your efforts in helping us to secure financing for the Allison Gap Sewer Project. Smyth County would like to respectfully request additional Rural Development funding in the amount of \$900,400.00 since the bids were above the original construction estimated amount. In the event that funds are not available, Smyth County will utilize other funding sources as that the project may proceed on schedule.”

-----

The Town of Saltville has agreed to cover the additional \$400,300.00 needed to make-up the total \$1,300,700.00 final shortfall amount existing as a result of the construction bids received by Smyth County in January 2004.

**Amendment #3 to the Regional Sewer Treatment Inter-Municipal Agreement**

**Saltville/Smyth County**

The following resolution was approved by both the Smyth County Board of Supervisors and the Saltville Town Council as amendment #3 to the Agreement dated March 13, 2001 and hereinafter referred to as "the agreement" between the Town of Saltville and the Smyth County Board of Supervisors.

WHEREAS, Amendment #2 spells out the increase in scope to "the agreement", overall project costs have increased from the costs projected in "the agreement" and construction bids received in January 2004 created shortfalls in the funding levels indicated in "the agreement"; and

WHEREAS, the current total project cost, based on apparent low construction bids, is \$8,190,904, the funding shortfall is \$1,300,700, Rural Development has agreed to provide an additional \$500,000 in grant money and the Town of Saltville and the Smyth County Board of Supervisors have agreed to share the additional \$800,700 needed with the Town of Saltville accepting \$400,300 and Smyth County Board of Supervisors accepting \$400,400.

NOW, THEREFORE, the parties here to covenant and agree that the following Sections of "the agreement" relating to Design and Construction, Financing, User Charge and Billing and Payment of Monthly User Charges shall read as follows,

### ARTICLE III

#### REGIONAL FACILITY PROJECT

**Section 3.1. Design and Construction.** The Town of Saltville and Smyth County have made and will continue to make, where appropriate, applications for grants and loans for the design and construction of the Collection Facilities and Regional Facility. The total cost of the treatment plant expansion, sewer collection lines and sewer replacement lines is projected to be \$8,190,904. Upon approval of such grants and loans, to the extent of one hundred percent (100%) of eligible costs and the availability of such additional funds as may be necessary. The County shall proceed with the design and construction of the sewer collector lines serving the Allison Gap community, the treatment plant expansion and McHenry's Creek interceptor line replacement in order that all facilities may be placed in operation as soon as practicable.

**Section 3.2. Financing.** The Town and County shall proceed in a timely manner to secure financing for design and construction costs and other expenses in connection with the Collection Facilities and Regional Facility. The Town shall secure funding for \$800,300 and the County shall secure funding for \$7,390,650. The County funding consists of the following:

Rural Development Loan \$3,135,900.00

Rural Development Grant \$2,500,000.00



CDBG	\$1,000,000.00
DEQ/EPA Grant	\$654,750.00
SER/CAP Grant	\$100,000.00

The Town and County shall, with all reasonable dispatch after construction costs are established and grants in amount satisfactory to it are approved, issue and sell Bonds in an amount, together with other available bands, which will be sufficient to pay the cost of designing, constructing and placing all project facilities in operation, including the repayment of any interim financing; provided, however, that nothing contained in this agreement shall require the Town or County to issue Bonds except upon terms deemed reasonable by the issuing party. If the total project cost exceeds the available funds and neither party elects to increase its funding of the project, this Agreement may thereupon be canceled, without penalty to either party, and this Agreement shall have no further force and effect.

## ARTICLE VI

### CHARGES TO PARTICIPANTS

Section 6.1. User Charge. (Sentences 1 and 2 shall read as follows) Each participant shall pay their respective debt retirement for Bonds issued. The Town shall fix and determine a Monthly User Charge in connection with the Facility, which shall be the sole charge for use of the Regional Facility. (Other portions of the section remain the

Section 6.2. Billing and Payment of Monthly User Charges. Paragraph 2 ("The County shall determine the annual payment due from the Town for the \$100,000 debt by March 1, of each year for the twelve months (12) beginning on July 1.") shall be eliminated. All other portions of the section remain the same.

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Chairperson, Smyth County Board of Supervisors

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Date

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Mayor, Town of Saltville

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Date

Vote: 6 yea

1 nay (Perry)

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The following bids were received for Divisions IA, IB, IC, II, and III for the Allison Gap Sewer/Saltville Wasterwater System Improvements:

-IA-Allison Gap	Little B Enterprises, Inc. – Castlewood VA	
Collection System		\$1,056,961.75
-IB-Allison Gap	Central Builders, Inc.- Midlothian VA	
Collection System		\$1,059,025.00
-IC Allison Gap	Mendon Pipeline–Ghent WV	
Collection System		\$1,622,926.00
-II- Saltville Wastewater	Frizzell Construction Company- Bristol TN	
Treatment Plant		\$2,124,277.00
-III-McHenry’s Creek	W&L Construction and Paving, Inc.-Chilhowie	
<u>Rehabilitation</u>		<u>\$ 550,535.00</u>
		\$6,413,724.75

Upon motion of Mr. Roberts, and seconded by Mrs. Neitch, and duly carried the Board accepts the forstated low bids for the Allison Gap Sewer System, and the Chairmen is authorized to sign said contracts.

Vote: 6 yea

1 nay (Perry)

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Upon motion by Mrs. Neitch, and seconded by Mr. Clark, and unanimously carried, the Board approves submitting a funding application to the Virginia Department of Health on the Thomas Bridge Interconnect project.

-----  
Duncan McGregor, County Engineer , informed the Board that the Cedars/Hall addition sewer project construction will be advertised near the end of March.

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Upon motion of Mr. Dishner, seconded by Mr. Clark, and unanimously carried, the Board agreed to enter into executive session to discuss acquisition of real estate as outlined in Section 2.2-3711 (A) (3) of the Code of Virginia, as amended.

Chairmen declared the executive session ended and the doors were opened to the public.

Vote:           7 yea

                  0 nay

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

WHEREAS, the Smyth County Board of Supervisors has convened an executive 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 executive 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 7 Yea

0 Nay

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Upon motion of Mrs. Netich, and seconded by Mr. Slemp, and  
unanimously carried the Board approves payment of the following easements on  
Cedars/Hall Addition Sewer project:

- Wymer, Curtis L. & Emma P. and Michael C. & Lisa P.,  
Easement and Fee Simple Pump Station \$1,792.00
- Bush, Dennis, Easement and Fee Simple Pump Station  
\$2,950.00
- Moss, Willard & Sally E., Easement \$ 200.00
- Reynolds, Brian K., Easement \$8,000.00

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Upon the motion of Mr. Clark, seconded by Mr. Slemp, and unanimously  
carried the board continues its meeting to March 25, 2004 at 7:00PM for a joint  
public hearing with the Smyth County Planning Commission.

**Virginia :** At a continued meeting of the Smyth County Board of Supervisors held  
at the County Office Building on Thursday, March 25, 2004 , at 7:00PM .

**Board Members**

**Present:** Mr. Marvin Perry Mr. Wade Blevins Mr. Charlie Clark

Mr. Harold Slemp                      Mr. Michael D.Roberts   Mr. Todd Dishner  
Mrs. Darlene Neitch

**Staff Members**

**Present:**              Mr. Michael Carter                      Mr. Clegg Williams              Mr. John H. Tate, Jr.  
                                 Mrs. Sally Morgan                      Ms. Shirley Spencer              Mr. Scott Simpson  
                                 Mrs. Mary Ann Evans                      Mr. Charlie Atkins              Mr. Duncan  
McGregor  
                                 Ms. Amber Tilson

The Chairman called the meeting to order at 7:00PM .

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Pursuant to notice duly published in a local newspaper, the Board proceeded to conduct a joint public hearing with the Smyth County Planning Commission to consider the rezoning of the "Minute Mart" on Chatham Hill Road from residential to commercial.

Mr. Earl Miller spoke on behalf of Dalphna Miller (the applicant).

Questions were asked by the Board of Supervisors and Planning Commission for further information.

The Chairman declared the public hearing closed.

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Upon motion of Mr. Roberts, seconded by Mr. Slemp, and unanimously carried the Board approves the submission of the following grants:

Three (3) School Resource Officer Grants in the amount of

\$26,816.00 (Federal)

\$ 8,939.00 (Local)

Total: \$35,755.00

To be used for Marion Senior High School , Northwood High School , and Chilhowie High School .

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Upon the motion of Mr. Slemp, seconded by Mr. Clark, and unanimously carried, the Board approved the submission of the following grant:

-Radar equipment through Highway Safety Project Grant  
\$6,120.00

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Upon the motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board approved the submission of the following grant:

-DUI salaries for off duty deputies through the Highway Safety Project Grant  
\$30,000.00

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Upon the motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the



Board approved to utilize up to \$180,000.00 from the 502 fund (Capitol Projects Fund) for change orders on the Green Hill/Shuler Hollow Sewer Project.

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Upon the motion of Mrs. Neitch, seconded by Mr. Blevins, and duly carried, the Board approved to set a public hearing on April 13, 2004 at 3:15PM , in the Board room for a bond resolution on the Allison Gap Sewer Project.

Vote: 6 Yea

1 Abstention (Perry)

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Upon the motion of Mrs. Neitch, seconded by Mr. Clark, and unanimously carried, the Board approved the following five engineering firms for services on planned water projects:

1. Adams-Heath Engineering
2. Anderson & Associates
3. Draper Aden Associates
4. Engineering Concepts, Inc.
5. Thompson & Litton

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Upon the motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board approved a request from the state police for a used computer.

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Upon the conclusion of the meeting at 7:45 PM the Board reconvened in the School Board office for a 7:30 PM advertised meeting. The school's fiscal year 2004-2005 budget was discussed and the meeting ended around 8:45 PM .

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Chairman

**Virginia :** At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, April 13, 2004 at 12:00 noon .

**Board Members**

**Present:** Mr. Marvin R. Perry Mr. Charlie Clark  
Mr. Harold Slemp Mr. Todd Dishner  
Mrs. Darlene R. Neitch Mr. Michael D. Roberts  
Mr. Wade H. Blevins, JR

**Staff Members**

**Present:** Mr. Edwin B.J. Whitmore, III Mr. John H. Tate, Jr.  
Mr. Michael Carter Ms. Amber Tilson  
Mr. Scott Simpson Mr. Charlie Atkins  
Mrs. Mary Ann Evans

The Chairman called the meeting to order at 12:03PM .

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Rev. David Neitch, of Liberty Freewill Baptist Church , led the invocation. Pledge of

Allegiance was led by Mary Walters from the Water Department.

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Upon motion made by Mrs. Neitch, seconded by Mr. Slemp and unanimously carried the

board approved the agenda with a change in the Accounts Payable Listing amount from

\$640,511.17 to \$664,649.99.

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Upon motion of Mr. Clark, seconded by Mr. Slemp, and unanimously carried, the Board

approved the minutes of the March 9 and March 25, 2004 meetings with the following changes.

March 9, 2004 changes:

The following bids were received for Divisions IA, IB,IC, II, and III for the Allison Gap

Sewer/Saltville Wasterwater System Improvements:

-IA-Allison Gap	Little B Enterprises, Inc. – Castlewood VA	Collection System	
	\$1,056,961.75		
-IB-Allison Gap	Central Builders, Inc.- Midlothian VA	Collection System	\$1,059,025.00
-IC Allison Gap	Mendon Pipeline–Ghent WV	Collection System	\$1,622,926.00
-II- Saltville Wastewater	Frizzell Construction Company-Bristol TN	Treatment Plant	\$2,124,277.00
-III-McHenry's Creek	W&L Construction and Paving, Inc.-Chilhowie	Rehabilitation	\$ 550,535.00
<hr/>			
			\$6,413,724.75

Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and duly carried the Board

accepts the forstated low bids for the Allison Gap Sewer System, and the Chairmen is authorized

to sign said contracts.

Vote: 6 yea  
1 nay (Perry)

March 25, 2004 changes:

Upon the conclusion of the meeting at 7:45 PM the Board reconvened in the School Board office for a 7:30 PM advertised meeting. The school's fiscal year 2004-2005 budget was discussed and the meeting ended around 8:45 PM .

The two foregoing items are the complete changes to the minutes for March 9 and 25, 2004.

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The Chairman opened citizen's time.

- During citizen's time Antionette Goodrich of the Cedars/Hall Addition Sewer Project

expressed her thanks for the work being done at this time and her concerns for the pump station

location.

- Mrs. Judy Taminger expressed her thanks for the workforce study and the work being

done to get better education out there for the county's workers.

The Chairman declared citizen's time closed.

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Dr. Wilkins expressed his thanks for the support from Smyth County . He explained future plans for the campus and the colleges budget request.

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Catherine Cox of the Museum of the Middle Appalachian, Saltville , VA , gave an update and asked that their funding be increased to \$25,000.00 to help with renovation and construction of new display units in a building next door that the Museum planned to purchase.

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Mr. Mike Untiedt updated the Board on the progress of the Cole Crest Drive request, concerning a road being constructed under the Substandard Subdivision Roads Program using Revenue Sharing Funds from VDOT. They hope to have more information in the next few weeks.

He distributed a letter from the Attorney General's office that was sent to Delegate Carrico.

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Upon motion of Mr. Blevins, seconded by Mr. Slemph, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors approves and appropriates the following out of the appropriate fund account:

General County	\$1,035,000.00
Department of Social Services (April 2004)	\$ 340,000.00
(May 1 <sup>st</sup> –11 <sup>th</sup> )	\$ 35,000.00
Schools	
Operations	\$2,950,000.00
Capital Outlay & School Debt	-0-
Green Hill/Shuler Hollow	\$ 47,056.04
Animal Damage	\$ 60.59
Social Security Funds (Sheriff Dept.)	\$ 565.09

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Upon motion of Mr. Blevins, seconded by Mr. Slemph, and unanimously carried, the Board approved the attached the Accounts Payable listing in the amount of \$664,649.99 from the appropriate fund account.

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Upon motion of Mr. Slemph, seconded by Mrs. Neitch, and unanimously carried, the Board approved a refund in the amount of \$51.62 to Mr. John Bower ( PO Box 766 , Jonesville VA 24263), for personal property tax, upon recommendation of the County Attorney .

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Upon motion of Mr. Clark, seconded by Mr. Roberts, and unanimously carried, the Board denied Mr. Carl Billings' ( 2624 South Fork Road , Marion VA, 24354) request for a property tax refund in the amount of \$101.20, upon recommendation of the County Attorney because Mr. Billings did not file the request with in the 6 month time frame allowed by law.

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Upon motion of Mr. Dishner, seconded by Mr. Slemph, and unanimously carried, the Board approved a refund in the amount of \$42.00 to Mr. Ernest Blevins ( 646 B Lane , Marion VA 24354) for personal property tax, upon recommendation of the County Attorney .

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The Board was asked to appoint a member for the New River/Mount Rogers Workforce Investment Board. Mr. Whitmore stated that he would look into getting someone.



Upon motion of Mrs. Neitch, seconded by Mr. Slempp, and unanimously carried, the matter of appointee for the Investment Board was continued until the next meeting.

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Mrs. Neitch volunteered to serve on the Smyth County Chamber of Commerce Board for the remaining term of Donnie Fullen, resigned, ending December 31, 2005 .

Upon motion of Mr. Slempp, seconded by Mr. Clark, and unanimously carried, Mrs. Darlene Neitch was appointed to serve on the Chamber of Commerce Board for the unexpired term of Donnie Fullen.

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Upon motion of Mr. Roberts, seconded by Mr. Slempp, and unanimously carried, the Board agreed to a three year agreement for the Cost Allocation Plan from Robinson, Farmer, Cox Associates, at a cost of \$2,500.00 per year.

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Upon motion of Mr. Clark, seconded by Mr. Slempp, and unanimously carried, the Board agreed to employ Robinson, Farmer, Cox Associates, for fiscal year 2004-2005 Audit at a cost, not

to exceed \$26,500.00 with IDA audit not to exceed \$1,000.00.

-----

Upon motion of Mr. Slemp, seconded by Mr. Dishner, and duly carried, the Water and Sewer Department County Attorney services was awarded to the firm of Campbell & Doyle during fiscal year 2004-2005 at the following rate of "\$85 per hour for legal services, beginning May 1, 2004."

The said attorney services to be put out for bid during fiscal year 2005-2006 for a period of three years.

Vote: 5      Yea  
      2      Nay (Neitch, Blevins)

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Upon motion of Mr. Roberts, seconded by Mr. Clark, and duly carried, the Smyth County Attorney services will be renewed with Gwyn & Tate for fiscal year 2004-2005, at the rate of \$100.00 per hour. Mr. Tate also proposes that if chosen he would, "continue the monthly retainer of \$1200.00 per month, which would pay for 12 hours of legal work each month. The retainer will

be credited to the actual statement for legal services performed each month."

Vote: 5 Yea  
2 Nay (Neitch, Blevins)

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and duly carried, the Smyth County

Attorney Legal Services to be put out for bid for period beginning fiscal year July 2005, which will

be renewable for 3 fiscal years.

Vote: 4 Yea  
3 Nay (Dishner, Roberts, Clark )

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The following Board matters were continued:

1. Matter of collection of delinquent taxes.
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).

3. Ken Heath's request concerning establishment of local tax abatement ordinance (referred to County Attorney , 7-1-2003 ).
4. East County Spring Source Study ( 8-1-2003 ).
5. Cole Crest Drive reference being brought into the Secondary System. ( County Attorney is awaiting information before advertising a public hearing).
6. Bob Mason's request concerning road repairs on a privately owned road – Green Hills Project (Water/Sewer Committee 10-1-2003 ).
7. Request from Sonya Strouth concerning establishing a rescue squad in the Adwolfe area ( 1-1-2004 ).
8. Methadone Clinic, referred to the Planning Commission ( 2-1-2004 ).
9. Draft revisions for Zoning Ordinance referred back to Planning Commission for study and recommendation ( 2-1-2004 ).
10. Request concerning 911 contracts with the towns (911 Committee, 2-1-2004 ).

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Upon motion of Mr. Clark, seconded by Mr. Slemp, and duly carried, the Board approved

the recommendation by the Budget Committee for funds in the amount of \$30,599.15, to be

proposed in the fiscal year 2004-2005 budget for the Bike Trail.

Vote: 6 Yea  
1 Abstention (Roberts)

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During Highway department time Mr. Buston informed the Board that they are working with citizens on Colecrest Drive and he feels the project will get going soon.

Mr. Slemp asked about Nicks Creek Road . Mr. Buston stated that it would be at least summer before it is completed. Mr. Slemp also asked about the creek close to exit 50. There are problems with overflow.

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Susie Jennings requested the Board to consider starting the process for tax exempt status, for the Smyth County Community Foundation. This was held over until the May meeting for more questions.

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Upon motion of Mr. Slemp, seconded by Mr. Clark, and unanimously carried, the Board

approved the following schedule for the Board of Equalization to meet with Smyth County citizens:

May 4	9am-12noon	May 11	9am-12noon
May 5	9am-12noon	May 12	9am-12noon
May 6	9am-12noon – 1pm-5pm	May 13	9am-12noon 1pm-5pm
May 17	1pm-5pm – 6pm-9pm	May 25	9am-12noon
May 18	9am-12noon	May 26	9am-12noon
May 20	9am-12noon – 1pm-5pm		

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Upon motion of Mr. Dishner, seconded by Mr. Clark, and duly carried, the Board approved

the rezoning of the Dalphna Miller property (Minute Mart) on Chatham Hill Road from Residential to

Commercial.

Vote: 6 Yea  
1 Abstention (Slomp)

-----

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

approved the request to write a letter of concurrence to the Compensation Board in support of a

viewing station for the records of the Circuit Court Clerk Office to be used in the Commissioner of Revenue's office. Compensation Board to provide for 27% of needed funding.

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Upon motion of Mr. Slemph, seconded by Mr. Blevins, and unanimously carried, the Board approved the use of Canteen money in the Sheriff's Department to pay part time employees to assist with inmates with medical procedures.

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Upon motion of Mr. Slemph, seconded by Mrs. Neitch, and unanimously carried, the Board adopted the following resolution concerning "Smyth County Clean-Up Day":

WHEREAS, Saturday, April 24, 2004 has been selected in order to correspond with Earth Day, Arbor Day and other clean-up activities scheduled throughout the state, and

WHEREAS, the Area Beautification Committee of the Chamber of Commerce of Smyth County, Inc. is encouraging all Adopt-A-Highway program participants, churches, clubs, and organizations to schedule a clean up, and

WHEREAS, the Virginia Department of Transportation is arranging special pickups to support the efforts of volunteers throughout the Smyth County area.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Smyth County acknowledges the importance of encouraging area residents to work together to maintain the appearance of Smyth County, and declares April 24, 2004 as "Smyth County Clean-Up Day."

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Shannon Williams gave a follow up on the 2-1-1 program. It is becoming a national phone

number for those in need of information and referral service in health and human services. They hope to go live in August 2004, with a call center in Roanoke . It is nice for the 911 center because it will reduce the number of nonemergency calls coming in. This is a grant funded program, they have enough funds for this year and next year. They do ask that the Board be aware that in the future they could ask for some type of local financial support.

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Pursuant to notice duly published in a local newspaper, the Board proceeded to conduct a public hearing to consider re-adoption of proposed Ordinance entitled Courthouse Security.

No one appeared to speak during the public hearing. The Chairmen declared the public hearing closed.

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



ordinance was adopted:

Purpose: Amendment to Title 34 of the Smyth County Code, **Finance and Taxation**, Article III, Court Costs, §34-77, to continue to impose an additional assessment of costs on criminal and traffic convictions in the courts of Smyth County. The purpose of this ordinance is to make permanent to following Division 4, §34-77, Title 34, Article III of the Smyth County Code.

The Board of Supervisors herewith adopts this ordinance to amend the Smyth County Code, to continue, on a permanent basis the following section, which will impose an additional court cost on a conviction in the General District Courts and the Circuit Court of Smyth County, Virginia as outlined hereafter, and make §34-77, with the change set out herein, a permanent part of the Smyth County Code, as follows:

#### **DIVISION 4. COST ASSESSMENT FOR COURT SECURITY**

**§34-77** (1) The Clerk of each District Court of Smyth County, Virginia, and the Clerk of the Circuit Court of Smyth County, Virginia shall assess and collect an additional sum of Five Dollars (\$5.00) as a part of the costs in each criminal or traffic case in which the defendant is convicted of a violation of any statute or ordinance.

(2) Any funds collected by the Clerk of each of the respective courts shall remit these funds monthly to the Treasurer of Smyth County. The Treasurer shall maintain a separate internal record, and shall provide a means to segregate any funds received by the Treasurer as a result of this ordinance from other funds received by the Treasurer.

(3) All funds received by Smyth County, Virginia as a result of this ordinance may be appropriated by the governing body to the Sheriff of Smyth County for the sole purpose of funding courthouse security personnel.

(4) Repealed.

***Secs. 34.78-34.120. Reserved***

No other changes are being made to TITLE 34, FINANCE AND TAXATION, by this amendment to the Smyth County Code.

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Pursuant to notice duly published in a local newspaper, the Board proceeded to conduct a public hearing to consider the Allison Gap Bond issue.

Mr. Earl McClure appeared to ask questions. Mr. Jack Barbrow expressed his support for the sewer project. No one else appeared to speak for or against said proposed Bond issue. The Chairman declared the public hearing closed.

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

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$3,135,900 GENERAL OBLIGATION SEWER BONDS OF SMYTH COUNTY , VIRGINIA , AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF**

Smyth County (the "County") has elected to be treated as a city for the purpose of issuing its bonds, pursuant to Section 10(b) of Article VII of the Constitution of Virginia.

Pursuant to the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) (the "Act"), the Board of Supervisors of Smyth County (the "Board of Supervisors") is authorized to contract debts on behalf of the County and to issue, as evidence thereof, bonds, notes or other obligations payable from a pledge of the revenues from the County's sewer system and a pledge of the County's full faith and credit.

The Board of Supervisors has determined it necessary and expedient to authorize the issuance of general obligation bonds of the County in the maximum principal amount of \$3,135,900 to finance the costs of capital improvements (the "Project") to the County's sewer system, including upgrades to the Allison Gap wastewater treatment plant and line extensions.

The Board of Supervisors has held a public hearing on the proposed issuance of the bonds, in accordance with Section 15.2-2606 of the Act.

BE IT RESOLVED BY THE BOARD OF VIRGINIA :

SUPERVISORS OF SMYTH COUNTY

1. Recitals. The foregoing recitals are incorporated as a substantive part of this resolution.

2. Authorization of Project. The County authorizes the Project. The Project may be modified by the County; provided, however, that the modification is approved in writing by the Government.

3. Project as Part of System. The Project is determined to be, and shall be, a part of the System.

4. Authorization of Bonds. Pursuant to the Constitution of Virginia and the Act, there are hereby authorized to be issued and sold general obligation bonds of the County in an aggregate principal amount of \$3,135,900, to provide funds, together with other available funds, to finance the Project and to pay the cost of issuing the bonds.

5. Sale of Bonds. After mature consideration of the methods of sale of such bonds and current conditions of the municipal bond market, it is hereby determined that it is in the best interest of the County to accept the offer of the United States of America (the "Government"), to purchase the bonds upon certain terms and conditions set forth in the Government's letter dated December 19, 2001, addressed to the County Administrator of the County, as amended, a copy of which letter has been presented to Board of Supervisors. Such offer is here by accepted, and the County hereby agrees to meet such terms and conditions.

*Section 5 is amended by a letter of Webster Day dated April 9, 2004*

6. Details of Bonds. The bonds shall be issued as one bond in the denomination of \$2,735,500 and a second bond in the denomination of \$400,400.00, and shall be designated "General Obligation Sewer Bonds (Allison Gap Sewer Project), Series of 2004" (the "Bonds"). The Bonds shall bear interest at the rate of the lower of (a) 4.50% per year, or (b) the rate quoted by the Government as the closing rate effective on the date of the Bonds' delivery to the Government (the

"Closing Date"). The execution of the Bonds pursuant to Section 9 of this resolution shall conclusively evidence the interest rate stated in the Bonds as having been approved and authorized by this resolution. The Bonds shall be in fully registered form, shall be numbered R-1 and R-2, shall be dated the date of the Closing Date, and shall provide for payment of interest only on the first and second anniversaries of the Closing Date. Equal installments of combined principal and interest on each Bond shall be payable beginning the 25th full month following the Closing Date and continuing on the same date of each month thereafter until the principal of the Bond is paid in full. Such installments shall be in an amount sufficient to amortize fully the principal of that Bond over 456 months at the rate of interest on that Bond, which amount shall be determined by the Chairman or Vice-Chairman before the Closing Date. The execution of each Bond pursuant to Section 9 of this resolution shall conclusively evidence the amount of such monthly installments as having been approved and authorized by this resolution. If not sooner paid, the final installment on the Bonds shall be due and payable 40 years from the Closing Date. In the event the Closing Date occurs on the 29th, 30th or 31st day of a month, the payment date shall be the 28th day of the month. Any payment on the Bonds shall be applied first to interest accrued to the payment date and then to principal. Installments shall be payable in lawful money of the United States of America by check or draft mailed to the registered owner of the Bonds at its address as it appears on the registration books, except that the final installment shall be payable upon presentation and surrender of the Bonds at the office of the County Treasurer who is hereby appointed Registrar.

7. Alternative Form for Advances of Principal. At the request of the Government, the Bonds may be delivered as fully registered bonds in the alternative form contained herein providing for principal advances to be made from time to time by the Government in an aggregate amount not to exceed \$3,135,900. An authorized officer of the Government shall enter the amount and the date of each such principal advance on the Certificate of Principal Advances attached to the Bond against which such advance is made when the proceeds of such advance are delivered to the County. Each such principal advance shall bear interest from the date of such advance so entered on the certificate.

8. Prepayment. Installments of principal due on the Bonds may be prepaid at the option of the County at any time as a whole or in part from time to time (but if in part, in inverse order of their maturities), without premium. Notwithstanding the above, the County may at any time deliver moneys to the Government with instructions that such moneys be credited against future installments due on the Bonds in inverse chronological order. Prepayments shall not affect the obligation of the County to pay the remaining installments payable as provided in paragraph 6 above.

9. Execution of Bonds. The Bonds shall be signed by the Chairman or Vice Chairman of the Board of Supervisors and the County's seal shall be affixed thereto and attested by the Clerk or any Deputy Clerk of the Board of Supervisors

10. Form of Bonds. The Bonds shall be in substantially the following form:

No. R\_\_\_\_\_

\$\_\_\_\_\_

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

SMYTH COUNTY

General Obligation Sewer Bond

(Allison Gap Sewer Project) Series of 2004

Dated: \_\_\_\_\_, 2004

Smyth County, Virginia (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the United States of America, or registered assigns, the principal sum [equal to the aggregate amount of principal advances shown on the attached Certificate of Principal Advances, but not to exceed the sum(1)] of

\_\_\_\_\_ AND 00/100 DOLLARS

(\$ \_\_\_\_\_ .00)

and to pay to the registered owner hereof interest on the unpaid principal from the date [hereof] [of each principal advance shown on the attached Certificate of Principal Advances] until payment of the entire principal sum at the rate of \_\_\_\_\_ percent (\_\_\_\_%) per year. Interest only is payable on \_\_\_\_\_, \_\_\_\_\_ and on \_\_\_\_\_. Installments of combined principal and interest of \$\_\_\_\_\_ are payable beginning \_\_\_\_\_, \_\_\_\_\_, and continuing on the same day of each month thereafter until the principal of this bond' is paid in full Any payment on this bond shall be applied first to interest accrued to such payment date and then to principal. If not sooner paid, the final installment shall be due and payable 40 years from the date hereof. Such installments shall be payable in lawful money of the United States of America by check or draft mailed to the registered owner at its address as it appears on the registration books kept for that purpose at the office of the County Treasurer who has been appointed Registrar, except that the final installment shall be payable upon presentation and surrender hereof at the office of the Registrar.

This bond is one of an issue of bonds in the aggregate amount of \$3,135,900 which has been authorized by a resolution duly adopted by the Board of Supervisors of the County on \_\_\_\_\_, 2004 (the "Bond Resolution") and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, to provide

funds, together with other available funds, to finance capital improvements to the County's sewer system, including upgrades to the Allison Gap wastewater treatment plant and line extensions.

Reference is hereby made to the Bond Resolution and any amendments thereto for the provisions, among others, describing the pledge and covenants securing this bond, the nature and extent of the security, the terms and conditions upon which this bond is issued, the rights and obligations of the County and the rights of the bondholder.

Both principal of and interest on this bond are payable from ad valorem taxes to be levied without limitation as to rate or amount on all property in the County subject to taxation to pay the installments of principal and interest on this bond to the extent other funds of the County are not lawfully available and appropriated for such purpose, and the full faith and credit of the County are pledged therefor. In addition, the principal of and interest on this bond are secured by a pledge of the revenues of the County's sewer system (the "Revenues") as provided in the Bond Resolution, subject to the right of the County to apply Revenues to payment of operation and maintenance expenses of the system. The lien of such pledge is on parity with the lien of any pledge of Revenues previously given to secure the payment of the following bonds assumed or issued by the County:

*(1) Alternative language to be used if the Government requests provision for principal advances.*

- 1) \$156,900 Water Revenue Bond, Series of 1989A;
- 2) \$32,700 Water Revenue Bond, Series of 1989B;
- 3) \$117,500 Water Revenue Bond, Series of 1990A;
- 4) \$25,100 Water Revenue Bond, Series of 1990B;
- 5) \$281,000 Water Revenue Bond, Series of 1990C;
- 6) \$354,000 Sewer Revenue Bond, Series of 1991;
- 7) \$40,000 Landfill Revenue Bond, Series of 1991;
- 8) \$18,000 Landfill Revenue Bond, Series of 1991;
- 9) \$411,600 Water Revenue Bond (Ebenezer Project), Series of 1992;
- 10) \$160,000 Water Revenue Bond (Midway Phase II Project), Series of 1992;
- 11) \$225,700 Water Revenue Bond ( Walker 's Creek Project), Series of 1992A;
- 12) \$102,000 Water Revenue Bond ( Walker 's Creek Project), Series of 1992 B;
- 13) \$505,800 Water Revenue Bond (Watson's Gap Project), Series of 1992;

- 14) \$36,000 Water Revenue Bond ( Crystal Spring Project), Series of 1992;
- 15) \$109,800 Water Revenue Bond ( Currin Valley Project), Series of 1992A;
- 16) \$53,600 Water Revenue Bond ( Currin Valley Project), Series of 1992B;
- 17) \$136,000 Water Revenue Bond (Route 613 Project), Series of 1993A;
- 18) \$18,600 Water Revenue Bond (Route 613 Project), Series of 1993B;
- 19) \$1,374,900 Water Revenue Bond ( Cleghom Valley Phase II Project), Series of 1994;
- 20) \$73,500 Sewer Revenue Bond (Bear Creek Project), Series of 1995;
- 21) \$1,129,000 General Obligation Solid Waste Disposal Bond, Series of 1996;
- 22) \$263,600 Water Revenue Bond (Possum Hollow Project), Series of 1996;
- 23) \$1,655,000 General Obligation Sewer Bond (Hungry Mother Sewer Project), Series of 1997;
- 24) \$334,000 Water Facility Bond, Series 2001 B (Hutton Branch Water Project);
- 25) \$133,000 Water Facility Bond, Series 2001 C (Hutton Branch/Currin Valley Water Project);
- 26) \$346,000 Water Facility Bond, Series 2002 B (Hutton Branch Water Project);
- 27) \$797,700 Sewer Facility Bond, Series 2002 C (Green Hill Sewer);
- 28) \$503,049 General Obligation Water and Sewer Bond (Groseclose Water Project) Series  
2004; and
- 29) \$1,500,000 Sewer Facility Bond, Series 2004 (2)

Additional bonds secured equally and ratably with this bond by a pledge of the Revenues may be issued from time to time under the conditions, limitations and restrictions set forth in the Bond Resolution.

Transfer of this bond may be registered upon the registration books of the Registrar. Prior to due presentment for registration of transfer the Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner.

Installments of principal due on this bond may be prepaid at the option of the County at any time as a whole or in part from time to time (but if in part, in inverse order of their maturities),

without premium. Prepayments of installments of principal shall not affect the obligation of the County to pay the remaining installments payable as provided above.

*(2) Language to be included if this bond is issued and outstanding as of the Closing Date.*

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and this bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Board of Supervisors of Smyth County has caused this bond to be signed by its Chairman, its seal to be affixed hereto and attested by the Clerk of the Board of Supervisors of the County, and this bond to be dated the date shown above.

ATTEST:

Specimen DO NOT sign

Specimen DO NOT sign

\_\_\_\_\_ (SEAL) \_\_\_\_\_

Clerk, Board of Supervisors

Chairman, Board of Supervisors

of Smyth County , Virginia

of Smyth County , Virginia

Vote: 6 Yea  
1 Nay (Perry)



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Upon motion by Mr. Roberts, seconded by Mr. Clark and duly carried the Board adopted

the following Loan Resolution, on the Allison Gap Sewer Project:

## LOAN RESOLUTION

(Public Bodies)

A RESOLUTION OF THE Board of Supervisors OF Smyth County AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

### Allison Gap Sewer

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Smyth County (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

**FOUR HUNDRED THOUSAND FOUR HUNDRED AND XX / 100 DOLLARS (\$400,400.00)**

pursuant to the provisions of Title 15.2 Code of VA as amended; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U-S-C. 1921 et seq.) in the

planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C- 1983(c).
3. To provide for, execute, and comply with Form RD 4004, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or  
  
permit others to do so, without the prior written consent of the Government.
7. Not to defeance the bonds, or to borrow money, enter into any contractor agreement, or

otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.

8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States . Any income from these accounts will be considered as revenues of the system.

9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities, and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 500,000.00 under the terms offered by the Government; that Chairman of the Board and County Administrator of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be

required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s). The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

Yeas \_\_\_\_\_ Nays \_\_\_\_\_ Absent \_\_\_\_\_

IN WITNESS WHEREOF, the Board of Supervisors of the Smyth County has duly adopted this resolution and

caused it to be executed by the officers below in duplicate on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

(SEAL)

Smyth County

Attest \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

Vote: 6 Yea  
1 Nay (Perry)

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Mr. Ronnie Waddle appeared to inform the Board the Smyth County Fire

and Rescue Association's budget request for \$50,000.00 and informed the

Board what funds in the past year had been expended for and what

departments received said funds. Referred to budget committee.

-----  
Upon motion by Mrs. Neitch, seconded by Mr. Dishner  
and unanimously

carried the Board adopted the following resolution concerning Girl  
Scout

recipients of the Gold Award:

WHEREAS, the Girl Scouts of the Appalachian Council  
have announced the names of the Girl Scouts that have achieved  
the 2004 Gold Award, and

WHEREAS, the Gold Award symbolizes outstanding  
accomplishments in the areas of leadership, community service,  
career planning, and personal development, and

WHEREAS, Meredith Jane Sturgill, Samantha Jo Sturgill,  
Kelsey Anne Duncan, and Kelly Michelle Richardson are  
residents of Smyth County and have accomplished this major  
award.

THEREFORE BE IT RESOLVED that the Smyth County  
Board of Supervisors recognizes these four young ladies on the  
occasion of receiving the Gold Award and extends its  
congratulations to them for their hard work and dedication to the  
Girl Scouts.

A letter of congratulations will be sent to the above girls  
from the Board of Supervisors.

-----  
Upon motion of Mrs. Neitch, seconded by Mr. Blevins and  
unanimously

carried, the trees for the Wilderness Road Convenience station  
are to be planted

as soon as possible.

Upon motion of Mrs. Neitch, seconded by Mr. Slemph and  
unanimously

carried, trees for the Wilderness Road Convenience station will be  
referred to the

Solid Waste Committee to consider the type of trees to be planted  
and Mrs. Huff

will be invited to said meeting.  
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Mr. Blevins questioned Mr. Whitmore on the monthly report he asked to

see on the industries and prospects in the County. Mr. Blevins asked that

something be put in the packets each month so Board members can see

progress. Sally Morgan was asked to come down to the meeting and give a

report.

-----  
Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously

carried, the Board agreed to enter into executive session to discuss prospective

business or industry as outlined in Section 2.2-3711 (A) (5) of the Code of

Virginia , as amended.

Chairmen declared the executive session ended and the doors were

opened to the public.

Vote: 7 yea

0 Nay

-----  
Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive 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 executive 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 7 Yea

0 Nay

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Meeting was adjourned at 4:39PM .

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Chairman





**Virginia:** At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, May 11, 2004 at 12:00 noon.

<b>Board Members Present:</b>	Mr. Marvin R. Perry Mr. Harold Slemph Mrs. Darlene R. Neitch Mr. Wade H. Blevins, JR	Mr. Charlie Clark Mr. Todd Dishner Mr. Michael D. Roberts
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<b>Staff Members Present:</b>	Mr. Edwin B.J. Whitmore, III Mr. Michael Carter Mr. Scott Simpson Mrs. Mary Ann Evans	Mr. John H. Tate, Jr. Ms. Amber Tilson Mr. Charlie Atkins
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The Chairman called the meeting to order at 12:02PM.

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Mr. Harold Slemph, led the invocation. Pledge of Allegiance was led by Mary Walters from the Water Department.

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Upon motion of Mr. Slemph, seconded by Mr. Blevins, and unanimously carried, the Board approved the agenda as to form.

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Upon motion of Mrs. Neitch, seconded by Mr. Clark, and unanimously carried, the Board approved the minutes of April 13, 2004.

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The Chairman declared citizen's time open at 12:05PM.

- Betty Hall, Bonnie Murry, and Sandy Stoots of the East Hungry Mother Water Project inquired about the progress of the project and when they would be able to start using the water. They expressed how unacceptable their water was and how the road is in need of repairs.
- Mr. Bob Mason of the Green/Hill Shuler Hollow Sewer project addressed continued item number 6, road repairs on a privately owned road due to construction of the project. Mr. Mason presented pictures to the Board of the problems on Evergreen Court.
- Stephen Lewis also of the Green Hill/Shuler Hollow Sewer project (322 Green Hill Circle) expressed his concerns and presented pictures of the damage done to his home. He alleges the damage is due to blasting and there was no pre-blasting survey.
- Marevine Slemph of Fox Valley Road represented her neighborhood, requesting water to be ran to their area. She explained how the water was dirty and contaminated. Mr. Pat Rankin of Fox Valley also spoke on the water situation.

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The Chairman declared citizen's time closed at 12:45PM.

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Mr. Mike Untiedt updated the Board on the progress of the Cole Crest Drive request. He stated that the next step is for the Board of Supervisors to approve the project. Mr. Perry appointed a committee for this project, a Special Street Committee consisting of Wade Blevins, Chairman, Harold Slemm, and Michael Roberts.

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Upon motion of Mr. Blevins, seconded by Mr. Dishner, and unanimously carried, the Board approved and appropriated the following out of the appropriate fund account:

General County	\$1,057,500.00
Department of Social Services (May 12-31, 2004)	\$ 365,000.00
(May 1 <sup>st</sup> –8 <sup>th</sup> )	\$ 35,000.00
Schools - Operations	\$3,050,000.00
Capital Outlay & School Debt	-0-
Green Hill/Shuler Hollow	\$ 25,823.48
Groseclose Water Project	\$ 158,980.37
Animal Damage	\$ 190.00
Social Security Funds (Sheriff Dept.)	\$ 500.75

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Upon motion of Mr. Slemm, seconded by Mr. Blevins, and unanimously carried, the Board approved the attached Accounts Payable listing in the amount of \$749,004.74 from the appropriate fund account.

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The Riverside Community Center is included in the county's policy with VACo Insurance. In the past, for insurance purposes the building has been valued at \$400,000.00 and the contents at \$25,000.00. This year the value was increased to \$1,473,241.00 on the building and \$115,000.00 on the contents. This increase was based on the replacement value of the building. After talking with VACo, Mike Carter has requested that \$400,000.00 be used for the actual cost of the building and \$0.00 for the contents. VACo will reduce the values but require a statement that the County agrees and understands that reducing the value of the building, any loss or occurrence would be paid on an actual cost value in lieu of a replacement cost basis. With advice from Mr. Slemm, Mr. Perry instructed Mr. Blevins, Mr. Slemm, and Mike Carter to handle the situation with the power to act.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved the below costs for screening the Wilderness Road Convenience Station:

The following includes adding an additional retaining wall and filling an area 20'(w) x 75'(l) x 5'(h) in order to plant trees (cost included) on the same elevation as the lot currently is.

<u>Material/Equipment</u>	<u>Quantity</u>	<u>Amount Each</u>	<u>Total</u>
Bobcat Rental (2 days)	1	\$500.00	\$500.00
Treated 6"x6"x8'	25	\$ 22.85	\$571.25
Treated 12' side boards	75	\$ 8.59	\$644.25
Concrete	8 yds	\$ 80.00/yd	\$640.00
Stone	32 tons	\$ 5.50/ton	\$170.00
Mobilization of Loader	1	\$200.00	\$200.00
6' White Pines	13	\$ 65.00	\$845.00
		<b>Total:</b>	<b>\$3,570.50</b>

The labor for this project could be completed by Solid Waste employees. The Fill material needed for this project has been worked out so there is no cost to the County. Cost for fuel, vehicles, and other equipment would be absorbed in the Solid Waste current operating budget under Convenience Station Development.

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Upon motion of Mr. Slemph, seconded by Mr. Blevins, and unanimously carried, the Board approved the following lease:

Vote: 7 yea  
0 nay

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Upon motion of Mr. Roberts, seconded by Mr. Blevins, and duly carried, the Board approved and appropriated the sum of \$15,000.00 for payment on easements of the Allison Gap Sewer Project. Jeff Campbell, Attorney will use the quick take provisions of the state code to get the loan closed.

Vote: 6 yea  
1 nay (Perry)

---

Upon motion of Mrs. Neitch, seconded by Mr. Clark, and unanimously carried, the Board approved the IDA repayment to the State on Governor's Opportunity Fund for Vaughn Bassett and Scholle in the amount of \$92,010.00.

Vote: 7 yea  
0 nay

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Continued Board matters:

1. Matter of collection of delinquent taxes.  
Jeff Campbell has completed all the claims he had in his office. John Tate stated there are a couple others outstanding.
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).
3. Ken Heath's request concerning establishment of local tax abatement ordinance (referred to County Attorney, 7-1-2003).  
John Tate is awaiting a response from the town.
4. East County Spring Source Study (8-1-2003).
5. Cole Crest Drive reference being brought into the Secondary System. (County Attorney is awaiting information before advertising a public hearing).
6. Bob Mason's request concerning road repairs on a privately owned road – Green Hills Project (Water/Sewer Committee 10-1-2003).
7. Request from Sonya Strouth concerning establishing a rescue squad in the Adwolfe area (1-1-2004).
8. Methadone Clinic, referred to the Planning Commission (2-1-2004).
9. Draft revisions for Zoning Ordinance referred back to Planning Commission for study and recommendation (2-1-2004).
10. Request concerning 911 contracts with the towns (911 Committee, 2-1-2004).

---

After discussion and Mr. Whitmore reporting what he had found on the Adwolfe Area rescue Squad that it is not feasible the following motion was passed:

Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, the Board agreed to remove number seven (7) from the continued items, concerning the possibility of establishing a rescue squad in the Adwolfe area

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors approved the following resolution for

Rural Rustic Roads:

**WHEREAS**, during the 2002 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the code of Virginia, to allow for the improvement and hard surfacing of certain roads deemed to qualify for and be designated a **Rural Rustic Road**; and

**WHEREAS**, VDOT has expressed a willingness to adopt this concept on a pilot basis until the program is fully implemented to assist in developing and defining the guidelines to be used for the program; and be evaluated by VDOT with regard to safety, resident concerns, and environmental issues; and.

**WHEREAS**, such roads must be located in a low-density development area, and have no more than 500 vehicles per day; and

**WHEREAS**, this Board is unaware of any pending development that will affect the existing traffic on the road; and

**WHEREAS**, a road that traverses an area known for its scenic vistas or a historic and relaxed ambiance is one that should be considered for designation as a Rural Rustic Road; and

**WHEREAS**, this Board believes Route 728 Irvin Lane should be designated a Rural Rustic Road, From: Route 614

To: End of Maintenance owing to its qualifying characteristics; and

**WHEREAS**, the road aforesaid is in this Board's six-year plan for improvements to its secondary system of state highways:

**NOW, THEREFORE, BE IT RESOLVED**, this Board hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road as a Rural Rustic Road.

**BE IT FURTHER RESOLVED**, this Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

**BE IT FURTHER RESOLVED**, this Board pledges to discourage more development on this road.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution is forwarded to the Resident Engineer for the Virginia Department of Transportation.

---

Upon motion of Mr. Clark, seconded by Mr. Slemp, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby authorizes the Department of Transportation to close State Route 622, .3 miles North of Route 11 for the length of time necessary to complete bridge repairs.

---

Mr. Slemp inquired about Nicks Creek Road and the Creek up in that area. Mr. Clark expressed his thanks to Mr. Buston and Mr. Hurt for their work on keeping the Broadford shop open and coming up with a suitable solution to help the Broadford shop.

---

Gene Groseclose updated the Board on the Emergency Medical Dispatch (EMD) program. This program offers better management through proper interrogation and situation assessment by the dispatcher. Mr. Groseclose was requesting the Boards approval to get things going on this project because it was promised to the citizen's when 911 was first put in place. The 911

Committee was asked to investigate the EMD program with John Tate's advice on liability and bring that information back to the Board.

---

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors adopted the following resolution concerning a Regional Telecommunications Plan:

WHEREAS, the Mount Rogers Planning District Commission is proposing to develop a regional telecommunications plan that will serve as the basis for the implementation of affordable advanced communication infrastructure in the Mt. Rogers region, and

WHEREAS, the telecommunications plan will involve the Mount Rogers Technical Advisory Committee and will incorporate infrastructure, education, e-government applications, community portal applications, telemedicine, and community facility development, and

WHEREAS, the Virginia Department of Housing and Community Development is currently soliciting applications for Appalachian Regional Commission (ARC) funding for telecommunications initiatives, including planning studies that are required prior to implementation grants; and

WHEREAS, the Mount Rogers PDC is also working with Virginia's Center for Innovative Technology (CIT) on the proposed telecommunications plan

THEREFORE BE IT RESOLVED THAT the Smyth County Board of Supervisors strongly supports the efforts by the Mount Rogers PDC to secure \$10,000 in funding from the ARC and \$3,000 in funding from the CIT for the telecommunications plan, to be matched with \$7,000 in federal planning assistance money through the PDC, and

BE IT FURTHER RESOLVED THAT the Smyth County Board of Supervisors realizes that high-speed, broadband Internet access is no longer considered a luxury, but has become a necessity for businesses, and therefore is critical to the county's economic development efforts for attracting prospective businesses and supporting existing industry, and

BE IT FURTHER RESOLVED THAT the Smyth County Board of Supervisors recognizes the need to develop a comprehensive telecommunications plan in order to implement the broadband infrastructure and services needed for the 21<sup>st</sup> century, and recommends that work on the plan proceed immediately so that implementation will not be delayed. BE IT FURTHER

RESOLVED THAT the Smyth County Board of Supervisors requests that Smyth County be included in the first phase of the regional plan due to critical needs of its existing business community and the current availability of infrastructure (Sprint and Bristol Virginia Utilities) along the Interstate 81 corridor.

---

Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board approved the following contract for the Global Positioning System (GPS) Base Station Project:

This **Interagency Memo of Understanding** made this \_\_\_ day of \_\_\_\_\_, 2004 by and between the **Washington County Service Authority ("WCSA")**, a corporate body politic, organized under the laws of the Commonwealth of Virginia, **Washington County, Virginia**, a political subdivision of the Commonwealth of Virginia and **Smyth County, Virginia**, a political subdivision of the Commonwealth of Virginia and the **Town of Abingdon ("the Town")**, a town chartered under the laws of the Commonwealth of Virginia.

**WITNESSETH**

That it is the desire of the parties to this agreement to establish a Global Positioning System base station for the mutual benefit and use of the parties to this agreement.

And that they desire that such agreement be reduced to writing.

**NOW THEREFORE,**

1. The parties herein agree to establish a Global Positioning System base station

2. The WCSA, Washington County, the Town and Smyth County shall be joint owners of said base station and associated equipment. The ownership shall be proportioned as follows: WCSA, (27%); Washington County, (27%); the Town, (27%); and Smyth County, (19%). The Chief Administrating Officers (CAO's) or their designees shall act as the agents of the owning political subdivisions and shall jointly act in decisions regarding use, upgrading/maintenance, dissemination, etc. of the said base station and equipment.

3. The initial cost to purchase the Global Positioning System base station equipment is estimated to be EIGHTEEN THOUSAND SIX HUNDRED EIGHTEEN DOLLARS AND NINETY





COUNTY OF WASHINGTON )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2004 by MARK K. REETER for the County of Washington, Virginia.  
Given under my hand this \_\_\_ day of \_\_\_\_\_, 2004

\_\_\_\_\_  
NOTARY PUBLIC

My Commission expires: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA )

) To wit:

COUNTY OF SMYTH )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2004 by EDWIN B.J. WHITMORE for the County of Smyth, Virginia.  
Given under my hand this \_\_\_ day of \_\_\_\_\_, 2004

\_\_\_\_\_  
NOTARY PUBLIC

My Commission expires: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA )

) To wit:

COUNTY OF WASHINGTON )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2004 by DAVID S. DAWSON, General Manager, Washington County Service Authority.  
Given under my hand this \_\_\_ day of \_\_\_\_\_, 2004

\_\_\_\_\_  
NOTARY PUBLIC

My Commission expires: \_\_\_\_\_

Sally Morgan suggested that a map be printed and framed and hung in the Boardroom.

Mr. Whitmore was asked to do this.

\_\_\_\_\_  
Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board referred the following proposed "hospital" text amendment to the Ordinance committee:

***Section 3-4.2: (Commerical District) Under Uses Permitted with a Special Use Permit, Add, (m) Hospital***

***Section 10-35 (A): Add new Definition for "Hospital" as follows: A facility rendering inpatient or outpatient medical, surgical, obstetrical, convalescent care, epileptic care, care and treatment of psychiatric, or persons suffering from alcohol or substance abuse.***

***Section 10-54: Revise definition of "Professional Office" as follows: An office in which business is conducted by the following professions: medical related professionals, including physicians, dentists, eye care specialists; lawyers architect, engineers, surveyors, insurance, agents, real estate agents, and other similar professions. ~~Term includes medical and dental clinic.~~ Term does not include facilities for the care and treatment of persons suffering from alcohol or substance abuse (see "Hospital").***

\_\_\_\_\_  
Upon motion of Mr. Clark, seconded by Mrs. Neitch, and unanimously carried, the Board approved the following Smyth County Local Business and Employment Plan:

**SMYTH COUNTY  
LOCAL BUSINESS AND EMPLOYMENT PLAN**

1. Smyth County designates as it Local Business and Employment Project Area the boundaries of Smyth County.

2. Smyth County, its contractors, and designated third parties shall in utilizing Community Improvement Grant funds utilize businesses and lower income residents of the Project Area in carrying out all activities, to the greatest extent feasible.
3. In awarding contracts for work and for procurement of materials, equipment, or services Smyth County, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in the Project Area:
  - a) Smyth County shall ascertain what work and procurements are likely to take place through the Community Improvement Grant funds;
  - b) Smyth County shall ascertain through various and appropriate sources including:
    - Virginia Employment Commission
    - Smyth County News & Messenger
    - Saltville Progress or other community newspapers
    - The business concerns within the project area which are likely to provide materials, equipment, and services which will be utilized in the activities funded through the Community Improvement Grant.
    - a. The identified business concerns shall be apprised of opportunities to submit bids, quotes, or proposals for work or procurement contracts which utilize CIG funds.
    - b. To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CIG funds.
  - c) In the utilization of trainees or employees for activities funded through CIGs Smyth County, its contractors, and designated third parties shall take the following steps to utilize lower income persons residing in the project area:
    - a. Smyth County in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be utilized during the project funded by CIGs.
    - b. Smyth County shall advertise through the Smyth County News & Messenger or the Saltville Progress the availability of such positions with the information on how to apply.
    - c. Smyth County, its contractors, and designated third parties shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquiries and applications.
    - d. To the greatest extent feasible, Smyth County, its contractors, and designated third parties shall utilize lower income project area residents in filling training and employment positions necessary for implementing activities funded by CIGs.
  - d) In order to ascertain substantial compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1968, Smyth County shall keep, and require to be kept by contractors and third parties, listings of all persons employed and all procurements made through the implementation of activities funded by CIGs. Such listings shall be completed and shall be verified by site visits and interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

Approved this \_\_\_\_\_ day of May, 2004, by the Smyth County Board of Supervisors.

\_\_\_\_\_  
Marvin R. Perry, Chairman

\_\_\_\_\_  
Date

Attested by:

\_\_\_\_\_  
Edwin B.J. Whitmore, III, County Administrator

\_\_\_\_\_  
Date

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, BE IT

RESOLVED that the Smyth County Board of Supervisors adopted the following resolution

concerning Fair Housing:

WHEREAS, the Congress has enacted the Federal Fair Housing Act of 1968 as Amended;  
and

WHEREAS, federal and state law provide equal housing opportunity for all citizens regardless of race, color, religion, national origin, sex, age, familial status, or handicap; and

WHEREAS, Smyth County had provided programs to assist the development of decent, affordable housing for citizens of all incomes.

NOW THEREFORE, We, the Board of Supervisors, do endorse the concept of Fair Housing and call upon citizens of Washington County and government officials along with those in the banking and housing industries to join and work together in this observance for free and equal housing treatment for all.

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Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved the following Smyth County Residential Anti-Displacement and Relocation Plan:

**SMYTH COUNTY  
RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION PLAN**

Smyth will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income dwelling unit as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the County will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

- (1) a description of the proposed assisted activity;
- (2) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
- (3) a time schedule for the commencement and completion of the demolition or conversion;
- (4) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
- (5) the source of funding and a time schedule for the provision of replacement dwelling units;
- (6) the basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and
- (7) information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.

Smyth County will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The County's FY '04 projects include the following activities:

1. The installation of a public sewer line in the Cedars Area and Hall Addition Subdivision.
2. The installation of a public sewer line in the community of Allison Gap.

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for two separate projects requiring the installation of public sewer line in the Cedars Area/Hall Addition Subdivision and the community of Allison Gap. The County will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less

Smyth County Administrator

Date

\_\_\_\_\_  
Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board approved the following Smyth County Non-Discrimination Policy:

Smyth County or any employee thereof will not discriminate against an employee or applicant for employment because of race, age, handicap, creed, religion, color, sex, or national origin. Administrative and Personnel officials will take affirmative action to insure that this policy shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; rates of pay or other forms of compensation; and selection for training.

Duly adopted at the regular meeting of the Smyth County Board of Supervisors on \_\_\_\_\_.

\_\_\_\_\_  
Chairman

Certificate of Acknowledgement

City/County of \_\_\_\_\_  
Commonwealth of Virginia

The forgoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004 by Marvin Perry.

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Upon motion of Mr. Slempp, seconded by Mr. Clark, and unanimously carried, the Board continued the matter of the Old School Board Building renovation until the next meeting. The Museum Board will be asked to attend the meeting in June.

\_\_\_\_\_  
Upon motion of Mr. Slempp, seconded by Mrs. Neitch, and unanimously carried, the Board approved the sum of \$9,916.40 for the local share to match the Bulletproof Vest Partnership Grant, for the Smyth County Sheriff's Department.

\_\_\_\_\_  
Upon motion of Mrs. Neitch, seconded by Mr. Roberts, and unanimously carried, the Board agreed to change the rate of the Currin Valley water customers from 2,000 gallons for \$20.00 to the standard County wide rate of 3,000 gallons for \$20.00. Mr. Jeff Campbell explained to the Board that a public hearing was not necessary because the County's rate is not actually being changed.

\_\_\_\_\_  
Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and duly carried, the Board approved a request for a commitment letter of \$1,700,700.00 to Rural Development only if (i) the Town of Saltville receives consent of GE Capitol to the new financing, or (ii) payment by the Town

of Saltville by June 1, 2004 of two existing debts of approximately \$188,000.00 and \$86,000.00, satisfactory indemnification agreement from the Town of Saltville to Smyth County for any expense above the County commitment approved March 9, 2004.

Vote: 6 yea  
1 nay (Perry)

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried, the Board agreed to enter into executive session to discuss prospective business or industry as outlined in Section 2.2-3711 (A) (5) of the Code of Virginia, as amended.

Chairmen declared the executive session ended and the doors were opened to the public.

Vote: 7 yea  
0 Nay

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

WHEREAS, the Smyth County Board of Supervisors has convened an executive 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 executive 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 7 Yea  
0 Nay

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Upon motion of Mr. Slemp, seconded by Mr. Roberts, and unanimously carried, the Board agreed to recognize Tom Buchanan, "Big Tom" with a resolution in the near future.

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Upon motion of Mr. Slemp, seconded by Mr. Dishner, and unanimously carried, the Board approved a prospective business to use the parking lot owned by the Board of Supervisors in downtown Marion.

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Upon motion of Mr. Slemm, seconded by Mr. Dishner, and unanimously, carried the Board appointed Joe Ellis to the Workforce Investment Board.

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The meeting was continued until May 26, 2004 at 5:30 for a joint work session with the Smyth County School Board to discuss fiscal year 2004-2005 School Board budget.

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Chairman

**Virginia:** At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Wednesday, May 26, 2004, at 5:30PM.

**Board Members**

**Present:** Mr. Marvin Perry Mr. Wade Blevins  
Mr. Harold Slemp Mr. Michael D. Roberts  
Mr. Todd Dishner Mr. Charlie Clark  
Mrs. Darlene Neitch

**Staff Members**

**Present:** Ed Whitmore Ms. Amber Tilson  
Mrs. Mary Ann Evans Mr. Charlie Atkins

The Chairman called the meeting to order at 5:30PM.

---

The Smyth County Board of Supervisors met with the Smyth County School Board to receive the 2004-2005 fiscal year budget in the following

amounts:

Total Operations	\$40,312,998.00
Textbooks	\$ 324,735.00
<u>Capital Outlay</u>	<u>\$ 1,586,868.00</u>
Total:	\$42,224,601.00

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Upon completion of the work session, motion of Mrs. Neitch, seconded by Mr. Slemp, and unanimously carried the Board Continued the meeting until Thursday, May 27, 2004 at 4:00pm to discuss the renovation of the Smyth County Courthouse, and other items the Board deems appropriate.

---

Chairman

**Virginia:** At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, May 27, 2004, at 4:00PM.

<b>Board Members Present:</b>	Mr. Marvin Perry Mr. Harold Slep Mr. Todd Dishner Mrs. Darlene Neitch	Mr. Wade Blevins Mr. Michael D. Roberts Mr. Charlie Clark
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<b>Staff Members Present:</b>	Ed Whitmore Mrs. Mary Ann Evans	Ms. Amber Tilson Mr. Charlie Atkins
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The Chairman called the meeting to order at 4:04PM.

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Jay Moore of Mosley Architects presented the plans for the courthouse renovation. Mr. Moore answered questions from Board members and others present.

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Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and duly carried the Board agreed to advertise the 2004-2005 School Board budget as presented May 26, 2004.

Vote:	6	yea
	1	abstention (Clark)

(Note: Michael Roberts and Charlie Clark stated that their spouses worked for Smyth County School System and they felt they could vote impartially on the fiscal year 2004-2005 proposed Smyth County School budget.)

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Upon motion of Mr. Roberts, seconded by Mr. Slep, and unanimously carried the Board approved a public hearing date of June 15, 2004 at 5pm, for the 2004-2005 School Board Budget.

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Upon motion of Mr. Roberts, seconded by Mr. Slep, and unanimously carried, the Board approved the notice to proceed, June 1, 2004 for the following five contractors on the Allison Gap Sewer Project.

Little B Enterprises, Inc.  
Central Builders, Inc.  
Mendon Pipeline  
Frizzell Construction Company  
W&L Construction and Paving, Inc.

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The chairman adjourned the meeting at 6:01pm.

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Chairman



**Virginia:** At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, June 8, 2004 at 12:00 noon.

<b>Board Members Present:</b>	Mr. Charlie Clark Mr. Harold Slemp Mrs. Darlene R. Neitch	Mr. Wade H. Blevins, JR Mr. Todd Dishner Mr. Michael D. Roberts
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<b>Staff Members Present:</b>	Mr. Edwin B.J. Whitmore, III Mr. Michael Carter Mr. Scott Simpson Mrs. Mary Ann Evans	Mr. John H. Tate, Jr. Ms. Amber Tilson Mr. Charlie Atkins
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Mr. Slemp, the Vice Chairman called the meeting to order at 12:05PM.

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Invocation was led by Rev. Eddie Foster and the Pledge of Allegiance was led by Charlie Atkins.

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Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board approved the agenda as to form with an amendment to the reappointments, adding a Mount Rogers Planning District Commission appointment.

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Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board approved the minutes of May 11, 26, 27, 2004.

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The Vice - Chairman declared citizen's time open at 12:11PM.

- Rhonda Taylor of 211 Greenhill Circle in Chilhowie explained damage done to her home due to blasting for the sewer project. She explained the different avenues she has taken to get a response in repairing the damage.

Upon motion of Mr. Roberts, seconded by Mr. Blevins, and unanimously carried, the Board agreed to write a letter to Prillaman & Pace, Inc. concerning this matter. John Tate would write up the letter.

- Sandra LeSueur of Shannon Gap Road addresses the Board concerning road problems due to the Cleghorn Valley Water Project. She presented a video showing the damage. Mike Carter and Scott Simpson was asked to look into the problem and report to the Water and Sewer Committee.

- James Halsey expressed his concern about the County stickers and the number of those in the county who do not purchase a sticker each year.

- Dave Fields, the new Downtown Revitalization Association President introduced himself.

- Marevien Slemp expressed more interest and concern for water on Fox Valley Road (this is on continued items at this time).

- Carolyn Holman expressed a complaint against a zoning matter.

- Roger Blevins also of the Green Hill/Shuler Hollow Project explained the road problems on

Needmore Road because of the sewer project.

The Vice - Chairman declared citizen's time closed at 12:57PM.

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Upon motion of Mr. Roberts, seconded by Mr. Clark, and duly carried the Board approved a \$1,000.00 donation to the July 2004 Marion fireworks display, on the condition that they provide a budget with what money was spent on.

Vote: 5 yea  
1 nay (Neitch)

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Jim Sullivan, School Board Superintendent, presented the school's final 2004-2005 budget.

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Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, the Board approved and appropriated the following out of the appropriate fund account:

• General County	\$1,105,000.00
• Department of Social Services	\$ 91,795.00
(July 1-13, 2004, to be appropriated from 2004-2005 budget)	\$ 35,000.00
• Schools - - - Operations	\$6,185,633.48
Capitol Outlay & School Debt	\$ 271,738.00
• Green Hill/Shuler Hollow Sewer Project	\$ 157,093.22
• Groseclose Water Project	\$ 125,756.65
• Animal Damage	\$ 95.00
• Social Security Funds (Sheriff's Department)	\$ 306.74
• Damage Stamp -Adam Burchett (2 claims, including 3 beehives)	\$ 450.00
-J.S. Staley, JR (4 acres corn)	\$ 600.00
-M & W Printers (for printing of the stamps) 2004-2005	
8,000 Resident	
1,000 Non-resident	\$840.00
Shipping & Handling	\$ 18.00
<b>Total to be paid out of Damage Stamp fund</b>	<b>\$1,908.00</b>

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Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board approved the attached Accounts Payable listing in the amount of \$921,756.51 from the appropriate fund account.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried the Board approved payments of bills twice in the month of June (8<sup>th</sup> and 22<sup>nd</sup>) due to end of the fiscal year.

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Charlie Atkins discussed the renewing property and general liability insurance with VACo on Smyth County and the Industrial Development Authority. He also explained the advantages of

changing workman's compensation from MLS to VACo. This was continued until the next meeting for information.

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Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried the Board approved the Anthem Blue Cross Blue Shield Inmate Policy.

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Upon motion of Mrs. Neitch, seconded by Mr. Dishner, and unanimously carried the Board approved the following nurse's contract for the Sheriff's Department:

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Continued Board matters:

1. Matter of collection of delinquent taxes (Mr. Whitmore was asked to look into this, 6-8-04).
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).
3. Ken Heath's request concerning establishment of local tax abatement ordinance (referred to County Attorney, 7-1-03).
4. East County Spring Source Study (8-1-03).
5. Cole Crest Drive reference being brought into the Secondary System. (referred to Special Street Committee, see resolution in these minutes).
6. Green Hill/Shuler Hollow Sewer Project complaints (Water/Sewer Committee):
  - Bob Mason's request concerning road repairs on a privately owned road (10-1-03).
  - Roger Blevins of Needmore Road, needs road repaired back to the way it was before the project.
  - Stephen Lewis of Green Hill Circle – damage to home due to blasting.
  - Rhonda Taylor of Green Hill Circle – damage to home due to blasting (John Tate to write a letter to Prillaman & Pace, Inc. concerning the above blasting damages 6-8-04).
7. Methadone Clinic, referred to the Ordinance Committee (2-1-04, see Zoning matters).
8. Draft revisions for Zoning Ordinance referred back to Planning Commission for study and recommendation (2-1-04).
9. Request concerning 911 contracts with the towns (911 Committee, 2-1-04).
10. Fire and Rescue Association budget request for use of \$50,000.00 in the current budget (4-13-04).
11. Request for tax exempt status for the Smyth County Community Foundation (4-13-04).
12. Marevine Slemph, request for water service on Fox Valley Road (5-11-04).

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Upon motion of Mr. Roberts, seconded by Mrs. Neitch, and unanimously carried the Board approved the budget request for use of \$50,000.00 in the current budget for the Fire and Rescue Association.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors approved the following resolution for the Clarkcrest Property:

WHEREAS, the street described below was established in Clarkcrest Subdivision on May 18, 1976, and currently serves at least 3 families per mile; and,

WHEREAS, the Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system highways, pursuant to §33.1-72.7, Code of Virginia; and,

WHEREAS, the Board finds that certain of the owners own more than one (1) lot but that none were original developers nor successor developers, and deems that extenuating

circumstances exist to warrant this addition without an additional assessment against those persons owning more than one (1) lot or parcel prior to assessing each lot; and,

WHEREAS, based on the Department's cost estimate of \$300,000.00 for improvement of the street, this Board has determined that each lot or parcel owner shall pay an equal amount for each lot or parcel toward the cost of the improvements and the County's administrative costs.

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following street be added to the secondary system of state highways, pursuant to §33.1-72.1(C), Code of Virginia:

Name of Street: Colecrest Drive Length: 1.0 miles  
From: Route 607  
To: 0.10 miles northwest Route 607  
Guaranteed Right-of-way Width: 50 feet  
Plat Record, Date: April 19, 1976 Plat Slide: 193 Page: 113

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to §33.1-72.1 (C), Code of Virginia, and

BE IT FURTHER RESOLVED, that following the assessment against the landowners, and the period of appeal there from, or at the conclusion of any appeal, a certified copy of this resolution and county check in the amount of \$150,000.00, representing the pro rata share of the County, of the 50% balance of the Department's cost estimate to improve the street, available as a result of the resident's assessments, shall be forwarded to the Resident Engineer of the Virginia Department of Transportation.

BE IT FURTHER RESOLVED, that the administrative costs of the County shall be recovered from such special assessment.

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Upon motion of Mr. Blevins, seconded by Mrs. Neitch and unanimously carried the Board agreed to conduct a public hearing on July 13, 2004 at 3PM to consider an assessment an the landowners as shown on a list filed with these minutes against the lot owners in Clarkcrest Subdivision.

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Scott Simpson explained the bids received June 1, 2004 for the Cedars/Hall Addition Sewer Project. The total of the bids was \$4,681,851.00 which is in general about \$2,167,000.00 above budget. Rural Development is looking into combinations as to how they can help with the funding. There are three choices: (1) abandon the project, (2) continue with exploring options with Rural Development, and (3) fund the short fall out of the general County budget. Mr. Simpson was asked to continue exploring funding options with Rural Development.

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Upon motion of Mr. Clark, seconded by Mr. Blevins and unanimously carried, the Board agreed to conduct a public hearing, July 13, 2004 at 3:30PM, concerning the following text amendment to the County Zoning Ordinance:

**Section 3-4.2: (Commercial District) Under Uses Permitted with a Special Use Permit, Add, (m) Medical Care Facility**

**Section 10-45 (A) Add new Definition for "Medical Care Facility" as follows: any institution, place, building or agency, whether or not licensed or required to be licensed by the Board or the State Mental Health, Mental Retardation and Substance Abuse Services Board,**

*whether operated for profit or nonprofit and whether privately owned or privately operated or owned or operated by a local governmental unit, (i) by or in which health services are furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more nonrelated mentally or physically sick or injured persons, or for the care of two or more nonrelated persons requiring or receiving medical, surgical or nursing attention or services as acute, chronic, convalescent, aged physically disabled or crippled or (ii) which is the recipient of reimbursements from third-party health insurance programs or prepaid medical services plans.*

***Section 10-54:*** *Revise definition of "Professional Office" as follows: An office in which business is conducted by the following professions: medical related professionals, including physicians, dentists, eye care specialists; lawyers architect, engineers, surveyors, insurance, agents, real estate agents, and other similar professions. ~~Term includes medical and dental clinic.~~ Term does not include facilities for the care and treatment of persons suffering from alcohol or substance abuse (see "Medical Care Facility").*

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Mrs. Carolyn Holman informed the Board about a decision that was made by Clegg Williams, Zoning Administrator, concerning a complaint about an alleged automobile grave yard on Shadowood Road. She felt that she was being singled out and harassed. Mr. Williams informed the Board that Mrs. Holman had two (2) administrative options, (1) appeal the decision at the Board of Zoning Appeals or (2) apply for a special use permit to operate an automotive graveyard at that particular location.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously carried, Mr. Harold Slemp was reappointed to the Lincoln Theatre Board, for the term of July 1, 2004 thru June 30, 2008.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously carried, Mr. Harold Slemp was reappointed to the Downtown Revitalization Committee, for the term of July 1, 2004 thru June 30, 2005.

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Upon motion of Mr. Roberts, seconded by Mr. Blevins and unanimously carried, Mr. Tom Hess was reappointed to the Smyth County Department of Social Services Board, for the term of July 1, 2004 thru June 30, 2008.

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Upon motion of Mr. Dishner, seconded by Mrs. Neitch and unanimously carried, Ms. Dawn Archer was reappointed to the Smyth County Department of Social Services Board, for the term of July 1, 2004 thru June 30, 2008.

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Upon motion of Mr. Dishner, seconded by Mr. Blevins and unanimously carried, Mr. David Bradley and Mr. Michael Roberts were reappointed to the CDI - Community Correction Resource Board, for the terms of July 1, 2004 thru June 30, 2006.

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Upon motion of Mr. Blevins, seconded by Mrs. Neitch and unanimously carried, Mr. David Bradley and Mr. Michael Roberts were reappointed to the Southwest Virginia Community

Corrections Board, for the terms of July 1, 2004 thru June 30, 2006.

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Upon motion of Mr. Blevins, seconded by Mrs. Neitch and unanimously carried, Mr.

Gordon Tuell was appointed to the Virginia Highlands Community College Board, for the term of July 1, 2004 thru June 30, 2008

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Upon motion of Mr. Roberts, seconded by Mr. Blevins and unanimously carried, Mr. Sam

Burkett was appointed as a Smyth County representative to the Mount Roger Planning District Commission, for the term of July 1, 2004 thru June 30, 2008.

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Mrs. Sally Morgan explained to the Board the construction of the road leading into Highlands Business Park (formerly known as Glade Highlands Industrial Park). There are new storm water regulations that effect projects receiving state funding; the regulations require that the drainage be taken back to Hall Creek which is a couple thousand feet away. According to estimates from the engineer it will cost approximately \$375,000.00. VDOT suggested trying to get revenue sharing money from the state which would be half and half. Each of the two counties would split the remaining half which comes to about \$93,600.00 for each of the two counties to pay. This item will be referred to the Budget Committee who can confer with the IDA on their budget as well.

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Sally Morgan introduced the new intern, Aaron Burdick.

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Upon motion of Mr. Dishner, seconded by Mr. Clark, and unanimously carried, the Board agreed to enter into executive session to discuss disposition of real estate and prospective business or industry as outlined in Section 2.2-3711 (A) (3) and (5) of the Code of Virginia, as amended.

The Vice - Chairman declared the executive session ended and the doors were opened to the public.

Vote: 6 yea  
0 Nay

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BE IT RESOLVED that the Smyth County Board of Supervisors adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive 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 executive 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 6 Yea  
0 Nay

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Upon motion of Mr. Roberts, seconded by Mr. Dishner, and duly carried, BE IT RESOLVED that the Smyth County Board of Supervisors approves the following Services Agreement between Smyth County Board of Supervisors and Mount Rogers Community Services Board for mental health services to provide consulting services for inmates at the Smyth County Jail:

The Smyth County Board of Supervisors, Smyth County Sheriff's Department, and the Mount Rogers Community Services Board enter into the following agreement regarding services to inmates at the Smyth County Jail. This agreement shall cover the period from July 1, 2004 through June 30, 2005.

1. The Mount Rogers Community Services Board through the Mental Health Center located at 416 East Main Street in Marion, Virginia, agrees to provide consultation and education to the Smyth County Sheriff's Department.
2. The Mount Rogers Community Services Board agrees to purchase and maintain professional liability insurance with the limits of at least one million dollars, and annually provide to the Sheriff and to the County Administrator evidence of such insurance.
3. The Mental Health Center will designate a staff member to provide consultation services for inmates at the Smyth County Jail on a weekly basis. This service will take place as requested by the designated staff person (s) at the Sheriff's Department. The Mental Health Center will allocate ten hours of time per month for this purpose. If additional time beyond the ten hours per month is



requested, specific authorization will be required from the Smyth County Sheriff prior to the provision of such services. The Mental Health Center staff will advise the Smyth County Sheriff and the County Administrator if any additional cost incurred in any month.

4. A brief report will be prepared on each inmate seen at the Sheriff's Department. This report will include the reason for referral, current medications, an assessment of the situation and recommendation for addressing the needs of the inmates. This report will be completed at the time the service is provided and will be given to a designated staff member of the Sheriff's Department.
5. Structured training will be provided within the time allocation as specifically requested by the Smyth County Sheriff. This training may deal with such subjects as suicide prevention, identifying and treating depression, treatment approaches and alternatives with domestic violence, and identifying and working with the substance abuser. Other areas for training may be provided as negotiated between the Mental Health Center Director and the Smyth County Sheriff.
6. The Smyth County Sheriff's Department agrees to provide Mental Health Center with the following:
  - A. A designated staff member who will act as liaison with the Mental Health Center for the purpose of organizing consultation and training activities.
  - B. A room for meeting with inmates that allow for confidential consultation while also offering a safe environment for the consultant.
  - C. In return for the above services, the Mental Health Center will submit a monthly invoice not to exceed \$200.00 to the Smyth County Sheriff's Department for services provided during the previous month. Additional services specifically authorized by the Smyth County Sheriff will be invoiced at a rate of \$20.00 per hour.

This agreement is to be reviewed on an annual basis and may be terminated by either party with sixty-day prior written notice.

MOUNT ROGERS COMMUNITY MENTAL HEALTH SERVICES

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E. W. CLINE, JR.

SMYTH COUNTY BOARD OF SUPERVISORS

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E. B. J. WHITMORE, III

SMYTH COUNTY SHERIFF

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R. DAVID BRADLEY

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Mr. Whitmore informed the Board that he had received a letter from the Town requesting the County's share of \$20,000.00 on the Town of Marion's Bike Trail project. Following discussion, the board agreed to remit said funds requested, from fiscal year 2004-2005 budget and to notify the Town of Marion.

Upon motion of Mr. Blevins, seconded by Mr. Clark and unanimously carried, the Board agreed that the Budget Committee can act on advertisement dates and times for the public hearings on budgets and tax levies.

The meeting was continued until Tuesday, June 15, 2004 at 5:00PM, for the public hearing on the School Board Budget

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Chairman

**Virginia:** At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Monday, June 21, 2004, at 4:30PM.

**Board Members Present:** Mr. Marvin Perry Mr. Wade Blevins  
Mr. Harold Slemp Mr. Michael D. Roberts  
Mr. Todd Dishner Mr. Charlie Clark  
Mrs. Darlene Neitch

**Staff Members Present:** Mr. Ed Whitmore Mr. Michael Carter  
Mrs. Mary Ann Evans Mr. Charlie Atkins  
Ms. Amber Tilson Mr. John Tate, Jr

The Board met to conduct a public hearing on the tax levy increase.

The Chairman opened the public hearing at 4:35PM.

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Approximately five (5) citizens were in attendance.

Earl McClure presented questions to the Board on the proposed tax levy.

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The Chairman closed the public hearing at 4:47PM.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, the tax levy be set at \$.60 per \$100.00 of assessed value. Motion failed to pass.

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

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Upon motion of Mr. Slemp, seconded by Mr. Clark and duly carried, the Board approved to set the tax levy at \$.63 per \$100.00 of assessed value.

Vote: 4 yea  
3 nay (Perry, Neitch, Blevins)

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Upon motion of Mr. Dishner, seconded by Mr. Clark and unanimously carried, the Board agreed to continue the meeting until June 22, 2004 at 5:30PM for a Public Hearing on the General County Budgets, adopt the School Board Budget, and other items of business.

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The meeting ended at 5:00PM.

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Chairman

**Virginia:** At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, June 22, 2004, at 5:30PM.

<b>Board Members Present:</b>	Mr. Marvin Perry Mr. Harold Slemp Mr. Todd Dishner Mrs. Darlene Neitch	Mr. Wade Blevins Mr. Michael D.Roberts Mr. Charlie Clark
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<b>Staff Members Present:</b>	Mr. Ed Whitmore Mrs. Mary Ann Evans Ms. Amber Tilson	Mr. Michael Carter Mr. Charlie Atkins Mr. John Tate, Jr.
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The Board met to conduct a public hearing on the General County budgets and to adopt the School Board budget.

The Chairman opened the public hearing at 5:29PM.

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Approximately twenty (20) citizens were in attendance.

- Mary Margaret Justice, Executive Director of the Lincoln Theatre spoke on behalf of the Lincoln Theatre Board of Directors. She explained the \$25,000 budget request and expressed to the Board how important those funds are to the theatre.
- Earl McClure expressed the following points:
  - He referred to Code section 152.2503, he stated that it “clearly says that the Board has the obligation to approve and adopt a budget and set the tax rate for that budget year. To me that implies a sequence of events. I think we got it backwards because now that the vote has been to approve the rate increase all you have to do is back into a budget and it is over and done with.”
  - Revenue Bonds – “You have 21 outstanding revenue bonds that have to have annual payments for interest and principal...right now Farmers Home automatically drafts those payments out of the General Fund each year...the problem is you got to make sure that you have enough money in there to cover it. Now, the reason I bring this up is that each Bond the County has to identify specifically the source from which those funds will come...My problem is I don’t know what it says and neither do you... is because nobody can find the bonds to determine what the County has pledged....If they have pledged revenue only and you’re allowing Farmers Home to draft your accounts for more than that, then you are guilty of allowing the misuse of public funds and that is a crime....you don’t know and I don’t know what is required in those bonds...please don’t vote on this budget until you find out.”
  - “You need to get a handle on things. There was a conspiracy.....to deny the citizens of Saltville and Northfork the due process of a public hearing. Three days before the Zoning took effect in January 1, 2003, an employee of the county was dispatched to the building inspection office to obtain a building permit for the construction of the utility plant up Broadford, to beat the zoning ordinance....There is also something else that goes along here, is a strong possibility of falsifying public record and forgery. Any expert will tell

you pretty quickly, if you don't believe me you can ask Bud Owens....There are things going on here that you guys don't know about that you need to know about....Deliberately violating the law (§15.2-2232) that says a utility cannot be constructed or even authorized until it is shown on the Comprehensive plan. Comprehensive plan was adopted 1998, December. The electrical plant was first mentioned in Spring 2001, so there was a deliberate violation.”

“What does all that mean? Did you guys know that? No. Could that happen? They did. Could other expenditure and things happen? They do, just like the revenue bonds. “

- JS Staley expressed his concerns with the Courthouse renovations and the funds for that project. He also expressed concerns on cost over runs that will come from two water and sewer projects, Allison Gap Sewer and Cedars/Hall Addition Sewer Projects.
- Mrs. Neitch informed the Board of a request from the Rye Valley Community Council requesting \$750.00 for the recreation program.
- Mr. Slemp expressed his thanks to the Lincoln Theatre Board and what they have done for Downtown Marion and Smyth County. Mr. Roberts commented on the activity going on in town because of the Theatre.

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The Chairman closed the public hearing at 5:54PM.

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Note: Michael Roberts and Charlie Clark stated that their wives worked for the Smyth County School System and that they felt they could vote impartially on the fiscal year 2004-2005 proposed Smyth County School Budget.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously carried the Board approved the Smyth County School Board General Operations budget request in the amount of \$40,312,998.00.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously carried the Board approved the Smyth County School Board Capitol Outlay budget request in the amount of \$1,586,868.00.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously carried the Board approved the Smyth County School Board Textbook budget request in the amount of \$324,735.00.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp and unanimously carried the Board approved payment of the Accounts Payable Listing in the amount of \$176,193.96.

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Upon motion of Mr. Slemp, seconded by Mrs. Neitch and unanimously carried the Board agreed to continue waiving tipping fees for the Project Cross Roads. Mr. Harry Howell will be notified of the regulations and limits.

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Upon motion of Mr. Roberts, seconded by Mr. Blevins and unanimously carried the Board approved the following Fiscal Year 2005 Fire Programs Fund Disbursement Agreement:

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Upon request from the 4-H office the following motion was made:

Upon motion of Mr. Slemp, seconded by Mr. Blevins and unanimously carried the Board agreed to send a letter to welcome 4-H members from Harper County, Kansas who will be visiting the area and staying with Smyth County 4-H members.

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Upon motion of Mr. Clark, seconded by Mr. Blevins and unanimously carried, the Board agreed to continue the meeting until June 23, 2004 at 5:00PM for a public hearing on all tax levies and any other items of business.

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The meeting ended at 6:13PM.

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Chairman

**Virginia:** At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, July 22, 2004, at 7:00PM.

<b>Board Members Present:</b>	Mr. Marvin Perry Mr. Harold Slemp Mr. Todd Dishner	Mr. Wade Blevins Mrs. Darlene Neitch
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<b>Staff Members Present:</b>	Mr. Ed Whitmore Mr. Clegg Williams Mr. John H. Tate, Jr.	Ms. Amber Tilson Mrs. Sally Morgan
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The Board met to conduct a joint public hearing with the Planning commission. The Chairman and the Chairman of the Planning Commission called the public hearing to order at 7:00PM. There were two (2) citizens in attendance.

Mr. Clegg Williams presented the following case:

Mr. Douglas Scott Brown of 1065 Chestnut Ridge Road applied for a Special Use Permit. When Smyth County adopted its zoning ordinance January 1, 2002, Mr. Brown was operating a small trucking company from at his residence. The business is considered a non-conforming use since a truck terminal is not allowed by right in the agricultural/rural district. Mr. Brown would like to build a 24'X50' shop on the property in order to store and maintain his trucks. Expansions of nonconforming uses are allowed by issuance of a special use permit.

Mr. Williams also read a letter, dated July 18, 2004, from a neighbor (Mrs. Farris Kent, 1082 Chestnut Ridge Road) opposing the new building.

Mr. Douglas Brown explained the reasons for the new building. He



answered questions from the Board and Planning Commission. After discussion, the Chairman closed the public hearing at 7:20PM.

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The Planning Commission recessed for a short break and the Board took up the following matter:

A road name change was brought up before the Board in citizen's time on July 13, 2004. Mr. Benny Doane attended the Chilhowie Town council meeting on Thursday, July 15, 2004. The Chilhowie Town Council voted to allow the road in question to be named "Doane Drive." After discussion with the 9-1-1 Coordinator, Shannon Williams, the Board felt a vote was not necessary since the Town of Chilhowie had reached a decision.

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The Chairman then adjourned the meeting.

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Chairman

**Virginia:** At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Wednesday, June 23, 2004, at 5:00PM.

<b>Board Members Present:</b>	Mr. Marvin Perry Mr. Harold Slemp Mr. Todd Dishner Mrs. Darlene Neitch	Mr. Wade Blevins Mr. Michael D. Roberts Mr. Charlie Clark
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<b>Staff Members Present:</b>	Mr. Ed Whitmore Mrs. Mary Ann Evans Ms. Amber Tilson	Mr. Michael Carter Mr. Charlie Atkins Mr. John Tate, Jr.
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The Board met to conduct a public hearing on all tax levies.

The Chairman opened the public hearing at 5:00PM.

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There were no citizens in attendance to speak.

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Upon motion of Mr. Slemp, seconded by Mr. Clark and unanimously carried the Board approved a Real Estate levy on all taxable real estate located in Smyth County, Virginia, including equalized real estate, where applicable, a unit levy of \$.63 per \$100.00 of assessed valuation; Tax on tangible personal property and the tangible personal property of service corporation, except rolling stock of corporations operating railroads, a unit levy of \$2.25 per \$100.00 of assessed valuation; Machinery & Tools \$1.20 per \$100.00 of assessed valuation; Tax on Category 23 items (trucks used in Interstate Commerce over 10,000 pounds) a unit levy of \$1.20 per \$100.00 of assessed valuation; Tax on Merchants Capitol a unit levy of \$.40 per \$100.00 of assessed valuation.

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Upon motion of Mr. Clark, seconded by Mr. Slemp and unanimously carried the Board approved renewing the Virginia Association of Counties (VACo) Liability and automotive coverage and also placing the workman's compensation insurance with Virginia Association of Counties (VACo) as well.

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Upon motion of Mr. Clark, seconded by Mr. Slemp and unanimously carried, the Board agreed to continue the meeting until Thursday, June 24, 2004 at 7:00PM for a joint public hearing with the planning commission.

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The meeting ended at 5:14PM.

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Chairman

**Virginia:** At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, June 24, 2004, at 7:00PM.

<b>Board Members Present:</b>	Mr. Marvin Perry Mr. Harold Slemp Mr. Todd Dishner Mrs. Darlene Neitch	Mr. Wade Blevins Mr. Michael D.Roberts Mr. Charlie Clark
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<b>Staff Members Present:</b>	Mr. Ed Whitmore Mr. Clegg Williams Ms. Amber Tilson	Mr. Michael Carter Ms. Shirley Spencer
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The Board met to conduct a joint public hearing with the Planning commission. The Chairman and the Chairman of the Planning Commission called the public hearing to order at 7:00PM. Approximately 10 citizen's in attendance.

Mr. Clegg Williams presented the following cases:

- I received an application for a Special Use Permit from Barry Clark & Cheri Grindstaff on May 28, 2004. Mr. Clark & Ms. Grindstaff are requesting a special use permit to construct and operate a commercial stable on a tract of land they are negotiating to purchase in Sugar Grove. The property is currently owned by Connie Osborne & Patricia Woods and is located at 1389 Cedar Springs Road and is identified by tax map #61-A-2. The property is zoned Agricultural/Rural and a commercial stable is allowed in the A/R district under section 3-2.2 i) with a Special Use Permit.

In filing their application, Ms. Grindstaff and Mr. Clark submitted the required owner's consent form, affidavit and paid the required fee. I advertised notice of this public hearing in the Smyth County News on June 12 and 19. In addition, I sent letters to all of the adjoining property owners for which an affidavit is on file. Most of the comments I have received on this case have been general questions with the exception of one fax that I received from the forest service which I would like to read into public record.

While considering this case, I would like to point out the following sections of the ordinance: Section 3-2.2 i) which allows a commercial stable in the A/R district by issuance of a special use permit, 10-16 which defines Commercial Stables, and Article 6 which covers Special Use Permits in general.

Mr. Williams read a letter from the forest service, an adjoining property owner. The forestry service explained that they also had guidelines that had to be followed for adjoining property owners to the National Forest.

Mr. Barry Clark explained the purpose of the commercial stable he plans to construct. The land and the ten (10) stable barn would be used for training horses, breeding and so forth. It would not be used for trail riding; it would not be a business with a constant customer base.

Jeff and Doris Ratcliff, who are adjoining property owners, explained that they were under the impression that the stables would attract a lot of traffic. With Mr. Clark's explanation, they expressed that they had no problem with the type of business Mr. Clark and Ms. Cheri Grindstaff had in mind.

- I accepted a special use permit application from John Hankla Jr. on June 2, 2004. Mr. Hankla operates Ford Used Cars, a legal non-conforming use on a tract of land he owns located at 1043 Stenton Lane. The property is identified by Tax Map Number 55A-6-1H and it is zoned residential. He is interested in expanding his garage by greater than 10% and as a result has applied for a special use permit under section 5-2.

In filing his application Mr. Hankla submitted the required application, affidavit, and paid the required fee. I advertised notice of this public hearing in the Smyth County News on June 12 and 19. I sent a first class mailing to all adjoining property owners and an affidavit to that effect is on file. I have not received any comments on this application. While considering this application, I would like to point out Section 5-2 which allows Mr. Hankla to apply for a special use permit, Section 10-8 which defines an automotive sales/service business and Article 6 which covers Special use Permits.

Mr. Hankla explained that he had been at that location for sixteen (16) years and he intended to expand the existing garage for more space. He would not be changing his business in any way.

Mr. Neal Webb, an adjoining property owner to Mr. Hankla wanted to make it known that he opposed Mr. Hankla's request. He was unsure why the business was grandfathered in when it is in a residential district. Mr. Webb also pointed out that Mr. Hankla did not live in this community.

- I received an application for a proposed map amendment from Heather Luttrell on behalf of her grandfather Mr. David Rouse on May 28, 2004. Ms. Luttrell is requesting that a tract of land currently zoned industrial be rezoned to commercial. The property is located off Lee Highway just outside of Chilhowie and is addressed as 223 Lee Hwy. The lot is part of tax map #54-A-28 and was the location of Springford Knitting. Ms. Luttrell is requesting the property lot be rezoned to commercial to accommodate a retail store she is negotiating with to lease the space. Since a retail store is not allowed either by right or by special use in the Industrial District, Ms. Luttrell is requesting that 223 Lee Hwy and the lot that surrounds it be rezoned to Commercial.

In filing her application, Ms. Luttrell submitted the required owner's consent form, affidavit, deed, and paid the required fee. I advertised notice of this public hearing in the Smyth County News on June 12 and 19. In addition, I sent letters to all of the adjoining property owners for which an affidavit is on file. I have not received any comments on this case other than general questions.

While considering this case, I would like to point out the following sections of the ordinance: Section 3-5 which are the district regulations for the Industrial District (the district regulations that currently apply), Section 3-4 which covers the district regulation for the Commercial district (the district

regulations that would apply if the property is rezoned), and Article IX which covers Amendments to the Ordinance.

Heather Luttrell spoke on behalf of Mr. David Rouse. She explained that she intended to bring in a “retail store” in the form of antiques in the building located at 223 Lee Highway. In the future it could employ up to twenty-five (25) people. With the building rezoned to commercial it would help utilize that large building that has been empty for around seven and a half years.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously carried the Board continued the meeting until June 29<sup>th</sup>, 2004 at 5:30PM to adopt the general county budgets and any other items that need to be discussed.

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The meeting ended at 7:23PM.

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Chairman

**Virginia:** At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, June 29, 2004, at 5:30PM.

<b>Board Members Present:</b>	Mr. Marvin Perry Mr. Michael D.Roberts Mr. Todd Dishner	Mr. Wade Blevins Mrs. Darlene Neitch Mr. Charlie Clark
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<b>Staff Members Present:</b>	Mr. Ed Whitmore Mrs. Mary Ann Evans Mr. John Tate, Jr.	Ms. Amber Tilson Mr. Charlie Atkins
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Chairman called the meeting to order at 5:31PM.

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Upon motion of Mr. Clark and duly carried the Board approved the fiscal year 2004-2005 budget in the amount of \$79,141,913.00.

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Upon motion of Mr. Blevins, seconded by Mr. Dishner and unanimously carried, the Board approved to appropriate \$47,500.00 for payment of bills.

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Upon motion of Mr. Blevins, seconded by Mr. Clark and unanimously carried, the Board approved to install a booster pump on the Groseclose water system. The approximate cost to the County will be \$26,600.00.

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Upon motion of Mr. Roberts, seconded by Mr. Blevins and unanimously carried the Board approved the grant agreement from the Virginia Department of Housing and Community Development (DHCD). The following grant is in the amount of \$1,000,000.00 for the Allison Gap Sewer project :

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Upon motion of Mrs. Neitch, seconded by Mr. Clark and unanimously carried the Board agreed to continue the matter of the Mount Rogers Planning District Commission administering the DHCD grant. The agreement was held for the water and sewer attorney to review.

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Upon motion of Mr. Clark, seconded by Mr. Roberts and unanimously carried the Board approved the following Tobacco Indemnification and Community Revitalization grant agreement in the amount of \$114,000.00 for the Saltville Wastewater Treatment Plant Improvements:

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The Board recognized Mary Ann Evans for her 33 years of service and that this was her last Board meeting.

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Chairman adjourned the meeting at 5:54PM.



**Virginia:** At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, July 13, 2004 at 12:00 noon.

<b>Board Members Present:</b>	Mr. Marvin Perry Mr. Harold Slemp Mrs. Darlene R. Neitch Mr. Charlie Clark	Mr. Wade H. Blevins, JR Mr. Todd Dishner Mr. Michael D. Roberts
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<b>Staff Members Present:</b>	Mr. Edwin B.J. Whitmore, III Mr. Michael Carter Mr. Scott Simpson	Mr. John H. Tate, Jr. Ms. Amber Tilson Mr. Charlie Atkins
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The Chairman called the meeting to order at 12:00PM.

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Invocation was led by Rev. Herman Cress and the Pledge of Allegiance was led by Aaron Burdick.

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Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried, the Board approved the agenda as to form with two (2) additional items.

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Upon motion of Mr. Slemp, seconded by Mr. Clark, and unanimously carried, the Board approved the minutes of June 8, 15, 21, 22, 23, 24, 29, 2004, with a few grammatical changes.

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The Chairman declared citizen's time open at 12:04PM.

- Mr. Benny Doane expressed his concerns with the name of the road he lives on. Presently the road is named Lee Highway. He wishes to name the road Doane Lane. The 9-1-1 coordinator has chosen Reservoir Lane. The road is due a name change because there are now more than three (3) residents on the road.

Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried the Board agreed to continue Mr. Doane's request until the next meeting. This would allow time for Mr. Doane to attend the Chilhowie Town Council meeting to hear their decision.

The Chairman declared citizen's time closed at 12:14PM.

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Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried the Board appropriated \$1,890,000.00 for the General County budget.

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Upon motion of Mr. Clark, seconded by Mr. Slemp, and unanimously carried the Board

appropriated \$375,000.00 (July 14-31, 2004) and \$35,000.00 (August 1-10, 2004) for the Department of Social Services budget.

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Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried the Board appropriated \$1,750,000.00 for the Smyth County School operations budget.

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Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried the Board appropriated \$5,000.00 for the Smyth County School textbook budget.

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Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried the Board appropriated \$690,000.00 for the Smyth County School debt and capitol outlay budget.

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Upon motion of Mr. Clark, seconded by Mr. Blevins, and unanimously carried the Board appropriated \$97,607.54 for the Green Hill/Shuler Hollow Sewer Project.

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Upon motion of Mr. Clark, seconded by Mr. Slemp, and unanimously carried the Board appropriated \$61,002.95 for the Groseclose Water Project.

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Upon motion of Mr. Roberts, seconded by Mr. Clark, and unanimously carried the Board appropriated \$231,527.77 for the Allison Gap Sewer Project.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried the Board appropriated \$150.00 for the animal damage fund.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried the Board appropriated \$476.62 for the Social security funds (Sheriff's Department).

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Upon motion of Mr. Blevins, seconded by Mr. Clark, and unanimously carried, the Board approved the Accounts Payable listing in the amount of \$1,319,412.16 from the appropriate fund account.

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Upon motion of Mr. Clark, seconded by Mr. Blevins and unanimously carried, the Board authorized to sign, release, and pay fees of \$31.00 each (\$279.00), to record the following nine (9) Certificates of Satisfaction to the existing deeds of trust. Deeds are for citizens on Watson Gap

and will be signed by the Chairman.

Wendell Grizzell  
Mike Blevins  
James Olinger  
William Grogg  
Betty Chapman

Mike Lewis  
Bernard Frye  
Emily Haga  
Philip Neal

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Upon motion of Mr. Blevins, seconded by Mr. Clark and unanimously carried, the Board approved the School Resource Officer Grant for \$24,705.00 in State General Funds and \$7,610.00 in Local Cash Match, total of \$32,315.00.

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Upon motion of Mr. Roberts, seconded by Mr. Disner and unanimously carried, the Board approved the Local Law Enforcement Block Grant for \$1,473.00, locality and \$164.00 local cash match for a total of \$1,637.00.

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Upon motion of Mr. Roberts, seconded by Mr. Slemp and unanimously carried, the Board approved the Victim Witness Program Grant for \$47,849.00 in State Funds.

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Upon motion of Mr. Roberts, seconded by Mr. Clark and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors approved the following open-ended resolution to continue funding through the Virginia Juvenile Community Crime Control Act (VJCCCA):

WHEREAS, Smyth County, Virginia, will participate in the Virginia Juvenile Community Crime Control Act and accept funds appropriate for the purpose set forth in this Act until written notice to the contrary is provided to the Department of Juvenile Justice.

WHEREAS, Smyth County, Virginia, intends to combine with Washington County, Virginia and the City of Bristol, Virginia to provide one Virginia Community Crime Control Act Plan for all three localities with Washington County, Virginia acting as the fiscal agent got the plan.

BE IT RESOLVED, the Smyth County Administrator is hereby authorized to execute a local plan on behalf of Smyth County, Virginia.

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Upon motion of Mr. Roberts, seconded by Mr. Clark and unanimously carried, the Board agreed to allow John Tate to start the process for a public hearing on the state recordation tax

increase. Jimmy Warren sent the following memo to Ed Whitmore and John Tate:

*Re: Smyth County Code Section 34.1*

*The reference Code of the County imposes 50 cents (.50) per one thousand recordation tax pursuant to Code of Virginia 58.1-814. State recordation tax has increased effective September 1, 2004 from 15 cents (.15) per one thousand to 25 cents (.25) per one thousand. It has been suggested that localities amend their codes to read one third (1/3) of the state recordation rate.*

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Upon motion of Mrs. Neitch, seconded by Mr. Dishner and duly carried the Board will reject any and all gas, diesel, oils bids and to re-bid the contract.

Vote: 4      yea  
      3      nay (Clark, Roberts, Slemp)

After recess and discussion Mrs. Neitch rescinded her previous motion and Mr. Dishner rescinded his second to the motion. All were in favor of the rescinding motion.

Vote: 7      yea  
      0      nay

Upon motion of Mr. Clark, seconded by Mr. Slemp and duly carried the Board ordered that the bid received be rejected. To re-bid the contract to furnish gas, and diesel for a period of one year and the bids be hand delivered to the office of the County Administrator by a certain time and date.

Vote: 6      yea  
      1      nay (Roberts)

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Upon motion of Mr. Clark, seconded by Mr. Slemp and unanimously carried the Board denied the request to waive tipping fees for the 2004 Pig Out in the Park.

Vote: 6      yea  
      1      abstention (Neitch)

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Continued Board matters:

1. Matter of collection of delinquent taxes (Mr. Whitmore was asked to look into this, 6-8-04).

2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).
3. Ken Heath's request concerning establishment of local tax abatement ordinance (referred to County Attorney, 7-1-03).

Mr. Tate has received letters from the Town. He has not received the ordinance from the Town as he asked. The Town wants the Board to follow their lead but Mr. Tate suggests that the Board review their ordinance first.

4. East County Spring Source Study (8-1-03).
5. Green Hill/Shuler Hollow Sewer Project complaints (Water/Sewer Committee):
  - Bob Mason's request concerning road repairs on a privately owned road (10-1-03).
  - Roger Blevins of Needmore Road, needs road repaired back to the way it was before the project (6-8-04).
  - Stephen Lewis of Green Hill Circle – damage to home due to blasting.
  - Rhonda Taylor of Green Hill Circle – damage to home due to blasting (6-8-04).

John Tate wrote a letter to Prillaman & Pace, Inc. around the first of July. He received a response on July 12, 2004. Mr. Tate requested that they meet with Scott but they have turned it over to their insurance company (7-13-04).

6. Draft revisions for Zoning Ordinance referred back to Planning Commission for study and recommendation (2-1-04).

Mr. Earl McClure stated that he thinks it would probably be at least September before this was complete.

7. Request concerning 911 contracts with the towns (911 Committee, 2-1-04).

Mr. Slemp informed the Board that they are working with the towns and this may be taken care of in the next two months. It is assumed that the County will continue to operate 9-1-1. They are working to reduce their committees to benefit the full committee.

8. Request for tax exempt status for the Smyth County Community Foundation (4-13-04).
9. Marevine Slemp, request for water service on Fox Valley Road (5-11-04).

The citizen's were to get back in touch with Scott Simpson on their results from water testing.

10. Reappointments – The following were continued on June 8, 2004, see following motions.

Community Policy Management Team

Sue Clear (does not wish to be reappointed) Continued.  
Penny Dixon

Smyth County Industrial Development Authority

Harry Dean  
Montie Fleshman

Rye Valley Water Authority

William Farmer  
John Barton  
W. Frank Cox  
Max Barker

Wytheville Community College

Anna Crabtree

11. The matter of Mount Rogers Planning District Commission administering the DHCD grant (\$1,000,000.00) for the Allison Gap Sewer Project, (Water and Sewer Attorney to review, 6-29-04).

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Upon motion of Slemp, seconded by Mr. Blevins and unanimously carried, the Board reappointed Penny Dixon to the Community Policy Management Team, for the term of July 1, 2004 through June 30, 2005.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried, the Board reappointed Mr. Harry Dean to the Smyth County Industrial Development Authority, for the term of July 1, 2004 through June 30, 2008.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously carried, the Board reappointed Mr. Montie Fleshman to the Smyth County Industrial Development Authority, for the term of July 1, 2004 through June 30, 2008.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried, Mr. William F. Farmer, Mr. W. Frank Cox and Mr. Max Barker were reappointed to the Rye Valley Water Authority and Mr. Robert Medley was appointed. All for the term of July 1, 2004 through June 30, 2008.

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Upon motion of Mr. Clark, seconded by Mr. Slemp and unanimously carried, Mr. Ron Thomason was appointed to the Wytheville Community College Board for the term of July 1, 2004 through June 30, 2008.

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Upon motion of Mr. Clark, seconded by Mr. Blevins and unanimously carried, the Board continued the above items that have not been addressed.

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The highway department informed the Board that the completion date on Route 622, in Atkins is around the end of September. They also received requests for road repairs and resurfacing. Mr. Buston is looking at VDOT's public hearing for Smyth County to be in mid-September.

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Upon motion of Mr. Slemp, seconded by Mr. Clark and unanimously carried, the Board agreed to request the Nature Conservancy of Virginia and have them begin looking at Nicks Creek (Route 622) to see what can be done to clean up the stream.

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Upon motion of Mr. Slemp, seconded by Mr. Clark and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors hereby authorizes the Department of Transportation to close State Route 606, .3 miles south intersection Route 649 for the length of time necessary to complete bridge repairs.

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Scott Simpson updated the Board on the water and sewer project currently in construction. Working with Rural Development and the design consultant, the project scope on Cedars/Hall Addition sewer has been narrowed down. The Cedars portion is funding by grant money. The first bidder was not interested in doing the Hall Addition portion for about \$879,000 (which is what it was narrowed down to). Going to the second bidder would cost more than \$879,000. Scott recommended rejecting all bids for both contracts. Work with the engineer to come up with a solid scope for \$2,500,000.00 and re-bid.

At this time additional funds from the Board is not needed, if so Scott stated that he would

use it out of his budget. Scott was asked to look in to the possibility of advertising again and holding a public hearing because the scope of the Cedars/Hall Addition Sewer project is being changed.

The bridge at McCready Headstart is currently still under construction. The engineers recently looked at beams that could be used.

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Upon motion of Mr. Slemp, seconded by Mr. Dishner and unanimously carried the Board authorized the re-bidding of the Cedars/Hall Addition Project.

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Mr. Perry presented a certificate he and Sally received in Lynchburg from Secretary Mike Schewel for the Saltville Enterprise Zone.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried, the Board accept Grindstaff/Clark commercial stable special use permit under 3.2-2-1 with commercial stables only.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp and unanimously carried, the Board approved the Hankla automotive sales and service non-conforming use expansion.

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Upon motion of Mr. Blevins, seconded by Mr. Clark and unanimously carried, the Board approved the David Rouse rezoning from industrial to commercial.

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**Note:** Michael Roberts and Charlie Clark stated that their wives worked for the Smyth County School System and that they felt they could vote impartially.

Mr. Jim Sullivan requested the Board to approve a new expenditure total of \$1,453,643.16 for the school and capitol outlay budget and to transfer balance of \$461,922.79 from school debt and capital outlay budget to the operations budget.

After discussion the following motions were made:

Upon motion of Mr. Slemp, seconded by Mr. Clark and duly carried the Board agreed to refer this request to the budget committee.



Vote: 6 yea  
1 nay (Blevins)

Upon motion of Mr. Dishner, seconded by Mr. Slemp and unanimously carried, the Board appropriated \$335,710.80 from the School's 2004-2005 fiscal year budget, for the Smyth County School operations budget.

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At 3:00PM, the Board proceeded with an advertised public hearing concerning the following. There were approximately 15 citizens in attendance.

- Mr. Tom Hill explained that he did not feel he should pay because he does not use the road in question. His property does not front the road.
- Ms. Claudine McCormick owns three (3) lots. One of the lots does not border the road. She feels she should not have to pay the portion for this lot that does not border the road.
- Ms. Connie Wyatt explained that she did not understand why Mr. Hill should not pay because he has a gate that is on his property that fronts the subdivision road.

Following the public hearing the following motion was made:

Upon motion of Mr. Blevins, seconded by Mr. Slemp and unanimously carried, the Board imposed the following assessments for the improvements to the streets in Clarkcest

Subdivision, as previously advertised:

- |    |   |            |
|----|---|------------|
| 1) | Thomas L. and Pamela C. Hill<br>271 Flatwood Acers Road<br>Chilhowie VA 24319     | \$3,571.42 |
| 2) | Robert N. and Kathryn R. Porterfield<br>494 Colecrest Drive<br>Chilhowie VA 24319 | \$3,571.42 |
| 3) | Michael S. Lomans<br>Colecrest Drive<br>Chilhowie VA 24319                        | \$3,571.42 |
| 4) | Jeffery S. Davis<br>518 or 31 Colecrest Drive<br>Chilhowie VA 24319               | \$3,571.42 |

5)	Scottie C. and Kimberly Akers 532 Colecrest Drive Chilhowie VA 24319	\$3,571.42
6)	Michael E. and Mary C. Untiedt 33 Colecrest Drive Chilhowie VA 24319	\$7,142.84
7)	David E. and Connie C. Wyatt PO Box 1316 Chilhowie VA 24319	\$3,571.42
8)	Noel E. and Tammy S. King 596 Colecrest Drive Chilhowie VA 24319	\$3,571.42
9)	Michael J. and Betsy R. Martin 620 Colecrest Drive Chilhowie VA 24319	\$3,571.42
10)	Charles E. and Lisa D. Branson PO Box 1661 Chilhowie VA 24319	\$3,571.42
11)	Charles E. and Lisa D. Branson PO Box 1661 Chilhowie VA 24319	\$3,571.42
12)	Cynthia C. Halsey 425 Sulpher Spring Road Chilhowie VA 24319	\$3,571.42
13)	Michael L. and Kimberlie W. Sturgill 664 Colecrest Drive Chilhowie VA 24319	\$3,571.42
14)	W. Scott and Claudine B. McCormick PO Box 243 Chilhowie VA 24319	\$10,714.26
15)	Ronald P. and Cheryl J. Corvin 695 Colecrest Drive Chilhowie VA 24319	\$3,571.42
16)	Russell L. and Lisa M. Frye PO Box 331 Chilhowie VA 24319	\$3,571.42

17)	Ronnie G. and Linda H. Elliot 633 Colecrest Drive Chilhowie VA 24139	\$3,571.42
18)	Edward E. and Debra G. Kestner 619 Colecrest Drive Chilhowie VA 24319	\$3,571.42
19)	Roy G. and Frances M. Layne 585 Colecrest Drive Chilhowie VA 24319	\$3,571.42
20)	Harold E., Sr. and Frankie H. Minnick PO Box 414 Chilhowie VA 24319	\$3,571.42
21)	Gale and Vesta Aldrich 529 Colecrest Drive Chilhowie VA 24319	\$3,571.42
22)	Claude L. and Sherrie D. Henderson PO Box 1058 Chilhowie VA 24319	\$3,571.42
23)	Richard A. and Carolyn P. Martin PO Box 766 Chilhowie VA 24319	\$3,571.42
24)	James H. and Peggy T. Joines PO Box 344 Chilhowie VA 24319	\$3,571.42
25)	James H. and Peggy T. Joines Danny Joines, Carol Joines PO Box 344 Chilhowie VA 24319	\$3,571.42
26)	Henderson Hawkins, Estate Harold D. and Mary H. Hawkins PO Box 1086 Abingdon VA 24212	\$21,428.52
26)	Henderson Hawkins, Estate Harold D. and Mary H. Hawkins PO Box 1086 Abingdon VA 24212	\$21,428.52

- |     |   |             |
|-----|---|-------------|
| 26) | Harold D. and Mary H. Hawkins<br>256 Packing House Road<br>Chilhowie VA 24319                         | \$7,142.84  |
| 27) | Handerson Hawkins, Lois, et. al,<br>Harold D. and Mary H. Hawkins<br>PO Box 1686<br>Abingdon VA 24212 | \$21,428.88 |

On further motion, pursuant to §15.2-2413 the landowners may pay these assessments in equal annual installments over a period of 10 years, with interest of 2.14% as effect July 1, 2004.

The copy of the resolution and the \$ 150,000 County check shall be forward to VDOT following the recording of the assessments and the expiration of the appeal time or resolution of any appeals.

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At 3:30PM, the Board proceeded with an advertised public hearing concerning the following text amendment to the County Zoning Ordinance. There were no citizens who appeared to speak:

***Section 3-4.2: (Commercial District) Under Uses Permitted with a Special Use Permit, Add, (m) Medical Care Facility***

***Section 10-45 (A) Add new Definition for "Medical Care Facility" as follows: any institution, place, building or agency, whether or not licensed or required to be licensed by the Board or the State Mental Health, Mental Retardation and Substance Abuse Services Board, whether operated for profit or nonprofit and whether privately owned or privately operated or owned or operated by a local governmental unit, (i) by or in which health services are furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more nonrelated mentally or physically sick or injured persons, or for the care of two or more nonrelated persons requiring or receiving medical, surgical or nursing attention or services as acute, chronic, convalescent, aged physically disabled or crippled or (ii) which is the recipient of reimbursements from third-party health insurance programs or prepaid medical services plans.***

***Section 10-54: Revise definition of "Professional Office" as follows: An office in which business is conducted by the following professions: medical related professionals, including physicians, dentists, eye care specialists; lawyers architect, engineers, surveyors, insurance, agents, real estate agents, and other similar professions. ~~Term includes medical and dental clinic.~~ Term does not include facilities for the care and treatment of persons suffering from alcohol or substance abuse (see "Medical Care Facility").***

After discussion and recognizing the Planning Commission's decision to adopt the amendment the following decision was made:

Upon motion of Mr. Clark, seconded by Mr. Slemp and unanimously carried, the Board adopted the above text amendment.

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Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to enter into executive session to discuss disposition of real estate and prospective business or industry as outlined in Section 2.2-3711 (A) (3) and (5) of the Code of Virginia, as amended.

The Vice - Chairman declared the executive session ended and the doors were opened to the public.

Vote:	7	yea
	0	Nay

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Upon motion of Mr. Slemp, seconded by Mr. Clark and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive 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 executive 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as

were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 7      yea  
      0      nay

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Upon motion of Mr. Slemp, seconded by Mr. Blevins and unanimously carried, the Board approved to appropriate \$500.00 for use of the County Administrator in matters for economic development .

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Upon motion of Mr. Slemp and carried by the Board, the meeting was continued until Thursday, July 22, 2004 at 7:00PM, for a joint public hearing with the Planning Commission.

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Chairman

**Virginia:** At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, July 22, 2004, at 7:00PM.

<b>Board Members Present:</b>	Mr. Marvin Perry Mr. Harold Slemp Mr. Todd Dishner	Mr. Wade Blevins Mrs. Darlene Neitch
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<b>Staff Members Present:</b>	Mr. Ed Whitmore Mr. Clegg Williams Mr. John H. Tate, Jr.	Ms. Amber Tilson Mrs. Sally Morgan
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The Board met to conduct a joint public hearing with the Planning commission. The Chairman and the Chairman of the Planning Commission called the public hearing to order at 7:00PM. There were two (2) citizens in attendance.

Mr. Clegg Williams presented the following case:

Mr. Douglas Scott Brown of 1065 Chestnut Ridge Road applied for a Special Use Permit. When Smyth County adopted its zoning ordinance January 1, 2002, Mr. Brown was operating a small trucking company from at his residence. The business is considered a non-conforming use since a truck terminal is not allowed by right in the agricultural/rural district. Mr. Brown would like to build a 24'X50' shop on the property in order to store and maintain his trucks. Expansions of nonconforming uses are allowed by issuance of a special use permit.

Mr. Williams also read a letter, dated July 18, 2004, from a neighbor (Mrs. Farris Kent, 1082 Chestnut Ridge Road) opposing the new building.

Mr. Douglas Brown explained the reasons for the new building. He

answered questions from the Board and Planning Commission. After discussion, the Chairman closed the public hearing at 7:20PM.

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The Planning Commission recessed for a short break and the Board took up the following matter:

A road name change was brought up before the Board in citizen's time on July 13, 2004. Mr. Benny Doane attended the Chilhowie Town council meeting on Thursday, July 15, 2004. The Chilhowie Town Council voted to allow the road in question to be named "Doane Drive." After discussion with the 9-1-1 Coordinator, Shannon Williams, the Board felt a vote was not necessary since the Town of Chilhowie had reached a decision.

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The Chairman then adjourned the meeting.

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Chairman



**Virginia:** At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, August 10, 2004 at 12:00 noon.

<b>Board Members Present:</b>	Mr. Marvin Perry Mr. Harold Slemp Mrs. Darlene R. Neitch	Mr. Wade H. Blevins, JR Mr. Todd Dishner
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<b>Staff Members Present:</b>	Mr. Edwin B.J. Whitmore, III Mr. Michael Carter Mr. Scott Simpson	Mr. John H. Tate, Jr. Ms. Amber Tilson Mr. Charlie Atkins
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The Chairman called the meeting to order at 12:00PM.

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Invocation was led by Rev. Alan Gray and the Pledge of Allegiance was led by Heather Gillespie.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins, and unanimously carried, the Board approved the agenda as to form with three (3) additional items.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved the minutes of July 13, 22, 2004, with a few grammatical changes.

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The following citizen's appeared to speak:

- Mary Ann Buchanan of the Nebo Community Center requested the letter of intent from the Board. The letter is needed in order for the Community Center to acquire the old Nebo school. Mrs. Buchanan also informed the Board that the employee at the Wilderness Road convenience station would mow around the station if it was graded.
- Melissa McKinnion of the Walkers Creek area requested water to be ran to her road.
- Betty Testerman of Kelly Hill Road (Hutton Branch Water Project) questioned when the water project would be completed in the Kelly Hill Area.

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Wally Cline of the Mount Rogers Community Services Board updated the Board on the Community Services Board Performance Contract for fiscal year 2005.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously carried, the Board approved the Mount Rogers Community Services Board Performance Contract for fiscal year 2005.

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Don Marickorich of Draper Aden Associates updated the Board on the progress of the Blower Flare Station Contract. The contract allowed 120 days for

**8/10/04**

the project. The project will now be going beyond that point. Mr. Marickorich will request DEQ for an extension on the time; he hopes to have a reply from DEQ by the August 26 meeting. The Board requested that he return on August 26, to inform the Board of the reply from DEQ.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp and unanimously carried the Board approved the following appropriations for the 2004-2005 budget:

- General County \$1,265,000.00
- Department of Social Services (August 11-31, 2004) \$375,000.00  
(September 1-14, 2004) \$35,000.00
- Schools - - Operating Fund \$1,050,000.00  
Textbook Fund \$12,250.00
- Green Hill/Shuler Hollow Sewer Project \$113,306.28
- Groseclose Water Project \$80,441.35
- Allison Gap Sewer Project \$201,415.96
- Animal Damage \$329.96
- Social Security Funds (Sheriff's Department) \$85.47
- IDA \$500,000.00

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Upon motion of Mr. Blevins, seconded by Mr. Slemp and unanimously carried, the Board approved the accounts payable listing in the amount of \$1,162,155.28.

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Upon motion of Mr. Slemp, seconded by Mr. Dishner and unanimously carried the Board approved a request from the Commissioner of Revenue to refund taxes for years 2002 and 2003 to Delmar Shumate in the amount of \$154.58.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried, the Board continued the Shannon Gap culvert issue. This would allow time for the Water and Sewer Attorney to review.

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Upon motion of Mr. Slemp, seconded by Mrs. Neitch and unanimously carried, the Board continued the issue of the culvert on Shannon Gap road. Staff and the Water and Sewer committee were asked to look further into the easement and background information.

**8/10/04**

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Upon motion of Mr. Slemp, seconded by Mr. Dishner and unanimously carried, the Board continued the Thomas Bridge Water Purchase agreement until the continued meeting on Thursday, August 26, 2004, subject to a letter being sent to Thomas Bridge Water requesting current rates.

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Upon motion of Mr. Slemp, seconded by Mrs. Neitch and unanimously carried, the Board continued the purchase price adjustment with the Town of Saltville, until further information is obtained.

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Upon motion of Mr. Dishner, seconded by Mrs. Neitch and duly carried the Board continued the matter of spending up to \$200,000.00 to remodel the outside of the old school board building, subject to all Board members being present.

Vote: 4      yea  
      1      nay (Perry)

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously carried the Board approved and appropriated \$10,568.00, for the purchase of a 2.62 acre lot on Flattop, for the use of a communications tower (lot # 9A).

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Upon motion of Mr. Blevins, seconded by Mrs. Neitch and unanimously carried the Board approved an equipment grant (# 05-A4648BY03) for the Sheriff's Department, for total of \$9,856.00, matching is \$2,464.00 (will be taken out of the drug asset forfeiture money) no money from the Board is needed.

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Upon motion of Mr. Slemp, seconded by Mr. Blevins and unanimously carried, Mayor Jeff L. Campbell was appointed to the Mount Rogers Planning District Commission (MRPDC) to represent the Town of Saltville, through June 30, 2006.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp and unanimously carried, Mr. Bill Boswell was appointed to the Mount Rogers Planning District Commission (MRPDC) to represent the Town of Chilhowie, through June 30, 2006.

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Upon motion of Mr. Slemp, seconded by Mrs. Neitch and unanimously carried the Board continued appointing someone to represent the Southwest Virginia Regional Litter Task Force.

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8/10/04

Upon motion of Mr. Blevins, seconded by Mr. Slemp and unanimously carried the Board adopted the following resolution in support of the USDA, Wildlife Services Cooperative Coyote Control Program:

WHEREAS, the Cooperative Coyote Control Program has assisted the farmers in our county in their transition from tobacco revenue they receive into other agriculture interests, by removing the threat of further loss in income due to the threat of uncontrolled coyotes to their livestock; and,

WHEREAS, the control of coyotes and the prevention of their predation to their livestock has increased the profitability of their farms and assisted, in the financial growth of this county and the overall community; and,

WHEREAS, the Cooperative Coyote Control Program has increased the income of our farms and has encouraged our farmers and their children to remain on local family farms; and,

WHEREAS, an effective coyote control program will help to expanded market opportunities, by allowing our farmers to expand their operations and seek other livestock opportunities.

NOW, THEREFORE, BE IT RESOLVED the Cooperative Coyote Control Program has helped farmers to realize an expanded growth potential by increasing herd size and diversify into other agricultural prospects. And the Smyth County Board of Supervisors herewith endorses an extension and expansion of the program and encourages all funding sources to provide adequate resources for this program.

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Upon motion of Mr. Slemp, seconded by Mr. Dishner and unanimously carried the Board approved the low bid from Rush Oil Co., Inc. of 1.3490, net tank delivered wagon price per gallon no-lead and 1.3560/gal of diesel subject to adequate service of delivery time.

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**Old Business:**

1. Matter of collection of delinquent taxes (Mr. Whitmore has contacted the attorneys responsible for these suits, Mr. Campbell and Mr. Hammer. Mr. Campbell would like to meet with Mr. Tate, 8-10-04).
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee, see citizen's time).
3. Ken Heath's request concerning establishment of local tax abatement ordinance. Information for this matter was to be delivered to John Tate by August 10, 2004. (7-1-03).
4. East County Spring Source Study (8-1-03).
5. Green Hill/Shuler Hollow Sewer Project complaints (Water/Sewer Committee):
  - Bob Mason's request concerning road repairs on a privately owned road (10-1-03).
  - Roger Blevins of Needmore Road, needs road repaired back to the way it was before the project (6-8-04).
  - Stephen Lewis of Green Hill Circle – damage to home due to blasting.

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- Rhonda Taylor of Green Hill Circle – damage to home due to blasting (6-8-04).

Scott Simpson informed the Board that the contractors will start going over a punch list for the project on August 11, 2004. Mr. Blevins asked Mr. Simpson to contact Mr. Williams on the Green Hill Sewer Project.

6. Draft revisions for Zoning Ordinance referred back to Planning Commission for study and recommendation (2-1-04).
7. Request concerning 911 contracts with the towns (911 Committee, 2-1-04).

Mr. Slemp informed the Board that the committee has agreed on the size of the committee. They are waiting on response from Chilhowie and Saltville. They are also trying to get an agreement on the funds that come from homeland security that the towns will let those funds be used for the upgrade of the 9-1-1 system.

8. Request for tax-exempt status for the Smyth County Community Foundation, see motion below (4-13-04).
9. Marevine Slemp, request for water service on Fox Valley Road (5-11-04).
10. Reappointments – The following were continued on July 13, 2004.

Community Policy Management Team

Sue Clear (does not wish to be reappointed)

Penny Dixon

11. Mount Rogers Planning District Commission administering the DHCD grant (\$1,000,000.00) for the Allison Gap Sewer Project, (Water and Sewer Attorney to review, 6-29-04).

Mr. Whitmore was asked to contact Mr. Campbell and request something in writing if he is unable to attend a meeting.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp and unanimously carried the Board agreed to remove item number eight (8) from the old business, request for tax exempt status for the Smyth County Community Foundation.

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Mr. Steve Buston updated the Board on the status of the County's secondary highway Construction Plan for the year beginning with fiscal year 2005-2006 through 2010-2011. A memo to the Board explained the following:

"The Six Year Plan is to be revised and the improvement budget set under Code section 33.1-70.01 and a public hearing is held as part of that revision process. During the public hearing citizens are given the opportunity to request highway improvement projects and those comments are referred to as the Plan is revised. It is during this revision process that completed projects are removed and future projects are placed on the Plan by priority.

Earlier this summer the actual allocations were made available for FY 2004-2005 through 2009-2010, and Smyth County experienced a 29% reduction in funding from what had originally been projected. Annually in the fall of the year, the Board of Supervisors along with Abingdon Residency revises the Plan

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using projected funding totals. The actual allocations are made available in June of the following year prior to the start of the new FY. The last project listed on regular construction, Route 689 Snider Branch Road and the last listed unpaved road project, Route 664 Church Hill Road could not be funded and were removed. The project cost for these are:

- Route 689.....\$1.3 million
- Route 664.....\$125,000.00

When construction funding was reduced in the past and projects were removed from the Plan because they could not be funded, the projects that came off the Plan were placed on a storage list until funding allowed them to be placed back on. During that budget cycle new projects were requested during the public hearing however they were not added until those on the storage list were added back.

The revision of the Plan for FY's 2005-2006 through 2010-2011 needs to occur. Today, a public hearing date will need to be set and a strategy developed on dealing with the projects placed on the storage list. After the public hearing in subsequent BOS meetings a final Six Year Plan will need to be adopted by the Board. “

After discussion, the following decision was made:

Upon motion of Mr. Slemp, seconded by Mr. Blevins and unanimously carried the Board agreed to set a public hearing with VDOT on September 14, 2004 at 5:00PM.

Mr. Buston also informed the Board of the progress on Route 91 relocation project. US Gypsum is paving the Route 91 section now. He expects that in the next few weeks the relocated section will be open to traffic. Once that is complete they can make the connection to Route 745.

Mike Boardwine inquired about the \$150,000.00 check from the County needed to begin work on the Colecrest Drive. The abstracts were recorded July 30, 2004. The check will be mailed thirty days after recording of the abstracts to allow time for appeals.

Roberts Hurt of VDOT took concerns from the Board on paving, road construction, and requests made by citizen's.

Scott Simpson informed the Board that he had began to look into the clean up in Nicks Creek, he had made contact with the Nature Conservancy of Virginia to begin the process.

Upon motion of Mr. Dishner, seconded by Mrs. Neitch and unanimously carried the Board approved the recommended special use permit for Douglas Scott Brown with the following conditions:

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1. No outside storage.
2. A VDOT commercial entrance permit be obtained
3. No operating hours from 8:00PM to 6:00AM.

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Duncan McGregor updated the Board on the projects he is currently completing. The following decisions were made:

Upon motion of Mr. Slemp, seconded by Mr. Dishner and unanimously carried the Board approved the deed restriction for the River Bottom Circle property.

Upon motion of Mr. Slemp, seconded by Mr. Dishner and unanimously carried the Board approved Mr. McGregor's request to allow Wolfe Brothers construction to complete the Nebo Landslide construction project.

Upon motion of Mr. Slemp, seconded by Mr. Blevins and unanimously carried the Board appropriated \$30,000.00 to complete the McCready Bridge Project.

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Sally Morgan reviewed the draft revisions with the Board on the Regional Economic Strategic Plan. There can be no more than ten (10) on the list.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried the Board approved the following list for the Regional Economic Strategic Plan, with potential of two other additions:

Economic Training:

- 1) Chilhowie Community/Education Center
- 2) Workforce Development Project

Infrastructure:

- 1) Eastern Smyth County Water and Sewer Project
- 2) North Fork Holston River Water Intake and Treatment Plant
- 3) Interstate Interchange Water and Sewer Development
- 4) Mountain Empire Airport Improvements

Economic Development:

- 1) Glade Highlands Regional Industrial Park
- 2) Lincoln Theatre
- 3) Broadband Internet Access
- 4) HL Bonham Tourism Center

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried the Board approved the transfer of \$8,566.34 in program income funds from General Fund to CDBG Program Income Account and payment of legal

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expenses of \$690.00, for the Watson Gap Housing Rehabilitation Project.

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Aaron Burdick gave an update on the Urban Enterprise Zone program.

The entire program will be reformatted in July 2005. A workshop session will be held in Chilhowie next week, local businesses have been invited, in hopes that more businesses apply for state and local incentives.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried the Board agreed to seek planning grant funds through the Community Development Block grant program for a study of potential elderly housing uses of the former Allison Gap school property.

Jim Chapman spoke on behalf of the Allison Gap Ruritan Club.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously carried the Board approved funds for the 2004 Employee Wellness Day in the amount of \$35.00 per employee. Optional tests/screening will be available for the employee, at the employees cost.

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Upon motion of Mr. Slemp, seconded by Mr. Dishner and unanimously carried the Board agreed to write a letter of support for the five (5) year continuation grant for the Consolidated Health Center Program, in the amount of \$1,900,000.00.

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Upon motion of Mr. Dishner, seconded by Mr. Slemp, and unanimously carried, the Board agreed to enter into executive session to discuss prospective business or industry as outlined in Section 2.2-3711 (A) (5) of the Code of Virginia, as amended.

The Vice - Chairman declared the executive session ended and the doors were opened to the public.

Vote: 5     yea  
      0     nay

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors adopts the following resolution:



**8/10/04**

WHEREAS, the Smyth County Board of Supervisors has convened an executive 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 executive 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, including a potential disposition of public real estate, a proper subject for an executive session, but not mentioned in the above motion, in the executive meeting to which this certification resolution applies, and (ii) only such public business matters except for the disposition of public real estate as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 5     yea  
      0     nay

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Upon motion of Mr. Dishner, seconded by Mr. Slemph and unanimously carried the Board continued the meeting until Thursday, August 26, 2004 at 7:00PM, for a joint public hearing with the Planning Commission and to discuss other issues of the Board.

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Chairman

**Virginia:** At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, September 14, 2004 at 12:00 noon.

<b>Board Members Present:</b>	Mr. Marvin Perry Mr. Harold Slemp Mrs. Darlene R. Neitch Mr. Michael Roberts	Mr. Wade H. Blevins, JR Mr. Todd Dishner Mr. Charlie Clark
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<b>Staff Members Present:</b>	Mr. Edwin B.J. Whitmore, III Mr. Michael Carter Mr. Scott Simpson	Mr. John H. Tate, Jr. Ms. Amber Tilson Mr. Charlie Atkins
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Note: At 3:20PM Mr. Dishner arrived, Mr. Perry excused himself and Vice Chairman Slemp chaired the remainder of the meeting.

The Chairman called the meeting to order at 12:00PM.

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Invocation was led by Rev. Neville Mazingo and the Pledge of Allegiance was led by Sandy Troxel.

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Upon motion of Mr. Clark, seconded by Mr. Slemp, and unanimously carried, the Board approved the agenda as to form with three (3) additional items.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp, and unanimously carried, the Board approved the minutes of August 10, 26 and September 9, 2004.

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The following citizen's appeared to speak:

- Mr. Bruce Blevins of the Green Hill/Shuler Hollow Sewer Project (335 Shuler Hollow Road) explained the problems concerning repairs needed on his property, due to the construction of the project. Road needs repairing and bushes are no longer there that were there before construction. He was asked to speak with Mr. Steve Buston on the road repairs.
- Mr. J.B. Haga also of the Green Hill/Shuler Hollow Sewer Project (485 Shuler Hollow Road) explained the problems concerning repairs needed on his property, due to construction of the project.
- Mark Groseclose of Sherwood Drive expressed issues regarding the gas line construction. Part of the road was destroyed beyond what has been repaired. He expressed the opinion that the gas company should help in repairs. The Construction Company did not meet their contract in discussing with the County Engineer. Scott Simpson and John Tate were asked to look into the issue and where the County stands, legally.
- Debra Blizzard expressed concerns on a house that is abandoned on River Road in Chilhowie. The house is falling down and is hazardous to the community. She asked for guidance how to go about getting the home destroyed.

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- Henry Brant, President of the Smyth County Museum and Historical Society requested that the Board appoint a representative to form a partnership between the Town, County, Historical Society, and Marion Downtown. The committee will try to work together to make the Museum a functional part of downtown.

Upon motion of Mr. Slemp, seconded by Mr. Clark and unanimously carried the Board agreed to allow the Chairman to appoint members to the above committee.

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Upon motion of Mr. Slemp, seconded by Mr. Blevins and unanimously carried the Board approved the following appropriations for the 2004-2005 budget:

- General County \$2,450,000.00
- Department of Social Services (September 15-30, 2004) \$300,000.00  
(October 1-12, 2004) \$35,000.00
- Schools - - Operating Fund \$3,300,000.00  
Textbook Fund \$227,000.00  
Debt and capital outlay \$50,000.00
- Green Hill/Shuler Hollow Sewer Project \$2,850.00
- Allison Gap Sewer Project \$1,193,148.85
- Gwyn & Tate \$4,300.00
- Account payable listing \$592,566.03

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Upon motion of Mr. Clark, seconded by Mr. Blevins and unanimously carried, the Board approved two (2) grants (#PT-05-51151, #SC-05-51182) for the Sheriff's Department under the Virginia Department of Motor Vehicles Highway Safety Project Agreement. Each grant was for \$5,000.00 and on file with the Sheriff's Department.

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Upon motion of Mr. Roberts, seconded by Mr. Blevins and unanimously carried, the Board approved the Virginia Services Training Officers Prosecution (V-STOP) Violence Against Women Grant Program (#04-H9359VA03) for the Sheriff's Department. Federal share is \$26,816.00; local share is \$8,939.00 for a total of \$35,755.00. The grants are on file at the Sheriff's Department.

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Upon motion of Mr. Blevins, seconded by Mr. Clark and unanimously carried, the Board approved the following corrections in the assessments for Clarkcrest Subdivision:

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously carried the Board approved the application for the Konnarock Green Cove Laural Valley Community Association to conduct a musical or entertainment festival and waive the bond requirement; festival to be held on September 19, 2004. A copy of the application will be mailed to the Konnarock Green Cove Laural Valley Community Association and the original is on file at the County Administrator's Office, 121 Bagley Circle, Suite 100.

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Upon motion of Mr. Slemp, seconded by Mr. Clark and unanimously carried, the Board adopted the following resolution in support of the application from Bristol Virginia Utilities (BVU) for a broadband fiber project to the Mountain Empire Industrial Park:

WHEREAS, the City of Bristol, doing business as BVU OptiNet, a division of Bristol Virginia Utilities, has leased fiber optic infrastructure along Interstate 81 in Smyth County, and

WHEREAS, businesses, organizations, and individuals in Smyth County are interested in obtaining improved broadband telecommunications services, and the County is interested in promoting open broadband networks, and

WHEREAS, in order for BVU OptiNet to provide such services, additional fiber optic infrastructure, including electronics, will need to be constructed, and

WHEREAS, the City of Bristol, Virginia has made application to the Virginia Tobacco Indemnification and Community Revitalization Commission (VTICRC or "Tobacco Commission") for grant funds to develop such communications infrastructure, and

WHEREAS, the proposed fiber infrastructure project will include the provision of services to the Mountain Empire Industrial Park in Atkins, as well as an additional project to extend fiber and install electronics to serve the Chilhowie and Saltville areas in the western portion of the county.

THEREFORE BE IT RESOLVED THAT the Board of Supervisors of Smyth County supports the application of the City of Bristol to the Tobacco Commission for funding for these two associated projects, especially a provision of service to the Mountain Empire Industrial Park.

BE IT FURTHER RESOLVED that the Board of Supervisors requests that the Tobacco Commission funds, if received, be used in a cost efficient and fair manner for the creation of an open broadband network to promote economic development and enhance the quality of life of the citizen's of Smyth County.

Mr. Whitmore was asked to write a letter to Sprint to inform them of the resolution adopted by the Board.

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**Note:** Mr. Roberts stated that he owns NUI stock; Mr. Slemp stated that NUI stock is in his pension plan, he is a trustee; they felt that he could vote impartially.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch and unanimously carried the Board agreed to continue the issue of adopting a resolution in support of ownership change of Virginia Gas Company. The issue to be continued until September 23, 2004, so further information can be obtained.

Later in the meeting Mrs. Morgan informed the Board that there is a September 21, 2004 dead line for the resolution to be submitted to Richmond. Following discussion the following motion was made:

Upon motion of Mr. Clark, seconded by Mrs. Neitch and unanimously carried; the Board approved the following resolution in support of ownership change of Virginia Gas Company:

WHEREAS, NUI's recent adverse business conditions and the strong financial resources, management and operational expertise, and commitment of AGL Resources, Inc. demonstrate that the merger is necessary to preserve and improve the operation of Virginia Gas Distribution Company, Virginia Gas Storage Company and Saltville Gas Storage Company; and

WHEREAS, considering that AGLR was named Platts' 2003 Gas Company of the Year; and

WHEREAS, the Smyth County Board of Supervisors on September 14, 2004 by a vote of 6 to 0 approved the recommendation to support the Joint Petition pending before the State Corporation Commission; and

WHEREAS, the Smyth County Board of Supervisors further recommended that the Joint Petition be expedited within the Commission's authority, and be approved no later than October 31, 2004;

THEREFORE, BE IT RESOLVED, that the Smyth County Board of Supervisors urges the State Corporation Commission to approve the application of AGL Resources, Inc. and NUI Corporation for a change in control through merger under Chapter 5 of Title 56 of the Code of Virginia, and for such other relief as may be necessary under the law, for all of the aforementioned reasons; and

BE IT FURTHER RESOLVED, that an engrossed copy of this resolution be forwarded to the State Corporation Commission as part of its official hearing on this matter.

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Mr. Tate explained the following:

"At the August 26, 2004 Board of Supervisors meeting, Mr. Jim Sullivan agreed to submit an application for the Virginia Public School Authority (VPSA) Bonds to repay \$150,000.00 to the Board that was loaned to the School Board to do the Rich Valley Sewer plant. There is a resolution that needs to be adopted. The resolution is to authorize the issuance of the bonds between October 10 and November 10, 2004. There is a payment schedule; the state will pay the Board a subsidy, which will buy down the rate to 2%, which is the appropriate literary fund rate. The Smyth County School Board was first on the Literary Fund priority list, but there isn't any Literary Fund money and there does not look to be any in the future. VPSA is also paying \$6,600.00 toward cost of issuing the Bonds primarily

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to pay Bond Counsel. The Board should receive the \$150,000.00 around the middle of November, 20 year obligation to pay the bonds and the sewer plant will be as it was agreed to be, amortized over the 20 years and funded by a substitute for the Literary Fund money.”

Upon motion of Mr. Clark, seconded by Mr. Slemph and unanimously carried the Board adopted the following resolution and (a copy of the drafted closing documents are filed with a copy of the resolution at the County Administrator’s Office) authorized the necessary documentation to be signed by the Chairman and Secretary of the Board:

Upon motion of Mr. Slemp, seconded by Mrs. Neitch and unanimously carried the Board authorized a Public Hearing for October 12, 2004 at 3:15PM on the above issuance of Bonds.

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**Old Business**

1. Matter of collection of delinquent taxes.

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Mr. Tate is awaiting a response from the Attorneys who are working on the delinquent taxes, Mr. Hammer and Mr. Campbell.

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2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).

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Jeff Campbell has relayed that nothing has been done on the Nebo Community Center. The Nebo Community Center Board is proceeding with the issue on their own.

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3. Ken Heath's request concerning establishment of local tax abatement ordinance (referred to County Attorney, 7-1-03).
4. East County Spring Source Study (8-1-03).
5. Green Hill/Shuler Hollow Sewer Project complaints (Water/Sewer Committee):
  - Bob Mason's request concerning road repairs on a privately owned road (10-1-03).
  - Roger Blevins of Needmore Road, needs road repaired back to the way it was before the project.
  - Stephen Lewis of Green Hill Circle – damage to home due to blasting.
  - Rhonda Taylor of Green Hill Circle – damage to home due to blasting
6. Draft revisions for Zoning Ordinance referred back to Planning Commission for study and recommendation (2-1-04).

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Mrs. Neitch questioned the procedure for how a Text Amendment is processed and whether or not a joint public hearing is permissible. Mr. Tate responded with a section of the Zoning Ordinance, which allowed for an amendment to be made through a Joint Public Hearing.

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7. Request concerning 911 contracts with the towns (911 Committee, 2-1-04).

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Mr. Slemp explained that the committee has been unable to get a quorum because the committee is too large. Mr. Tate was asked to draft a document addressing the Boards concerns and ideas on the 9-1-1 Committee.

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8. Marivene Slemp, request for water service on Fox Valley Road (5-11-04).

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9. The Water and Sewer Committee has requested the full Board review and discuss the estimate for the culvert on Shannon Gap Road (Water and Sewer Committee 8-10-04).
10. The Water and Sewer Committee has also requested that the Board review an estimate for a culvert on Shuler Hollow Road.
11. The water purchase price adjustment with the Town of Saltville. The agreement will need to be approved by the Board (Scott Simpson).
12. The Building and Grounds Committee recommends that up to \$200,000.00 be spent on remodeling the outside of the old school board building.
13. Request the Board to appoint a representative to the Southwest Virginia Regional Litter Task Force for a period of one year.

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Upon the motion of Mr. Roberts, second by Mr. Clark, and unanimously carried, the board appointed Mrs. Nikki Wyatt to the Southwest Virginia Regional Litter Task Force for the term of one year, July 1, 2004 – June 30, 2005. Mrs. Wyatt's service will begin September 14, 2004.

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14. Request the Board to appoint a representative to the following:

Community Policy Management Team  
Sue Clear (does not wish to be reappointed)

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Upon the motion of Mrs. Neitch, second by Mr. Blevins, and unanimously carried, the board appointed Mary Rouse to the Community Policy Management Team, for the term of one year, July 1, 2004 – June 30, 2005. Service to begin as of September 14, 2004.

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15. The issue of Mount Rogers Planning District Commission administering the DHCD grant (\$1,000,000.00) for the Allison Gap Sewer Project.

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Upon motion of Mr. Slemp, seconded by Mr. Roberts and unanimously carried, the Board accepted the following agreement between Mount Rogers Planning District Commission and Smyth County, which allows MRPDC to administer the DHCD grant in the amount of \$1,000,000.00 for the Allison Gap Sewer Project:



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16. Request the Board to waive tipping fees for the Town of Marion on some homes they are tearing down.

17. Proposed Changes to Smyth County Code regarding Enterprise Zone program – Aaron Burdick, Intern

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried the Board agreed to allow the Ordinance Committee consider the Enterprise Zone changes and to advertise three times which is required to amend the Enterprise Zone.

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18. Sally Morgan is continuing to seek funds through the Community Development Block Grant Program for a study of potential elderly housing uses of the former Allison Gap school property.

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Mrs. Morgan informed the Board that she has drafted the application for the CDBG \$25,000.00 Planning Grant. The application has been reviewed by the Allison Gap Ruritan Club (committee) and the State, it is ready to be signed by the Chairman and submitted.

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Upon motion of Mr. Blevins, seconded by Mr. Slemp and unanimously carried the Board accepted the recommendation from the Planning Commission that five (5) tracts of land adjoining McClure Estates Subdivision remain part of the “residential” zoning district.”

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Walter Robinson of the Extension Office invited the Board members to the yearly Board of Supervisors luncheon to be held on October 12, 2004 at 11:00AM at the Farm Bureau Building.

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Upon motion of Mr. Slemp, seconded by Mr. Blevins and unanimously carried the Board approved to pay the advertising fees for the yearly cat and dog vaccines held throughout the County, as requested by Tony Bible of the Health Department. Advertisements will run 2 weeks in the Smyth County News and Messenger (\$123.60) and in the Saltville Progress (\$90.00) for a total of \$213.60.

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**Note:** Michael Roberts and Charlie Clark stated that their wives worked for the Smyth County School System and that they felt they could vote impartially.

Upon motion of Mr. Blevins, seconded by Mrs. Neitch and unanimously carried the Board approve the Budget Committee’s recommendation to amend and increase the Smyth County School Board 2004-2005 budget by the amount

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of \$188,000.00, in Operations. To be allocated in appropriate categories by the County Administrator and the School Superintendent.

Upon motion of Mr. Clark, seconded by Mrs. Neitch and unanimously carried the Board approved the School Board's request that eight (8) tons of waste per load with two (2) loads per week, be exempted from Waste Industries as it was for Waste Management. This is to be continued for the remainder of this year and next year the School Board is to pay it as an expense.

Mr. Sullivan requested that the Board authorize the transfer of \$96,705.00 from Capital Outlay to Transportation for the purchase of school buses. The Board agreed to continue this matter until September 23, 2004 at the continued meeting to allow time for the budget committee to discuss.

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Note: At this point Mr. Dishner arrived, Mr. Perry excused himself and Vice Chairman Slemp chaired the remainder of the meeting.

The Board proceed with a public hearing scheduled for 3:30PM on the Local Recordation Tax. There were no citizens present to speak.

Upon motion of Mr. Clark, seconded by Mrs. Neitch and unanimously carried the Board adopted, made permanent, and retroactive as of September 1, 2004, the amendment to Title 34 of the Smyth County Code, Finance and Taxation, Article I, General, §34-1, to increase the amount of local recording tax to one-third (1/3) of the State rate (\$0.0833) on each taxable instrument recorded Smyth County.

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Upon motion of Mr. Blevins, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to enter into executive session to discuss prospective business or industry as outlined in Section 2.2-3711 (A) (5) of the Code of Virginia, as amended.

Vote: 6     yea  
      0     nay

The Vice - Chairman declared the executive session ended and the doors were opened to the public.

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BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive 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 executive 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 6     yea  
      0     nay

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The Board proceed with a scheduled Virginia Department of Transportation (VDOT) public hearing at 5:00PM. There were approximately five (5) citizens in attendance.

Mr. Steve Buston explained the revision of the fiscal year 2005-06 through 2010-11 Six Year Plan and setting of the construction budget for fiscal year 2005-06. Mr. Buston introduced Doug Bowling, Maintenance Superintendent of Marion, Jay Keen, Maintenance Superintendent of Chilhowie and Broadford, and Mike Boardwine who were on hand to answer questions.

The following citizen's spoke:

- 1) Bob Couthard of the Rye Valley District he lives on a dirt road, Cave Ridge Road (Rt. #677), which is a bus route. He requested that the one-mile road be paved which would connect two paved roads. He asked that they at least get on the list.
- 2) Richard Mast has recently purchased property in Sugar Grove. He requested that Jarvis Hollow Road (Route #738), which is 0.8 miles be fully maintained. The road is currently maintained for only 0.6 miles.

9-14-04

Mrs. Neitch inquired about Tilson Hollow Road (Route #653).

Mr. Dishner inquired about Smyth Valley Road (Route #658).

Mr. Roberts relayed concerns from citizens on Cardwell Town and Lick Skillet Road where salt cannot be put down and it is slick in the winter. Mr. Roberts also requested that Allison Gap Road be improved beyond the Saltville Town limits. Buckeye Hollow Road (Route #635) is narrow and has no curves, he questioned if the Town was working on this road. There is also a sharp curve on Page Town Road, there has been inquires if that can be straightened. Mr. Roberts also mentioned a guardrail.

Mr. Blevins asked when Route #600 would be opened. Mr. Buston estimated around mid-October.

Mr. Clark and Mr. Slemp inquired about the road fund allocation.

Mr. Slemp inquired about the progress on Nicks Creek.

The Chairman closed the public hearing at 5:22PM.

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Mr. Scott Simpson, County Engineer updated the Board on the following projects:

**Cedars/Hall Addition sewer project** – Rural Development has approved the rebid of the project. Pre-bid meeting scheduled for September 29, 2004 at 10:00AM, bids to be opened on October 7<sup>th</sup>, 2004 at 2:00PM. The size of the project has been reduced to involve the Cedars community and a small part of the Hall Addition.

**Green Hill/Shuler Hollow sewer project** – Construction is 100% complete with a few restoration clean up and blasting damage issues that are ongoing.

**Groseclose Water project** - Construction is 100% complete and in service. There is approximately \$90,000.00 left in the fund package, which will be used for a pump station. When the pressure is increased a survey will be done to see if more residents would like to connect. When that is complete there will be approximately \$40,000.00 left. Mr. Simpson is looking into a specific area to add more customers.

**Allison Gap sewer project** – 20% complete with the treatment plant and pipeline going well.

**Thomas Bridge Interconnect** – The water main is ready to go, just waiting for the sewer project because of a couple easement conditions.

**Pioneer Road** – Rural development has approved advertisement for bids. There is a couple of outstanding items in the original letters of conditions that is a couple years old that have to be addressed before bidding.

9-14-04

**East Hungry Mother Water** – design phase is on schedule, the formal design was completed. Waterworks construction permit issued by VDH on August 27, 2004. Awaiting approval from Rural Development State Engineer. Anticipated advertising time frame is October 2004.

**Pleasant Heights/North Holston Water** – Draper Aden is reviewing preliminary engineering report and project scope. Review is estimated to be substantially complete after 3 months (end of October 2004) followed by agency reviews and approvals.

**Long Hollow Water** – Thompson & Litton is to prepare an updated cost estimate and design status for review with the County Engineer.

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Upon motion of Mr. Roberts, seconded by Mr. Dishner and unanimously carried the Board adopted the following resolution for the amending of the Saltville/Smyth County Enterprise Zone:

WHEREAS, the current joint Saltville/Smyth County Enterprise Zone was established to provide economic incentives to businesses who locate in the zone;

WHEREAS, the Town Council of Saltville is proposing boundary amendments to the zone in order to include some areas not originally included in the zone;

WHEREAS, the Board of Supervisors of Smyth County recognizes the need to make periodic revisions to the current Enterprise Zone and that it may in the future submit zone amendments, but currently the County has no proposed amendment to its portion of the zone;

WHEREAS, no public hearing is required to be held by the Smyth County Board of Supervisors because there will be no impact from this amendment to the County portion of the zone.

THEREFORE BE IT RESOLVED that the Board of Supervisors of Smyth County hereby acknowledges the Enterprise Zone amendment application from Saltville and agrees to its submittal.

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Upon motion of Mrs. Netich, seconded by Mr. Clark and unanimously carried the Board agreed to discuss a DUI Grant which was not on the agenda.

Upon motion of Mr. Blevins, seconded by Mr. Clark and unanimously carried the Board approved a DUI grant in the amount of \$2,380.00 to pay deputies that worked over the Labor Day weekend. This amount will be reimbursed to the County.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously carried the Board agreed to allow the County Administrator to spend up to \$500.00 for advertising of the County sale of surplus property.

**9-14-04**

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Upon motion of Mrs. Neitch, seconded by Mr. Dishner and unanimously carried the Board continued the meeting until Thursday, September 23, 2004 at 7:00PM, for a joint public hearing with the Planning Commission and to discuss other issues of the Board.

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Chairman

**Virginia:** At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, October 12, 2004 at 12:00 noon.

<b>Board Members Present:</b>	Mr. Marvin Perry, Chairman	Mr. Wade H. Blevins, Jr.
	Mr. Harold Slemp	Mr. Todd Dishner
	Mrs. Darlene R. Neitch	Mr. Charlie Clark
	Mr. Michael Roberts	

<b>Staff Members Present:</b>	Mr. Edwin B.J. Whitmore, III	Mr. John H. Tate, Jr.
	Mr. Michael Carter	Ms. Amber Tilson
	Mr. Scott Simpson	Mr. Charlie Atkins

The Chairman called the meeting to order at 12:00PM.

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Invocation was led by Rev. Mark Ross and the Pledge of Allegiance was led by Pam Testerman.

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Upon motion of Mr. Slemp, seconded by Mr. Clark, and unanimously carried, the Board approved the agenda as to form.

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Upon motion of Mr. Slemp, seconded by Mr. Clark, and unanimously carried, the Board approved the minutes of September 14, and 23, 2004, with a few editorial changes.

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During citizen's time Charlie Clark introduced Ms. Kylie Hash:

"Kylie is 10 years old, she attends Rich Valley Elementary School, and she is in the 5<sup>th</sup> grade. Kylie has been showing club lambs, commercial, and pure bred ewes for the past two years. Although showing lambs involves a lot of time and hard work, it has been a very positive experience for her. In 2003 Kylie participated in many shows in Virginia and the surrounding states, the highlight of which, was attending North American International Livestock Exposition, in Louisville, KY, last November where she placed 4<sup>th</sup> in a national Junior Wether Show. In 2004 she has again participated in many shows, learning how to both win and lose gracefully. Kylie attended the Virginia State Fair, in Richmond, at the beginning of October, she took a total of four market lambs and three commercial ewe's, and placed 1<sup>st</sup> with one of her light weight market lambs,

which was born and raised on the family farm. Along with the first place in the market lamb competition, Kylie was also awarded a \$400.00 scholarship.”

The Board recognized Kylie for her accomplishments.

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Upon motion of Mr. Slemp, seconded by Mr. Blevins and unanimously carried the Board approved the following appropriations for the 2004-2005 budget:

- General County \$416,000.00
- Groseclose Water Project \$ 33,699.81
- Allison Gap Sewer Project \$877,496.90

**10/12/04**

- Green Hill/Shuler Hollow Sewer Project \$ 37,283.75
- Animal Damage \$ 1,104.68

Upon motion of Mr. Blevins, seconded by Mr. Clark and unanimously carried, the Board approved the following appropriations for the 2004-2005 budget:

- Accounts payable listing \$596,324.93
- Department of Social Services (October 13-31, 2004) \$300,000.00  
(November 1-9, 2004) \$35,000.00
- Schools - - Operating Fund \$3,450,000.00  
Textbook Fund \$5,000.00  
Debt and capital outlay \$50,000.00

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Steve Buston of the highway department stated that the Six Year plan would be ready for the Board’s approval in November. He updated the Board on Route 91 in Saltville, which is complete and open to traffic. He also stated that work had begun on Colecrest Drive and that Nicks Creek looks to be complete at



the end of November. Mr. Buston also took a few requests and concerns from the Board.

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Upon motion of Mr. Clark, seconded by Mr. Blevins and unanimously carried the Board approved the following fiscal year 2004 Two-For-Life guidelines for use of funds:

**10/12/04**

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Upon motion of Mr. Slemp, seconded by Mr. Blevins and unanimously carried the Board approved the following disbursement of additional funds received from the Department of Fire Programs:

Chilhowie Fire Department	\$581.38
Saltville Fire Department	\$581.39
Nebo Fire Department	\$581.39
Atkins Fire Department	\$581.39
Sugar Grove Fire Department	\$581.39

<u>Adwolfe Fire Department</u>	<u>\$581.39</u>
TOTAL:	\$3,488.33

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At the request of the Water and Sewer Committee the Board discussed non-paying customers on a couple of recent completed projects. After reviewing the application signed by customers and the Water and Sewer Policy book, the Board agreed to allow the Water Department proceed in collection from those customers that did not pay the minimum bill before the meters were pulled.

---

Upon motion of Mr. Clark, seconded by Mr. Slemp and unanimously carried the Board adopted the following resolution accepting the Solid Waste Management Plan. The Board requested that Mike Carter and John Tate work together to make a few corrections in the plan.

WHEREAS, Section 10.1-1411 of the Code of Virginia authorizes the Virginia Waste Management Board to promulgate regulations specifying requirements for local and regional solid waste management planning, and

WHEREAS, the Virginia Waste Management Board had promulgated such regulations entitled, "Regulations for the development of Solid Waste Management Plans, Amendment 1 as 9 VAC 20-130-10 *et seq.*, effective date August 1, 2001, through the Virginia Department of Environmental Quality, and

WHEREAS, these regulations require every county, city and incorporated town within the Commonwealth to submit a solid waste management plan, and

WHEREAS, Smyth County has determined that it is in its best interest to be part of the Mount Rogers Planning District Commission for preparation of the plan, and

WHEREAS, the Mount Rogers Planning District for this purpose consists of the Counties of Bland, Smyth, Washington and Wythe and their respective Towns, and

WHEREAS, the Mount Rogers Planning District Commission (MRPDC) advertised in local and regional papers announcing a public comment period and provided time for the public to review and comment on said Plan on August 18, 2004, and

WHEREAS, the MRPDC did not receive any comments, and

**10/12/04**

WHEREAS, the MRPDC adopted the Regional Solid Waste Management Plan at their regularly scheduled meeting on September 2, 2004.

NOW, THEREFORE, BE IT RESOLVED, that the Smyth County Board of Supervisors had reviewed the plan and addresses the plan at their meeting in regular session on October 12, 2004, and hereby adopts the portion which applies directly to Smyth County.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried the Board agreed to continue approving the retainer agreement for Thompson & Litton. John Tate and Scott Simpson will work together to clean up the wording and other mistakes and bring it back to the Board in November.

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Scott Simpson updated the Board on bids received for the Cedars/Hall Addition Sewer project:

“The construction bids for the Cedars/Hall Addition Sewer project were opened on October 7, 2004. The Low bid was received from Mendon Pipeline, Inc. The Cedars area from the Marion treatment plant to the Hall Addition can be constructed; and about 75% of the Hall Addition can be installed. Once Rural Development approves the bids then the County can move forward with offering a contract and the completion of the loan and bond resolutions. The bids received were competitive and the low bid fits into the available funding.”

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**Old Business**

1. Matter of collection of delinquent taxes.
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).
3. Ken Heath’s request concerning establishment of local tax abatement ordinance (referred to County Attorney, 7-1-03).

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Information on the above items was received; the Board continued the

issue for clarification of the information.

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4. East County Spring Source Study (8-1-03).
  5. Green Hill/Shuler Hollow Sewer Project complaints (Water/Sewer Committee):
    - Bob Mason's request concerning road repairs on a privately owned road (10-1-03).
    - Roger Blevins of Needmore Road, needs road repaired back to the way it was before the project.
    - Stephen Lewis of Green Hill Circle – damage to home due to blasting.
    - Rhonda Taylor of Green Hill Circle – damage to home due to blasting.
    - Bruce Blevins of Shuler Hollow Road – road needs repairing and bushes have been removed. The Water and Sewer Committee has requested that the Board review an estimate for a culvert on Mr. Blevins' property.
    - J.B. Haga of Shuler Hollow Road – repairs needed on his property.

**10/12/04**

6. Draft revisions for Zoning Ordinance referred back to Planning Commission for study and recommendation (2-1-04).
  7. Request concerning 911 contracts with the towns (911 Committee, 2-1-04).
  8. Marevine Slem, request for water service on Fox Valley Road (5-11-04).
  9. The Water and Sewer Committee has requested the full Board review and discuss the estimate for the culvert on Shannon Gap Road (Water and Sewer Committee 8-10-04).
  10. The water purchase price adjustment with the Town of Saltville. The agreement will need to be approved by the Board (Scott Simpson).
  11. The Building and Grounds Committee recommends that up to \$200,000.00 be spent on remodeling the outside of the old school board building.
  12. Request the Board to waive tipping fees for the Town of Marion on some homes they are tearing down.
  13. Proposed Changes to Smyth County Code regarding Enterprise Zone program – Aaron Burdick, Intern
-

Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously carried the Board confirmed the Ordinance Committee's decision to set a public hearing for the proposed changes to the Smyth County Code regarding Enterprise Zone changes. The public hearing will be set for the regular scheduled Board meeting, November 10, 2004 at 3:30pm. The legal advertisement will run the Smyth County News and Messenger three consecutive Saturday's, October 16,26, and 30. This type of change is required to run three weeks in the local newspaper.

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14. Courthouse renovation

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The Board discussed the Building and Grounds Committee's decisions on the courthouse renovation. A letter from the judges requested a response within 60 days on the Board's plans for the security and space needs at the courthouse. The letter was forwarded to Jay Moore of Mosley Architects. Sheriff Bradley presented a floor plan (to the committee) for the first floor of the jail; it was also forwarded to Jay Moore.

After discussion, the Board agreed to have Jay Moore of Mosley Architects in for the November 10, 2004 Board meeting to explain his plans and options.

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Upon motion of Mr. Slemp, seconded by Mr. Clark and unanimously carried the Board adopted the following resolution in support of October 23, 2004 as Smyth County Clean-Up Day:

WHEREAS, Saturday, October 23, 2004 has been selected to correspond with Stewardship Virginia, as a statewide campaign that enhances and conserves Virginia's natural resources and clean-up activities sponsored by Clean VA Waterways and the East Tennessee Roundtable, and

**10/12/04**

WHEREAS, the Area Beautification Committee of the Chamber of Commerce of Smyth County, Inc. and Big Tom Buchanan encourages all Adopt-A-Highway program participants, churches, clubs and organizations to schedule a clean up, and

WHEREAS, the Virginia Department of Transportation is arranging special pickups to support the efforts of volunteers throughout the Smyth County area.

NOW, THEREFORE BE IT RESOLVED, that the County of Smyth acknowledges the importance of encouraging area residents to work together to maintain the appearance of Smyth County, and declares October 23, 2004 as Smyth County Clean-Up Day.”

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Mrs. Jodi Arnold spoke on behalf of the Smyth County Chamber of Commerce requesting assistance with the National Tree Celebration to be held on November 21, 2004. Virginia will provide the National Capital Holiday Christmas tree. Virginia will also supply 78 smaller trees that will be placed in offices of the Capitol. The tree will visit 34 communities and Smyth County has been chosen as one of these communities. Smyth County residents are crafting ornaments for these trees. The Chamber requested \$1,000.00 for help with the celebration.

After discussion, Mr. Roberts made a motion to pass this request along to the Budget Committee; motion was seconded by Mrs. Neitch and unanimously carried.

During recess, the Budget Committee discussed the above request. The Committee recommended that the Board appropriate \$1,000.00 for the Chamber to assist in the National Tree Celebration.

After the Board reconvened, the following motion was made:

Upon motion of Mr. Roberts, seconded by Mrs. Neitch and unanimously carried the Board confirmed the Budget Committee’s request to assist the Smyth County Chamber of Commerce with \$1,000.00 for the National Tree Celebration to be held on the Courthouse lawn, Sunday, November 21, 2004.

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Mr. Roy Evans, Commonwealth Attorney requested funding to make his part time secretarial position into a full time position with benefits. After

discussion, the following motions were made:

**10/12/04**

Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried the Board agreed to waive the procedures to take this request to the budget committee.

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

Upon motion of Mrs. Neitch, seconded by Mr. Blevins and duly carried the Board approved the above request to change the Commonwealth Attorney's part time secretarial position to full time with benefits, yearly salary to be set at \$21,386.00.

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Upon motion of Mr. Clark, seconded by Mr. Blevins and unanimously carried the Board followed the Planning Commission's recommendation that the J F Contractor LC application for rezoning from Agricultural/Rural to Commercial be approved.

Vote: 6      yea  
      1      abstention

---

Hal Campbell of the Board of Equalization updated the Board on the completion of the assessments. He stated that the process was smooth; everyone had a chance to appeal.

Upon motion of Mr. Slemp, seconded by Mrs. Neitch and unanimously carried the Board agreed to mail a letter of thanks to the following members of

the Board of Equalization for their time and effort put into the process.

James "Hal" Campbell  
John C. Tate  
Glenda O. Richardson

James Donald Martin  
Danny L. Counts

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Susie Jennings of the Smyth County Community Foundation followed up on the request for tax-exempt status for that organization.

Upon motion of Mrs. Neitch, seconded by Mr. Slemph and unanimously carried the Board agreed to continue this matter until the next regular scheduled Board meeting on November 10, 2004.

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Dwight Counts of Counts Auction Company explained a problem with a property they had recently sold in the Seven Mile Ford area. Teddy and Stephanie Hall were the successful high bidders and received property at 1075

**10/12/04**

Lee Highway, Chilhowie, Virginia on September 25, 2004. This is a portion of Churchfield Addition (a dedicated subdivision). The property is formerly the Thelma Rice Estate. A portion of the land has a twelve-foot alley that leads into the garage. There are three options, (1) close the alleyway, (2) close the last twenty feet of the alley way, (3) a letter stating that no development will occur in the alley. One of the above actions must be taken to satisfy the Hall Finance Company.

After discussion and reviewing the Code of Virginia on this matter (§15.2-2006), the following motion was made:

Upon motion of Mr. Dishner, seconded by Mr. Blevins and unanimously carried the Board agreed to conduct a public hearing on closing the alley way



and notifying the adjoining property owners (Debra Brooks). Counts Auction Company will pay the advertisement costs for the public hearing along with any other costs. The public hearing will be set for the regular scheduled Board meeting, November 10, 2004.

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The Board proceeded with a scheduled public hearing at 3:15pm on the proposed issuance of general obligation bonds for a capital project for school purposes. There were no citizens present to speak.

Upon motion of Mr. Clark, seconded by Mr. Slemph and unanimously carried the Board adopted the following resolution in support of the issuance of bonds:

**10/12/04**

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Upon motion of Mr. Blevins, seconded by Mr. Slemph, and unanimously carried, the Board agreed to enter into executive session to discuss purchase of real estate, prospective business or industry, and legal briefing, as outlined in

Section 2.2-3711 (A) (3), (5), and (7) of the Code of Virginia, as amended.

Vote: 7     yea  
      0     nay

The Chairman declared the executive session ended and the doors were opened to the public.

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Upon motion of Mr. Clark, seconded by Mr. Slemp and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors unanimously adopts the following resolution:

WHEREAS, the Smyth County Board of Supervisors has convened an executive 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 executive 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 6     yea  
      1     absent (Blevins)

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Upon motion of Mrs. Neitch, seconded by Mr. Clark and unanimously

carried, the Board approved to pay \$10,568.00 for the purchase of a tower site on Flat Top.

Vote: 6     yea  
      1     absent (Blevins)

**10/12/04**

\_\_\_\_\_  
Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried the Chairman adjourned the meeting at 5:11pm.

\_\_\_\_\_  
Chairman

**Virginia:** At the regular meeting of the Smyth County Board of Supervisors held at the County Office Building on Tuesday, November 10, 2004 at 12:00 noon.

<b>Board Members Present:</b>	Mr. Marvin Perry, Chairman	Mr. Michael Roberts
	Mr. Harold Slemp	Mr. Todd Dishner
	Mrs. Darlene R. Neitch	Mr. Charlie Clark

<b>Staff Members Present:</b>	Mr. Edwin B.J. Whitmore, III	Mr. John H. Tate, Jr.
	Mr. Michael Carter	Ms. Amber Tilson
	Mr. Scott Simpson	Mr. Charlie Atkins

The Chairman called the meeting to order at 12:01PM.

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Invocation was led by Rev. Jeff Lambert and the Pledge of Allegiance was led by Diane Spence.

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Upon motion of Mrs. Neitch, seconded by Mr. Clark, and unanimously carried, the Board approved the agenda as to form with an additional eight (8) items.

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Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the Board approved the minutes of October 12, 2004.

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Mr. Perry read an announcement from Governor Mark Warner announcing a Merillat expansion in Smyth County.

Merillat Corporation is a subsidiary of Masco Corporation and manufacturer of kitchen and bath cabinets. They will invest \$7.3 million to expand its Smyth County facility. The expansion will add 60 new wood finishing and shipping jobs to its Payroll.

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The following citizen's spoke at citizen's time:

Mrs. Beth Layell spoke concerning the lack of a leash law in the County. She explained instances where neighboring dogs had killed their animals. Mr. Bill Turman of the Smyth County Animal Control was on hand to answer questions. She was advised by the Board to work with Mr. Turman on what her actions are as a neighbor.

Mrs. Nellie Olinger spoke in behalf of the citizen's in the Pleasant Heights Subdivision and the water project. Scott Simpson informed the citizen's that Draper Aden currently reviewing the preliminary engineering report and project scope. Mr. Simpson supplied Mrs. Olinger with a project update, which included estimate of construction cost. The construction package including Pleasant Heights was discussed.

Mrs. Dixie Huff questioned the planting of the trees around the Wilderness Road Convenience Station. Mike Carter explained that factors had occurred in the Solid Waste department to cause the delay. He hoped to have it completed within the next 30-60 days.

Mrs. Nikki Wyatt also spoke concerning the lack of a leash law in the County. She was also advised to speak with Mr. Bill Turman on the actions she is allowed to take concerning the neighboring dog. Mr. Roberts suggested that the staff look at area county ordinance and how they deal with these situations.

---

Upon motion of Mr. Clark, seconded by Mr. Slemp and unanimously carried the Board approved the following appropriations for the 2004-2005 budget:

- General County \$375,000.00

- Animal Damage (expenses) \$ 61.00
- Department of Social Services (November 10-30, 2004) \$300,000.00  
(December 1-14, 2004) \$35,000.00
- Schools - - Operating Fund \$3,400,000.00  
Textbook Fund \$5,000.00

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Upon motion of Mr. Clark, seconded by Mr. Slemp and unanimously carried the Board approved the accounts payable listing in the amount of \$414,607.54.

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Upon motion of Mr. Clark, seconded by Mrs. Neitch and unanimously carried, BE IT RESOLVED that the Smyth County Board of Supervisors adopts the following Six (6) Year Secondary System for the County of Smyth Construction Program and fiscal year 2005-2006 to 2010-2011:

<b>Year</b>	2005-2006
<b>New Surface &amp; Treatment</b>	\$ 225,850.00
<b>Federal</b>	-0-
<b>Other</b>	\$ 959,853.00
<b>Total</b>	\$1,185,713.00

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Mr. Steve Buston of VDOT updated the Board on the following project:

The Route 600 project on the north side of the mountain toward Konnarock is complete.

The Route 622 project in Atkins is complete and the contractor has been urged by VDOT to get in contact with the county on replacing the signs.

Colecrest is close to competition and will now be in the State system. Half of the construction cost (\$300,000.00) is being paid by the property owners; it appears that the cost will be less than the estimate. Mr. Buston is not sure of the percentage less than the budget it will be.

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Upon motion of Mr. Clark, seconded by Mr. Slempp and unanimously carried the Board approved the following additional holiday time for the 2004 holiday season:

Wednesday, November 24, 2004 – 4 additional hours  
Thursday, December 23, 2004 – 4 additional hours  
Friday, December 31, 2004 – 8 additional hours (this is a holiday based on the Smyth County policy book)

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Upon motion of Mr. Roberts, seconded by Mr. Slempp and unanimously carried the Board approved paying employees on Wednesday, December 22, 2004, due to the holidays.

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Upon motion of Mr. Roberts, seconded by Mr. Slempp and unanimously carried the Board continued the request for the installation of “children at play” signs on Sunset Drive in Chilhowie. Will be continued for Mr. Whitmore to obtain more information and when Mr. Blevins is present because it is in his district.

---

Upon motion of Mrs. Neitch, seconded by Mr. Slempp and unanimously carried the Board approved to appropriate \$3,190.00 for the payment of the following damage claims:

**2003 claims**

Regina Osborne (beehives)	\$40.00
Charlie Conner (pumpkins)	\$600.00
Joel Pugh (pumpkins)	\$150.00
Fredrick Lowe (pumpkins)	\$1,500.00
Samuel Akers (steer)	\$300.00

**2004 claim**

Bryan Jones (beans)	\$600.00
<b>TOTAL:</b>	<b>\$3,190.00</b>

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Upon motion of Mr. Clark, seconded by Mr. Slempp and unanimously

carried the Board the approved the following disbursement of the fiscal year 2004

Two-For –Life funds:

Sugar Grove Life Saving Crew	\$3,437.50
Marion Life Saving Crew	\$3,437.50
Chilhowie FD/EMS	\$3,437.50
Saltville Life Saving Crew	\$3,437.50

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried the Board agreed to continue recommendations to the circuit court judge for Board of Zoning Appeals appointment.

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Upon motion of Mr. Clark, seconded by Mr. Roberts and unanimously carried the Board adopted the following resolution authorizing the Section 125 “cafeteria plan” (has been effective since 1988):

WHEREAS, it is desirable to establish a “cafeteria plan” with in the meaning of Section 125 of the Internal Revenue Code, as amended from time to time, to provide certain benefits to the Employees of the Municipal corporation.

NOW, THEREFORE, BE IT RESOLVED, that the plan be and hereby is established and adopted effective 01/01/2005 to read substantially in the form presented to this Board.

FURTHER RESOLVED, that the appropriate officials of the corporation are authorized and directed to execute such plan documents.

FURTHER RESOLVED, that the officials of the corporation are authorized and directed to perform any acts and execute any documents necessary or appropriate to effectuate this resolution.

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Upon motion of Mr. Slemp, seconded by Mrs. Neitch and unanimously carried the Board adopted the following resolution in support of calling on the Governor and General Assembly to address the urgent funding and staffing deficit in the Virginia State Park System in the upcoming legislative session:

WHEREAS, the Smyth County Board of Supervisors commends Governor Warner and the Senate of Virginia and House of Delegates for working



cooperatively with the Department of Conservation and Recreation in their support of Virginia's state park system.

WHEREAS, Virginia's state parks were voted "America's best managed" in 2001 and become recipients of the National Gold Medal Award; and

WHEREAS, Virginia's state parks rank fiftieth in state funding among fifty states in both per capita and proportion of the state budget dedicated to state parks; and

WHEREAS, our state park system is a major component of Virginia's outdoor recreation and tourism offerings and contributes more than one hundred fifty million dollars annually to the state and local economies; and

WHEREAS, Virginia voters demonstrated both in 1992 and 2002 support for improving and expanding state parks with nearly seventy percent support for general obligation bond referendums in state-wide elections; and

WHEREAS, the need for a major rebenchmarking of funding and staffing for state parks had been identified and supported by the former Commission on the Future of Virginia's Environment (2002 Senate Document4); and

WHEREAS, preventive, cyclical and maintenance reserve projects have been deferred for many years as those funds have been by necessity redirected to operations resulting in hundreds of millions of dollars in deferred maintenance; and

WHEREAS, the expansion in facilities and responsibilities made possible by the 1992 and 2002 general obligation bond projects has placed unreasonable and extraordinary stress on our state park system and its staff; and

WHEREAS, the new facilities under construction and to be built by proceeds from the 2003 GOB will greatly exacerbate the current park staffing and operational unmet needs and may lead to delayed openings and indefinite land banking of new park land acquisitions; and,

THEREFORE BE IT RESOLVED, that the Smyth County Board of Supervisors urges Governor Warner and the members of the Virginia Senate and House of Delegates to support budget amendments that address this critical need in the 2005 legislative session.

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The Board agreed to continue discussion on the draft of the Smyth County Emergency Operations Plan. Mr. Whitmore was asked to gather more information.

---

Upon motion of Mrs. Neitch, seconded by Mr. Dishner and unanimously carried the Board approved the following text amendment change (as recommended by the Smyth County Planning Commission) and agreed to set a public hearing for the regular scheduled December 14, 2004 Board meeting:

In all districts, add to the list of "Uses Permitted with a Special Use Permit" the following: *Accessory buildings above one hundred fifty (150) square feet in size, without a main principal building.*

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### **Old Business**

1. Matter of collection of delinquent taxes.
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).
3. Ken Heath's request concerning establishment of local tax abatement ordinance (referred to County Attorney, 7-1-03).

---

Ken Heath explained the request; this is an opportunity for citizens to invest in their historic properties. It is specifically for the Town of Marion for commercial and industrial properties. This gives an abatement for those with property in one of the three (3) historic districts (Marion, Chilhowie, Saltville), for up to 15 years based on the amount of investment. This encourages construction, reuse, new business, and job creation. This delays opportunity for tax revenue for 15 years. It also allows property owners the opportunity for tax credits while the State and Federal agencies approve the reconstruction.

This issue was forwarded to the Ordinance Committee to review and report to the Board.

- 
4. East County Spring Source Study (8-1-03).
  5. Green Hill/Shuler Hollow Sewer Project complaints (Water/Sewer

Committee):

- Bob Mason's request concerning road repairs on a privately owned road (10-1-03).
  - Roger Blevins of Needmore Road needs road repaired back to the way it was before the project.
  - Stephen Lewis of Green Hill Circle – damage to home due to blasting.
  - Rhonda Taylor of Green Hill Circle – damage to home due to blasting.
  - Bruce Blevins of Shuler Hollow Road – road needs repairing and bushes have been removed. The Water and Sewer Committee has requested that the Board review an estimate for a culvert on Mr. Blevins' property.
  - J.B. Haga of Shuler Hollow Road – repairs needed on his property.
6. Draft revisions for Zoning Ordinance referred back to Planning Commission for study and recommendation (2-1-04).
7. Request concerning 911 contracts with the towns (911Committee, 2-1-04).

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Upon motion of Mr. Slemp seconded by Mr. Clark and unanimously carried the Board adopted the new members for the 911 Committee. When completed, an agreement will be forwarded to each of the towns for approval and signatures, the Board of Supervisors will then sign the agreement. The committee will be reduced and based on a suggestion by Mr. Roberts the committee will consist of a representative from each town (three Town Managers), three (3) County representatives (Emergency Management Coordinator, the Sheriff, and the County Administrator), and someone from the 911/Fire and Rescue Association, for a total of seven members. It is recommended that this advisory group would meet early in the day and on a quarterly basis. Mr. Tate is preparing the legal documents for the Towns to approve. Mr. Tate explained that part of the agreement would express that the Board of Supervisors administers 911 to the entire county, which would prevent the towns from doing so, also the 911 Coordinator will be responsible for the road

naming and anyone disagreeing with his decision would appeal to the appropriate Town or County.

- 
8. Marevine Slemp, request for water service on Fox Valley Road (5-11-04).
  9. The Water and Sewer Committee has requested the full Board review and discuss the estimate for the culvert on Shannon Gap Road (Water and Sewer Committee 8-10-04).
  10. The water purchase price adjustment with the Town of Saltville. The agreement will need to be approved by the Board (Scott Simpson).

---

Upon motion of Mr. Dishner, seconded by Mrs. Neitch and unanimously carried the Board removed item number ten (10) from the old business. The agreement with the Town of Saltville had been completed, it did not require action for the Board.

- 
11. The Building and Grounds Committee recommends that up to \$200,000.00 be spent on remodeling the outside of the old school board building.
  12. Request the Board to waive tipping fees for the Town of Marion on some homes they are tearing down.

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Upon motion of Mr. Dishner, seconded by Mr. Slemp and unanimously carried the Board removed item number twelve (12) from the old business. Mr. Whitmore informed the Board that the landfill was unable to take the materials from the homes.

- 
13. Approval of the retainer contract agreement for Thompson & Litton.

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Upon motion of Mr. Slemp, seconded by Mr. Clark and unanimously carried the Board approved the retainer contract agreement for Thompson & Litton. The agreement will consist of only page one (1), removing pages two (2)-

four (4), and amending paragraph E on page one (1) to read, “to assure clear understanding of all matters related to their mutual responsibility that each memorandum of understanding will reflect these conditions.” The above is now removed from old business.

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14. Request for tax-exempt status for the Smyth County Community Foundation.

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Mr. Slemp informed the Board that he had spoke with Mrs. Susie Jennings on the tax-exempt request. The foundation is delaying the request until further notice.

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15. Courthouse renovation.

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Jay Moore of Mosley Architects presented a plan for the courthouse renovation that meets the needs requested of the judges. After discussion and questioning the Board asked that the Building and Grounds Committee meet again to discuss the new ideas, along with the judges, and the regional jail superintendent. Mr. Roberts suggested that the County investigate into how other counties involved with the Regional Jail are going to deal with their existing jails. This issue will be discussed again in the future.

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Paul Grosskopf of Duke Energy explained the Jewell Ridge Pipeline Project. Below are some of the points Mr. Grosskopt highlighted:

- The proposed pipeline will enhance this regions energy infrastructure and increase the area’s opportunities for development. The pipeline will provide some areas with access to natural gas for the first time.
- The proposed project includes the installation of about 30 miles of 20-inch diameter pipeline that will connect Consol Energy’s Cardinal Gathering system to the East Tennessee Natural Gas interstate pipeline system.

- Study routes are currently being evaluated in Tazwell, Smyth County, and Russell counties.
- The pipeline is anticipated to be in service in summer of 2006.

Mr. Grosskopf invited the Board to an open house at Chilhowie High School on November 18, 2004, 4:00 P.M. – 8:00 P.M. Citizens are invited to attend to ask questions and become more informed of the proposed pipeline.

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At approximately 3:16 the Board proceeded with a public hearing as advertised for 3:00, to vacate a public alley way at 1075 Lee Highway.

There were no citizens in attendance.

Upon motion of Mr. Clark, seconded by Mr. Slemp and unanimously carried the Board authorized the vacating of the public alleyway.

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At 3:35 the Board proceeded with a public hearing as advertised for 3:30, on the proposed Enterprise Zone changes.

There were no citizens in attendance.

Upon motion of Mr. Slemp, seconded by Mr. Clark and unanimously carried the Board adopt the proposed changes as present by Mrs. Sally Morgan. The changes involve new wording added to address incentives that are already in place. The building permit fee waiver will be changed to a rebate. When the Enterprise Zone was adopted in 2000, an Economic Stimulus Grant incentive was added; which was basically a rebate of machine and tools tax based on based job creation. The proposed new language matches the State Code by establishing an Enterprise Zone development fund with the increase from the machinery tools tax revenues paid to the Commissioner of Revenue. When a company applies for the incentive, the Industrial Development Authority can use

the money from the fund to provide as an Economic Stimulus Grant. The reduction of water and sewer fees is also a component. Mrs. Morgan will be completing the application forms for those who wish to apply for the incentives. The forms will be more clear and easier for industries to complete.

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Mr. David Duncan of the Keystone Youth Center of Marion updated the Board on the facilities progress. This is a 48 bed residential facility for adolescent males, 11-17 years of age, children with mental health issues. They have licensed therapists on hand and have their own school program. The center will employ 57 staff members as of Monday, November 15, 2004. They hope to have 85-100 employees as of February 2005. Currently they house 12 adolescents. Three of the wings of the building are residential with the fourth wing educational wing. Jane Weaver is the director of education.

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Mr. Preas, representing Mr. Billy Whitt a customer on the Green Hill/Shuler Hollow Sewer Project addressed the Board. He requested that the Board not approve the project because blasting damage issues have not been resolved along with other unresolved issues concerning Mr. Whitt's property.

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Upon motion of Mr. Clark, seconded by Mr. Dishner, and unanimously carried, the Board agreed to enter into executive session as requested by Mr. Jeff Campbell, to discuss legal briefings, as outlined in Section 2.2-3711 (A) (7) of the Code of Virginia, as amended.

Vote: 6      yea  
      1      absent (Blevins)

The Chairman declared the executive session ended and the doors were opened to the public.

---

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

WHEREAS, the Smyth County Board of Supervisors has convened an executive 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 executive 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 6      yea  
      1      absent (Blevins)

---

Upon motion of Mr. Clark, seconded by Mr. Slemp and unanimously carried the Board approved the completion of the Green Hill/Shuler Hollow Sewer Project as recommended by Mr. Jeff Campbell, Water and Sewer Attorney. Rural Development will be asked to release funds for final payment.

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Mr. Scott Simpson, County Engineer, discussed and answered questions



concerning water and sewer projects.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried the Board adopted a resolution as requested by David Johnson, Wytheville Community College Director of Continuing education. The following resolution is in support of State funding for the Crossroads Rural Entrepreneurial Institute:

WHEREAS, the Crossroads Rural Entrepreneurial Institute located in Galax, Virginia will help improve the lives of people living in the City of Galax and The counties of Carroll, Grayson and Smyth and beyond by providing an Innovative educational/economic development engine that will contribute to the Revitalization of the region's economy and offer a brighter future for its citizens, AND

WHEREAS, the (local entity) recognizes the need for economic and Educational development, endorses the concept of regional collaboration and supports the creative efforts of the Crossroads Institute, AND

WHEREAS, southwest Virginia has recently experienced tremendous Economic crisis in the following ways:

- 2,500 jobs lost to overseas competition and a declining furniture/agriculture industry,
- Record unemployment in the region, frequently among the highest in Virginia,
- 35% of the local workforce underemployed,
- 28.4% of the region's population at or below the 150% poverty level, AND

WHEREAS, the Crossroads Institute has the potential to revitalize and sustain the region's economy through a collaborative, well-conceptualized, carefully planned, innovative educational and economic development partnership, AND

WHEREAS, attracting new categories of businesses and industries to the Region has proved an arduous task and requires a focused effort of education, training and opportunity, AND

WHEREAS, the Crossroads Institute has obtained \$5.7 million in funds from the U.S. Department of Agriculture – Rural Development, the U.S. Department of Commerce – Economic Development Administration, the Virginia

Tobacco Indemnification and Community Revitalization Commission and the Virginia Department of Housing and Community Development – Community Development Block Grant Program to purchase and renovate the vacant Lowe’s Home Center building in Galax, VA, AND

WHEREAS, the Southwest Regional Enterprise Center has committed operational funds to Crossroads and will provide incubation services for aspiring entrepreneurs at the Institute, AND

WHEREAS, the Center for Technical and Entrepreneurial Studies will offer diverse, authentic learning opportunities focused on entrepreneurial and economic development to high school and college students in high demand technical/occupational programs at the Institute, AND

WHEREAS, the Center for Lifelong Learning will provide beginning (Basic skills Graduate Equivalency Diploma – GED and English As a Second Language –ESL) and continuing education (technical, workplace, managerial) opportunities that address the training needs of regional businesses and industries, AND

WHEREAS, Wytheville Community College has committed to lease space at the Institute in support of education and training efforts, AND

WHEREAS, the Crossroads Institute expects to become self-sustaining by the end of its fourth year of operation and to be a model for achieving rural community vitality and prosperity.

Be it THEREFORE resolved, the (local entity) petitions the General Assembly of Virginia to enact a special funding request specifically for Crossroads Institute during its initial years of existence in the following manner:

- For FY ending June 30, 2006: \$200,000.
- For FY ending June 30, 2007: \$300,000.
- For FY ending June 30, 2008: \$300,000.
- For FY ending June 30, 2009: \$300,000.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried the Board approved funding as requested by Tom Burkett, Treasurer, for part time help during tax season. There will one employee for six (6) weeks and a second employee for (3) weeks, requiring \$3,000.00 through December 17, 2004.

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Upon motion of Mr. Roberts, seconded by Mr. Slemp and unanimously

carried the Board appropriated \$1,172,644.19 for the Allison Gap Sewer project.

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Upon motion of Mr. Clark, seconded by Mr. Slemp and unanimously carried the Board approved a grant (as requested by the Sheriff's Department) from the Department of Motor Vehicles, for DUI equipment which will be used for alcohol sensors, in the amount of \$5,000.00.

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Mr. Tate made the Board aware that as of December 31, 2004 the State will no longer pay appointed attorney fees for local warrants.

Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried the Board continued the matter of the Attorney fees on the County warrants until the December meeting.

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Upon motion of Mr. Clark, seconded by Mr. Dishner and unanimously carried the Board awarded the Cedars/Hall Addition Sewer Project to Mendon Pipeline, Inc., as recommended by Mr. Scott Simpson, Engineer and approved by Rural Development. Contract in amount of \$2,564,167.50.

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Upon motion of Mr. Clark, seconded by Mr. Roberts and unanimously Carried, the Board approved to hold the County/Town Quarterly meeting in conjunction with the Smyth County Chamber of Commerce on December 7, 2004 at 6:30 P.M. at Hemlock Haven Conference Center in Hungry Mother State Park.

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Upon motion of Mr. Slemp, seconded by Mrs. Neitch, and unanimously carried, the Board agreed to enter into executive session to discuss disposition and possible acquisition of real estate and prospective business or industry, as outlined in Section 2.2-3711 (A) (3) and (7) of the Code of Virginia, as amended.

Vote: 6      yea  
      1      absent (Blevins)

The Chairman declared the executive session ended and the doors were opened to the public.

---

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

WHEREAS, the Smyth County Board of Supervisors has convened an executive 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 executive 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 6      yea  
      2      absent (Blevins)

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Mrs. Morgan updated the Board on the current unemployment rate and discussed current job opening with companies throughout the county.

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Upon motion of Mrs. Neitch, seconded by Mr. Clark and unanimously

carried the Board continued the meeting until November 18, 2004 at 7:00 P.M.  
for a joint public hearing with the Planning Commission.

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Chairman

**Virginia:** At a continued meeting of the Smyth County Board of Supervisors held at the County Office Building on Thursday, November 18, 2004 at 7:00 PM.

<b>Board Members Present:</b>	Mr. Marvin Perry, Chairman Mr. Charlie Clark Mrs. Darlene Neitch	Mr. Todd Dishner Mr. Wade Blevins, Jr.
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<b>Staff Members Present:</b>	Mr. Michael Carter Ms. Amber Tilson Mr. Charlie Atkins	Mr. John H. Tate, Jr. Mr. Scott Simpson Mrs. Sally Morgan
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The Chairman called the meeting to order at 7:00pm.

\_\_\_\_\_  
Upon motion of Mrs. Neitch, seconded by Mr. Dishner and unanimously carried the Board removed the joint public hearing with the Planning Commission from the agenda due to a withdrawal of a rezoning application.

\_\_\_\_\_  
Upon motion of Mr. Clark, seconded by Mr. Dishner and unanimously carried the Board appropriated \$88,770.30 for the final payment on the Green Hill/Shuler Hollow Sewer Project.

\_\_\_\_\_  
Shannon Williams explained that several tracks of land on the Grayson County line was originally zoned in correctly as conservation/recreation public. He requested that the Board send a recommendation to the Planning Commission to rezone the tracks to Agricultural/Rural.

Mr. McClure of the Planning Commission explained that the Planning Commission had considered this request in the Planning Commission's meeting held at 6:00pm. The Commission had authorized the Zoning Administrator, Clegg Williams to set up a joint public hearing on rezoning the tracks of land.

\_\_\_\_\_  
Upon motion of Mr. Clark, seconded by Mr. Blevins and unanimously

carried the Board approved and authorized the signing of the following planning grant agreements (the agreements are on file in the Smyth County Engineering Department at 121 Bagley Circle, Suite 100).

- 1) \$18,900.00 for a new Dix Well
- 2) \$18,000.00 for a PER on Fox Valley Road

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously carried the Board appropriated the following for an Economic Development prospect:

\$75,000.00	Tobacco Commission Funds
<u>\$50,000.00</u>	<u>Industrial Development Authority Funds</u>
<b>\$125,000.00</b>	<b>TOTAL APPROPRIATION</b>

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The Chairman adjourned the meeting at 7:14 P.M.

**Virginia:**

At the regular meeting of the Smyth  
County Board of

Supervisors held at the County Office  
Building on Tuesday, December 14, 2004 at  
12:00 noon.

**Board Members** Mr. Marvin Perry, Chairman Mr. Michael Roberts

**Present:** Mr. Harold Slempp Mr. Todd Dishner  
Mrs. Darlene R. Neitch Mr. Charlie Clark  
Mr. Wade Blevins, Jr.

**Staff Members** Mr. Edwin B.J. Whitmore, III Mr. John H. Tate, Jr.

**Present:** Mr. Michael Carter Ms. Amber Tilson  
Mr. Scott Simpson Mr. Charlie Atkins  
Mrs. Sally Morgan

The invocation was led by Mr. Denton Staley and the Pledge of Allegiance  
was led by Mrs. Sandy Elswick.

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Upon motion of Mr. Clark, seconded by Mr. Slempp, and unanimously  
carried, the Board approved the agenda as to form.

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

carried, the Board approved the minutes of November 10 and 18, 2004.

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The Board adopted the following resolution and presented it to Mr. Tom

Buchanan:

WHEREAS, Tom "Big Tom" Buchanan is a local farmer of Rich Valley, a citizen of Smyth County; and

WHEREAS, Mr. Buchanan has become well known locally and beyond as a result of his appearance on the CBS show Survivor: Africa and Survivor: All-Stars, and

WHEREAS, on both series of the Survivor show Mr. Buchanan and 15 other contestants set out to survive everyday life in the wilderness, competing for \$1 million, and,

WHEREAS, Mr. Buchanan was a success at both shows lasting until the final days until voted off by fellow contestants, he was also one of four chosen by the viewing audience as a favorite on the All-Star series and,

WHEREAS, with Mr. Buchanan's success from appearing in two (2) Survivor series, he has been able to help local charities with appearances and has become involved in local charities and elementary schools throughout the county promoting reading literacy.

THEREFORE BE IT RESOLVED, that the Smyth County Board of Supervisors recognizes Mr. Buchanan and his service to the local community. The Board appreciates and thanks Mr. Buchanan for the contributions he has made to Smyth County.

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Mrs. Nikki Wyatt updated the Board on the meeting held by the Southwest

Litter Task Force. Mapping illegal dumpsites and implementing Assign-A-

Highway program (for probationers) is a start to cleaning up. Toby Edwards,

Watershed Representative and a member of the Litter Taskforce will come to the

Board in the near future to fully explain the steps to cleaning up the county.

---

Upon motion of Mr. Roberts, seconded by Mr. Blevins and unanimously

carried, the Board approved the following appropriations for the 2004-2005

budget and accounts payable listing in the amount of \$1,389,508.77:

- General County  
\$1,100,000.00

- Allison Gap Sewer Project  
\$826,280.02
  
  - Green Hill/Shuler Hollow Sewer Project  
\$1,229.82
  
  - Groseclose Water Project  
\$5,435.70
  
  - Animal Damage (expenses)  
\$124.99
  
  - Department of Social Services (December 15-31, 2004)      \$320,000.00  
(January 1-11, 2005)  
\$35,000.00
  
  - Schools - - Operating Fund  
\$3,400,000.00                      Textbook Fund  
\$1,000.00  
  
Capital Outlay Fund  
\$50,000.00
- 

Upon motion of Mr. Slemp, seconded by Mr. Blevins and unanimously

carried, the Board agreed to request the Department of Transportation to conduct

a speed study on Nicks Creek Road from Highway 11 to Route 686.

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The Department of Transportation also discussed the reinstatement of road

signs on Nicks Creek and the progress of cleaning up the creek with the Board.

The process of cleaning the creek is being handled by Scott Simpson who has

been in touch with the Nature Conservancy.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously

carried, the Board agreed to hold a public hearing on the proposed changes to

the zoning ordinance, to be set by the Smyth County Planning Commission.

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Upon motion of Mr. Clark, seconded by Mr. Slemph and unanimously

carried, the Board approved a tax refund request in the amount of \$103.27 to

Honda Lease Trust for taxes paid on a Honda that was in Washington County as

of 1/1/2004.

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

carried, the Board approved a tax refund request in the amount of \$41.01 to Mr.

Willard Ray Powers and Mrs. Stella Kate Powers for taxes paid on personal property.

---

After discussion, the renewal of the agreement with the Department of Corrections for rental space in the old school board building was continued until January. This will allow Mr. Tate to review the agreement and discuss it with Mike Carter.

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Upon motion of Mr. Slemp, seconded by Mrs. Neitch and unanimously carried, the Board agreed to leave the current insurance plan as is, \$10/20/35 for prescription card and for the staff to be educated on the importance of generic drugs.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins and duly carried, the Board agreed to not renew Mr. Carter Garrett's contract as insurance consultant.

Vote: 5      yea

1        nay (Roberts)  
1        abstention (Slemp)

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Upon motion of Mr. Slemp, seconded by Mr. Clark, and unanimously carried, the Board reappointed Mr. Les Whitt, Mr. Don Martin, and Mr. Brian Reynolds (alternate) to the building Code Board of Appeals, term of office ending December 31, 2007.

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Mr. Perry discussed his suggestion for the Smyth County Board of Zoning Appeals, Mr. Newell Johnson. He did not make a recommendation at that time.

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Upon motion of Mrs. Neitch, seconded by Mr. Slemp and unanimously carried, the Board reappointed Mr. Marvin Perry and Mr. Todd Dishner to the District Three Governmental Cooperative Board. Term Ending December 31, 2005.

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Upon motion of Mr. Slemp, seconded by Mrs. Neitch and unanimously carried, the Board reappointed Mr. Marvin Perry to the Virginia's aCorridor, Mount Rogers Partnership Board. Term to expire December 31, 2005.

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Upon motion of Mr. Slemp, seconded by Mr. Blevins and unanimously carried, the Board agreed to allow Mr. Marvin Perry to continue his service on the Community Policy Management Team. According to the code, a Board member must be assigned to the team. Mr. Perry's term will expire when his Supervisor term expires, December 31, 2005.

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Upon motion of Mr. Slemp, seconded by Mr. Blevins and unanimously carried, the Board reappointed Mr. Patton Graham to the Smyth-Bland Regional Library Board. Term to expire December 31, 2008.

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Tracy Mitchell, Economic Development Director for the Town of Saltville explained the Rails to Trails Project and reported that the Town of Saltville is requesting that the County consider working on the project with the town as a joint effort. The initial phase of the project would run on the four (4) miles of former rail line between North Holston and Saltville. The project would tie in with Saltville's plans to develop a Visitor Center/Train Museum in downtown Saltville. Mrs. Mitchell stated that the County would be helpful in the areas of establishing easements and possibly assisting with grant applications. After discussion the following decision was made:

Upon motion of Mr. Roberts, seconded by Mr. Slemp and unanimously carried, the Board authorized the chairman to appoint members to a committee to work with Saltville on this project. The chairman appointed Mr. Charlie Clark, Mr. Michael Roberts, and Mr. Harold Slemp, to be assisted by county staff including Sally Morgan, if needed. The committee is to report back to the Board as early as possible.

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Upon motion of Mr. Roberts, seconded by Mr. Slemp and unanimously carried, the Board authorized and agreed to support the Mount Rogers Planning District Commission application for a Rural Virginia Housing Rehabilitation Demonstration Grant to be submitted on behalf of Smyth County.

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Upon motion of Mr. Roberts, seconded by Mr. Slemp and unanimously carried, the Board approved the use of funds in the amount of \$8,900.00 from the Watson Gap Housing program income money. This will provide supplemental funding in assisting a household in the Sugar Grove area through the Indoor

Plumbing program (as requested by the Mount Rogers Planning District Commission).

Vote:           6       yea  
                  1       absent (Blevins)

---

Upon motion of Mrs. Neitch, seconded by Mr. Clark and unanimously carried, the Board authorized a public hearing for the next regular scheduled Board meeting on Tuesday, January 11, 2004 at 3:00 p.m., for the issuance of general obligation bonds on Cedars/Hall Addition Sewer Project.

Vote:           6       yea  
                  1       absent (Blevins)

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Upon motion of Mr. Clark, seconded by Mr. Blevins and unanimously carried, the Board authorized the Water and Sewer Attorney to begin condemnation proceedings on five (5) properties in the Cedars/Hall Addition.

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Upon motion of Mr. Blevins, seconded by Mr. Clark and unanimously carried, the Board authorized the Chairman to sign the construction contracts with Mendon Pipeline, Inc. for the Cedars/Hall Addition Sewer project.

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Upon motion of Mr. Clark, seconded by Mr. Slemp and unanimously carried, the Board authorized the Chairman to sign contracts with Boggs Municipal Service, Inc. for the booster pump station on the Groseclose Water Project (in the event it is prepared before the next regular scheduled Board meeting).

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Upon motion of Mr. Roberts, seconded by Mr. Clark and unanimously carried, the Board authorized the Chairman to sign the Engineering Agreement



for Pleasant Heights water project (in the event it is prepared before the next regular scheduled Board meeting).

---

The Board discussed the Axum Lane portion of the Hutton Branch Water Project. Mr. Duncan McGregor explained that the Board had agreed to install the meters in this portion of the project. Scott Simpson was asked to look into this situation.

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Upon motion of Mr. Slemm, seconded by Mr. Blevins and unanimously carried, the Board approved the grant application to the Virginia Department of Emergency Management (VDEM) for \$119,366.00. The application is on file at the County Administrator's office.

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Mr. Tate introduced Ms. Mindy Mullins, the newest attorney with Campbell & Doyle.

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The Board received advice from Mr. Tom Burkett, Treasurer that two (2) of the special assessments in Colecrest Subdivision had been paid in full, Kimberly Aker, Harold E. Minnick, Sr. and Frankie H. Minnick. Mr. John Tate advised the Board that he had prepared releases since these were recorded in the deed book. The original and a copy of which were presented in the meeting and will

be on file at the County Administrator's Office.

Upon motion of Mr. Blevins, seconded by Mr. Clark and unanimously carried, the Chairman is authorized to sign the a foresaid releases which shall be recorded in the office of Circuit Court Clerk. The residents will receive, by mail, the releases, after being properly recorded in the Clerk of the Circuit Court.

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The Board proceeded with a public hearing scheduled for 3:00p.m., to consider a text amendment to the ordinance concerning accessory buildings.

One citizen was present to speak. Mrs. Nikki Wyatt, asked if this would allow buildings to be placed *anywhere* in the county.

The Chairman closed the public hearing.

Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously carried, the Board adopted the following text change to the Zoning Ordinance:

*In all districts, add to the list of "Uses Permitted with a Special Use Permit"*

*the following: Accessory buildings above one hundred fifty (150) square feet in size, without a main principal building.*

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Upon motion of Mr. Slempp, seconded by Mrs. Neitch and unanimously

carried, the Board agreed to study the Hazard Mitigation Plan presented by Tom Taylor of the Mount Rogers Planning District. After the MRPDC holds a public hearing, the completed plan will be forwarded to the Board for review and approval.

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Mr. Tom Taylor, Executive Director of Mount Rogers Planning District

Commission thanked the Board for their assistance over the years, as he will be retiring soon. The Board thanked him for his help in return.

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### **Old Business**

1. Matter of collection of delinquent taxes.
2. Request from Nebo Community Center Board to become owners of the old Nebo School either by lease or donation (Building and Grounds Committee).
3. Ken Heath's request concerning establishment of local tax abatement ordinance (referred to County Attorney, 7-1-03).

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Mr. Tate explained to the Board that the Ordinance Committee had met with Ken Heath, Mr. Heath was going to talk with Jeff Richardson and Tom Burkett on the tax abatement issues.

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4. East County Spring Source Study (8-1-03).
  
  5. Green Hill/Shuler Hollow Sewer Project complaints (Water/Sewer Committee):
    - Bob Mason's request concerning road repairs on a privately owned road (10-1-03).
    - Roger Blevins of Needmore Road needs road repaired back to the way it was before the project.
    - Stephen Lewis of Green Hill Circle – damage to home due to blasting.
    - Rhonda Taylor of Green Hill Circle – damage to home due to blasting.
    - Bruce Blevins of Shuler Hollow Road – road needs repairing and bushes have been removed. The Water and Sewer Committee has requested that the Board review an estimate for a culvert on Mr. Blevins' property.
    - J.B. Haga of Shuler Hollow Road – repairs needed on his property.
  
  6. Draft revisions for Zoning Ordinance referred back to Planning Commission for study and recommendation (2-1-04).
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Mr. Tate informed the Board that the ordinance committee of the Board

and Planning Commission had met to discuss the text amendments. A

recommendation to the Board would occur soon.

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7. Request concerning 911 contracts with the towns (911Committee, 2-1-04).

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Shannon Williams updated the Board on the status of the contract. The

Town of Marion has requested a couple of changes. The Towns of Chilhowie

and Saltville have yet to approve the contract.

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8. Marevine Slempp, request for water service on Fox Valley Road (5-11-04).

9. The Water and Sewer Committee has requested the full Board review and

discuss the estimate for the culvert on Shannon Gap Road (Water and Sewer Committee 8-10-04).

10. Request the Board approve a written request to VDOT requesting "Children at Play" signs to be installed on Sunset Drive in Chilhowie.

The cost of the signs will be charged to the County's secondary roads budget. This request comes from a citizen that lives on the street where traffic is heavy (11-10-04).

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Upon motion of Mr. Blevins, seconded by Mrs. Neitch and unanimously carried, the Board agreed to request the Department of Transportation to install "Children at Play" signs on Sunset Drive in Chilhowie, due to heavy traffic. The Board understands that the cost of the signs will be charged to the County's secondary roads budget."

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11. The Building and Grounds Committee recommends that up to \$200,000.00 be spent on remodeling the outside of the old school board building.
12. Approval of the Smyth County Emergency Operations Plan (11-10-04).
13. Attorney fees on the County warrants. As of December 31, 2004 the State will no longer pay appointed attorney fees for local warrants (11-10-04).
14. Request for tax-exempt status for the Smyth County Community Foundation.
15. Courthouse renovation.

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Mr. Whitmore informed the Board that the Courthouse renovation would be on hold until after the first of the year due to the holidays.

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Upon motion of Mr. Slemp, seconded by Mr. Blevins, and unanimously carried, the Board agreed to enter into executive session to discuss disposition and possible acquisition of real estate, prospective business or industry, and legal briefing, as outlined in Section 2.2-3711 (A) (3), (5), and (7) of the Code of Virginia, as amended.

Vote: 7      yea  
          0      nay

The Chairman declared the executive session ended and the doors were opened to the public.

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

WHEREAS, the Smyth County Board of Supervisors has convened an executive 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 executive 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Smyth County Board of Supervisors.

Vote: 6      yea  
          1      absent (Blevins)

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Upon motion of Mr. Clark, seconded by Mrs. Neitch and unanimously carried, the Board agreed not to appeal the Judges decision concerning the



Bighorn Estates.

Vote: 5      yea  
          1      nay  
          1      absent (Blevins)

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Mr. Whitmore updated the Board on a new program implemented by the Governor, Virginia Works. This program is directed to existing industries and workforce training. The funds will go to regional partnerships. Two grants in the amount of \$2,000,000 will be awarded to one regional group in each of the two regions, Southside and Southwest Virginia. Preparations are being made with Washington County through the Smyth-Washington Industrial Facilities Authority Board to apply for the grant.

Mr. Whitmore also discussed the current job rate and job openings in the county and the "Return to Roots" program.

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Mr. Roberts inquired about the burned out homes and if the issue had gone to the Planning Commission. This issue will be on the agenda for the meeting on December 16, 2004. Mr. Roberts also mentioned a housing rehab in Buckeye Hollow, he spoke with Mrs. Morgan on the issue.

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Mr. Dishner mentioned requests for water in his district; he stated that he would bring it to the Water and Sewer Committee.

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Mr. Clark commented on the first year of service on the Board and thanked Mr. Whitmore for help from the staff. Mr. Slemph and Mrs. Neitch agreed with the past successful year.

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The chairman continued the meeting until Thursday, December 16, 2004 at 7:00 P.M. for a joint public hearing with the Planning Commission.

# Virginia: At a continued meeting of the Smyth County Board of

Supervisors held at the County Office Building on Thursday,  
December 16, 2004 at 7:00 PM.

**Board Members** Mr. Harold Slemph, Vice Chairman Mr. Todd Dishner

**Present:** Mr. Wade Blevins, Jr. Mr. Charlie  
Clark

Mrs. Darlene Neitch

**Staff Members** Mr. Ed Whitmore Mr. John H. Tate, Jr.

**Present:** Ms. Amber Tilson Ms. Shirley Spencer

Mr. Clegg Williams Mr. Charlie Atkins

## Planning

### Commission

**Members Present:** Dennis Blevins, Chairman Amy Tuell

Wayne Venable Graham Davidson

Earl McClure Archie Atwell

The Vice Chairman of the Board and Chairman of the Planning

Commission opened the joint public hearing on the following matter at

approximately 7:04 p.m:

A recommendation from the Ordinance Committee of the Smyth County Board of Supervisors and Smyth County Planning Commission to consider rezoning eight tracts of land that lay partially in Smyth County from Conservation/Public-Recreation to Agricultural/Rural. This rezoning would apply only to the portions of the tracts that lie in Smyth County and would not apply to the portions that are in Grayson County and currently zoned Rural Farm under the Grayson County zoning Ordinance. The properties are located on the border of Smyth and Grayson Counties and the Jefferson National Forest. The properties are identified by Grayson County Tax Map Numbers 14-A-16, 4-A-1, 16-A-85, 16-A-86, 16-A-87, 16-A-67-83, 16-A-1, and 16-A-57.

There was no citizen's present to speak. Following discussion the  
  
the public hearing was closed at 7:14 p.m.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously  
  
carried the Board agreed to allow the Planning Commission to advertise and set  
  
a public hearing for Thursday, January 27, 2005 at 7:00 p.m., on the proposed  
  
text amendments to the Zoning Ordinance.

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The Board of Supervisors discussed the issue of burned out homes, they requested that the Planning Commission recommend a solution for the problem.

Chairman of the Planning Commission responded that the Ordinance Committee of the Planning Commission would try to have a recommendation by the January meeting for the Planning Commissions consideration.

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

carried, BE IT RESOLVED that the Smyth County Board of Supervisors will

request the Department of Transportation to conduct traffic study at the

intersection of Highway 107 and Highway 11 in Chilhowie, Virginia. A left turn

signal or left turn lane has been requested at the intersection.

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Upon motion of Mrs. Neitch, seconded by Mr. Blevins and unanimously

carried, the Board approved payment of the following bills out of the Homeland



December 20, 2004 at 3:00 PM.

<b>Board Members</b>	Mr. Marvin Perry, Chairman	Mr. Harold Slempp
<b>Present:</b>	Mr. Charlie Clark	Mr. Wade Blevins, Jr.
	Mrs. Darlene Neitch	Mr. Michael Roberts
<b>Staff Members</b>	Mr. Ed Whitmore	Mr. John H. Tate, Jr.
<b>Present:</b>	Ms. Amber Tilson	Mr. Mike Carter
	Mr. Clegg Williams	

The Chairman called the meeting to order at 3:03 p.m.

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Upon motion of Mr. Slempp, seconded by Mrs. Neitch and unanimously carried the Board approved the recommendation from the Planning Commission, that the tracts of land that lie partially in Smyth County and partially in Grayson County be rezoned on the Smyth County portion from Conservation/Recreation-Public to Agricultural/Rural. The properties are identified by Grayson County Tax Map Numbers 14-A-16, 4-A-1, 16-A-85, 16-A-86, 16-A-87, 16-A-67-83, 16-A-1,

and 16-A-57.

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Mr. Tate brought up the issue of fees for special use permits, variances, map amendments, and appeals. Mrs. Neitch questioned whether or not the proposed fee of \$75.00 would cover advertising fees.

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Revenue and expense funds for fiscal year 2004-2005 were discussed.

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The removal of burned out homes was discussed. This issue has been sent to the Planning Commission to discuss and return to the Board with a recommendation.

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The Chairman adjourned the meeting at 3:50 p.m.



