

AGENDA

Tuesday, June 14, 2016
4:00 PM

4:00 CALL MEETING TO ORDER (Chairman Wade H. Blevins, Jr.)

CLOSED SESSION

Code of Virginia, Section 2.2-3711 **-A.7 Legal**; discussion with legal counsel and staff pertaining to actual or probable litigation.

5:00 CALL MEETING TO OPEN SESSION

Invocation and Pledge of Allegiance

ADOPTION OF AGENDA

Adopt the agenda and the additional agenda as presented

MINUTES OF PREVIOUS MEETINGS

Request adoption of the April 28th, and May 10th, 2016 meeting minutes.

FINANCIAL UPDATE

Michael Carter – Inform the Board of the County's financial status

PAYMENT OF INVOICES

Consideration of appropriations and accounts payable as listed on the additional agenda.

5:15 CITIZENS TIME

6:00 Public Hearing-Smyth County FY16-17 Budget

6:30 Public Hearing-Proposed Water/Sewer Rate Increase

NEW BUSINESS

- *Consideration of Rich Valley Fair Festival Permit**
- *Southwest Community Corrections Criminal Justice Board Appointment**
- *Courthouse Committee Recommendations, Blake Frazier-Chair**
- *Ordinance Committee Recommendations, Phil Stevenson-Chair**
- *Surplus Committee Recommendations, Roscoe Call-Acting Chair**
- *Water/Sewer Committee Recommendations, Roscoe Call-Chair**

***Reconsideration of vote concerning the Sheriff's Salary as discussed in Budget Committee Meeting on May 16, 2016 (Recommendation from Committee shown below)**

Michael Carter, County Administrator brought forward information concerning the VRS contribution for a number of employees, specifically the new Sheriff's salary, which is currently \$87,212.00 including a \$2,946.00 annual VRS contribution from the County. Correspondence with the Comp Board identifies the salary as \$84,266 and indicates the contribution from the County is no longer required. The Sheriff is considered a new employee, effective January 1, 2016, and all accruals were paid out in December, 2015. Additional information was provided, including email correspondence between the County and the Comp Board.

After discussion, Rye Valley District Supervisor Rick K. Blevins made a motion to recommend to the Board of Supervisors to eliminate the County's supplement for the newly elected Sherriff, in the amount of \$2,946.00, which had been carried forward in the new salary in error. Park District Supervisor M. Todd Dishner seconded the motion. All agreed unanimously.

Supervisor Comment Time

Meeting reminders:

The Smyth County Board of Supervisors held its continued meeting at 7:00 p.m., **Thursday, April 28, 2016**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

PRESENT:

Vice Chair, Park District Supervisor M. Todd Dishner; Atkins District Supervisor Charles Atkins; North Fork District Supervisor Phil Stevenson; Saltville District Supervisor Roscoe D Call; Royal Oak District Supervisor G. Blake Frazier (6)

Chilhowie District Planning Commissioner Graham Davidson Jr.; Rye Valley District Planning Commissioner Paul D. Shepherd; Park District Planning Commissioner Joel Pugh; Chairman, North Fork District Planning Commissioner Norman Sparks Atkins District Planning Commissioner Hazel Wagoner (6)

ABSENT:

Chairman, Chilhowie District Supervisor Wade H Blevins, Jr., Rye Valley District Supervisor Rick K Blevins, and Saltville District Planning Commissioner David Spence (3)

STAFF:

County Administrator Michael Carter; Assistant County Administrator Scott Simpson; Building & Zoning Administrator Clegg Williams; Administrative Assistant Kelly Woods; County Attorney Jeff Campbell (5)

7:00:40 PM At 7:00 p.m. M. Todd Dishner, Vice Chair of the Board of Supervisors, and Mr. Norman Sparks, Chairman of the Planning Commission, called the joint public hearing to order. Mr. Michael Carter, County Administrator read the advertisement as placed in the Smyth County News and Messenger; as well as the rules of procedure during public hearings.

**BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS AND
SMYTH COUNTY PLANNING COMMISSION**

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, April 28, 2016, at 7:00 P.M. or as soon after 7:00 P.M. as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application(s) to the Zoning Ordinance of Smyth County, Virginia:

An application from Angelina Blevins Pratt, which has been forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an

amendment to the official Zoning Map in Atkins, Virginia, to rezone approximately 51.01 acres from Agricultural/Rural to Industrial. The properties are addressed as 399, 407, 415 and 421 Nicks Creek Road in Atkins and identified as Tax Map Nos. 48-A-85, 48A2-1D-4E, 48A2-1D-5, 48A2-1D-6, 48A2-1D-6A, and 48A2-1D-7.

An application from Norma Pratt Teaters, which has been forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an amendment to the official Zoning Map in Atkins, Virginia, to rezone approximately 1.14 acres from Agricultural/Rural to Industrial. The properties are addressed as 385 and 389 Nicks Creek Road in Atkins and identified as Tax Map No. 48A2-1D-4.

An application from Charles Walter Pratt, which has been forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an amendment to the official Zoning Map in Atkins, Virginia, to rezone approximately 3.64 acres from Agricultural/Rural to Industrial. The properties are addressed as 461 and 475 Nicks Creek Road in Atkins and identified as Tax Map No. 48-A-83.

An application from Sara Elizabeth Pratt Carty, which has been forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an amendment to the official Zoning Map in Atkins, Virginia, to rezone approximately 0.35 acres from Agricultural/Rural to Industrial. The property is addressed as 451 Nicks Creek Road in Atkins and identified as Tax Map Nos. 48-A-83B.

The Smyth County Comprehensive Plan does not identify a density range nor the general usage of these properties and they have most recently been used for residential and agriculture activities. The properties can be found within Grid No. 6428 of the State Plane Grid Index.

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

Copies of the application(s) along with their maps/drawings are on file in the Office of the County Administrator of Smyth County. Copies are also maintained by the County Zoning Administrator at the address given above, and may be viewed during regular business hours Monday through Friday.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County

Building and Zoning Department at (276) 783-3298 ext. 8315 at least 48 hours prior to the hearing.

Done by order of the Board of Supervisors and the Planning Commission.

Michael L. Carter, County Administrator
Norman K. Sparks, Chairman of the Planning Commission

7:04:11 PM Atkins District Supervisor Charles Atkins entered the meeting.

7:04:20 PM Clegg Williams, Building and Zoning Administrator gave background on the applications from the Pratt Family and stated that all applied individually. Mr. Williams stated that an existing business is interested in purchasing the property and part of the process is for the property to be rezoned. CW Pratt, 820 Bear Creek Road, Atkins Virginia, 24311 spoke and stated he has had no negative comments from the neighbors. Discussion continued on these applications.

7:11:58 PM Board of Supervisors Vice Chairman, Park District Supervisor M. Todd Dishner and Planning District Commission Chairman Norman Sparks closed the joint public hearing.

7:12:11 PM Vice Chairman, Park District Supervisor M. Todd Dishner called for a 15 minute recess.

7:31:01 PM Vice Chairman of the Board, Park District Supervisor M. Todd Dishner and Mr. Norman Sparks, Chairman of the Planning Commission, called the joint public hearing to order. Michael Carter, County Administrator read the advertisement as placed in the Smyth County News and Messenger.

**NOTICE OF PUBLIC HEARING
BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS
AND SMYTH COUNTY PLANNING COMMISSION
ON AMENDMENTS TO THE SMYTH COUNTY ZONING ORDINANCE**

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, April 28, 2016 at 7:30 p.m., or as soon thereafter, as may be heard, in the Smyth County Administration Building, 121 Bagley Circle, Marion, Virginia, to consider the following: Adoption of amendments to the Smyth County Zoning Ordinance located in Appendix A of the Smyth County Code. The following proposed changes will be considered:

- **Addition of Article IV – General Provisions and Supplementary Regulations, Sections 4-14.1 relating to “Townhouses”** to provide requirements to be followed with

regard to public water and sewer, off-street parking, minimum lot size and easements for access to the back of units. Section 4-14.2 relates to open space and amenities and the maintenance thereof through the Virginia Condominium Act or a nonprofit homeowners association agreement.

- **Repeal of definition of "Commercial Slaughterhouse"** to be replaced by "Meat Processing Facility."
- **Deletion of reference to "Recreational Development"** which has been repealed from the Smyth County Subdivision Ordinance.
- **New definitions of land uses in Article X - Definitions:** Auditorium; Automotive Sales; Automotive Sales and Service; Automotive Servicing and Parts; Boardinghouse; Brewery; Broadcasting/Radio, or Television Station; Cab Service; Campground and Recreational Vehicle Park; Catering Facility; Commercial Bus Station; Commercial Bus Terminal; Distillery; Ecotourism; Ecotourism, Major; Ecotourism, Minor; Event Center; Laboratory, Medical and Analytical; Livestock Market; Meat Processing Facility; Microbrewery; Microdistillery; Nanobrewery; Recreational Vehicle; Recreational Vehicle sales, service and rental; Service Business, General Contractor, Major (more than 5 employees); Service Business, General Contractor, Minor (5 employees or less); Shooting Range, Indoor; Shooting Range, Outdoor; Stonecutting, Monument Manufacturing; Taxidermy; Tire Recapping or Retreading; Townhouse and Vineyard and/or Winery.
- **Proposed new land uses permitted by right or by special use permit applications in the following districts listed in Article III - District Regulations:**

§ 3-1.1 – Uses Permitted by Right in the Agricultural District – Proposed:

Service business, general contractor, minor (five employees or less)

§ 3-1.2 – Uses Permitted with Special Use Permit in the Agricultural District – Proposed: Auditorium; Automotive sales; Automotive sales and service; Automotive servicing and parts; Boardinghouse; Broadcasting/radio or Television Station; Brewery; Cab service; Campground; Catering facility; Commercial bus station; Commercial bus terminal; Distillery; Ecotourism, major; Ecotourism, minor; Event center; Laboratory, medical and analytical; Livestock market; Meat processing facility; Microbrewery; Microdistillery; Nanobrewery; Recreational vehicle park; Recreational vehicle sales, service and rental; Service business, general contractor, major (more than 5 employees); Shooting range, indoor; Shooting range, outdoor; Stonecutting, monument manufacturing; Taxidermy; Tire recapping or retreading; and Townhouse.

§ 3-2.1 – Uses Permitted by Right in the Agricultural/Rural District – Proposed:

Service business, general contractor, minor (5 employees or less)

§ 3-2.2 – Uses Permitted with Special Use Permit in the Agricultural/Rural District – Proposed: Auditorium; Automotive sales; Automotive servicing and parts;

Boardinghouse; Broadcasting/ radio or Television Station; Brewery; Cab service; Campground; Catering facility; Commercial bus station; Commercial bus terminal; Distillery; Ecotourism, major; Ecotourism, minor; Event center; Laboratory, medical and analytical; Livestock market; Meat processing facility; Microbrewery; Microdistillery; Nanobrewery; Recreational vehicle park; Recreational vehicle sales, service and rental; Service business, general contractor, major (more than 5 employees); Shooting range, indoor; Shooting range, outdoor; Stonecutting, monument manufacturing; Taxidermy; and Tire recapping or retreading.

§ 3-3.2 – Uses Permitted with Special Use Permit in the Residential District – Proposed: Auditorium; Automotive sales; Automotive sales and service; Automotive servicing and parts; Boardinghouse; Broadcasting/radio or Television Station; Cab service; Catering facility; Commercial bus station; Ecotourism, major; Ecotourism, minor; Event center; Laboratory, medical and analytical; Microbrewery; Microdistillery; Nanobrewery; Recreational vehicle sales, service and rental; Service Business, general contractor, major (more than 5 employees); Service Business, general contractor, minor (5 employees or less); Stonecutting, monument manufacturing; Taxidermy; Vineyard and/or Winery.

§ 3-4.1 – Uses Permitted by Right in the Commercial District– Proposed: Auditorium; Automotive Sales; Automotive Servicing and Parts; Broadcasting/Radio or Television Station; Brewery; Cab Service; Catering Facility; Commercial Bus Station; Commercial Bus Terminal; Distillery; Laboratory, medical and analytical; Microbrewery; Microdistillery; Nanobrewery; Recreational vehicle sales, service and rental; Service business, general contractor, major (more than 5 employees); Service business, general contractor, minor (5 employees or less); Stonecutting, monument manufacturing; Taxidermy; Tire recapping or retreading; and Vineyard and/or Winery.

§ 3-4.2 – Uses Permitted with Special Use Permit in the Commercial District – Proposed: Boardinghouse; Campground; Campground and Recreational Vehicle Park; Ecotourism, major; Ecotourism, minor; Event Center; Livestock Market; Meat Processing Facility; Recreational Vehicle Park; Shooting range, indoor; Shooting range, outdoor; and Townhouse.

§ 3-5.1 – Uses Permitted by Right in the Industrial District– Proposed: Brewery; Cab service; Catering facility; Commercial bus station; Commercial bus terminal; Distillery; Laboratory, medical, and analytical; Microbrewery; Microdistillery; Nanobrewery; Service business, general contractor, major (more than 5 employees); Service business, general contractor, minor (5 employees or less); Taxidermy; Tire recapping or retreading; and Vineyard and/or Winery.

§ 3-5.2 – Uses Permitted with Special Use Permit in the Industrial District – Proposed: Auditorium; Automotive sales; Automotive sales and service; Automotive servicing and parts; Boardinghouse; Broadcasting/ radio or Television Station; Ecotourism, major; Ecotourism, minor; Event Center; Livestock Market; Meat processing facility; Recreational vehicle sales, service and rental; Shooting range, indoor; Shooting range, outdoor; Stonecutting, monument manufacturing; and Townhouse.

§ 3-6.2 – Uses Permitted with Special Use Permit in the Conservation Recreation District – Proposed: Auditorium; Cab service; Campground; Campground and recreational vehicle park; Catering facility; Commercial bus station; Distillery; Ecotourism, major; Ecotourism, minor; Event center; Microbrewery; Microdistillery; Nanobrewery; Recreational vehicle park; Recreational vehicle sales, service and rental; Shooting range, indoor; Shooting range, outdoor; Stonecutting, monument manufacturing; Taxidermy; Townhouse; and Vineyard and/or Winery.

At this public hearing, subject to the rules of procedure of the Board of Supervisors of Smyth County, Virginia, any person may appear and state his/her views thereon. In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in this hearing should contact Clegg Williams, ADA Coordinator, at (276) 706-8315, at least 48 hours prior to the hearing. A copy of this proposed amendment is on file in the Office of the County Administrator of Smyth County at the address given above, and may be viewed during regular business hours Monday through Friday and at www.smythcounty.org.

Done by order of the Board of Supervisors of Smyth County, Virginia
Michael L. Carter, County Administrator
and the Smyth County Planning Commission
Norman Sparks, Chair.

7:32:04 PM Royal Oak District Supervisor G. Blake Frazier made a motion to waive the reading of the rules for Public Hearings. Atkins District Supervisor Charles Atkins seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Vice Chair, Park District Supervisor M. Todd Dishner,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and
Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Rye Valley District Supervisor Rick K. Blevins.

No one chose to speak concerning this application.

7:40:28 PM Board of Supervisors Vice Chairman, Park District Supervisor M. Todd Dishner and Planning District Commission Chairman Norman Sparks closed the joint public hearing.

7:40:32 PM Vice Chairman, Park District Supervisor M. Todd Dishner called for a five (5) minute recess.

7:43:12 PM Vice Chairman, Park District Supervisor M. Todd Dishner called the Board of Supervisors meeting back to order.

7:43:16 PM Vice Chairman, Park District Supervisor M. Todd Dishner, opened citizen's time.

7:43:35 PM With no one wishing to speak, Vice Chairman, Park District Supervisor M. Todd Dishner closed citizen's time.

7:43:38 PM Jeff Russell, Virginia Department of Transportation brought forward information regarding the 6 year plan. VDOT has asked for a Public Hearing to be set to discuss this. It was moved by Saltville District Supervisor Roscoe D. Call to set a Public Hearing for the VDOT 6 year Plan on May 10th, 2016 at 6:30 pm, and allow VDOT to advertise. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Vice Chair, Park District Supervisor M. Todd Dishner,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and
Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Rye Valley District Supervisor Rick K. Blevins.

Lori Deel, Director of Community and Economic Development presented an update to the Board concerning New Ridge LLC. Mrs. Deel stated that New Ridge had returned funds to the County as repayment of Grant Monies given to them in 2013. Mrs. Deel also stated that New Ridge was still working towards bringing jobs to Smyth County, as they are still owners of the property.

Saltville District Supervisor Roscoe D. Call made a motion to adjourn the meeting. North Fork District Supervisor Phil Stevenson seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Vice Chair, Park District Supervisor M. Todd Dishner,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and

Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and Rye Valley District Supervisor Rick K. Blevins.

DRAFT

Board of Supervisors Meeting Minutes
Tuesday, May 10, 2016

The Smyth County Board of Supervisors held its regular meeting at 4:00 p.m., **Tuesday, May 10, 2016**. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

PRESENT: Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.; Vice Chair, Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K Blevins; North Fork District Supervisor Phil Stevenson; Atkins District Supervisor Charles Atkins; Saltville District Supervisor Roscoe D Call; Royal Oak District Supervisor G. Blake Frazier (7)

ABSENT: None (0)

STAFF: County Administrator Michael Carter; Assistant County Administrator Scott Simpson; County Attorney Jeff Campbell; Administrative Assistant Kelly Woods; Director Community & Economic Development Lori Hester (5)

4:01:29 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. called the meeting to order.

A motion was made by Rye Valley District Supervisor Rick K Blevins to enter into closed session under Code of Virginia, Section 2.2-3711 – **A.1 Personnel Matters**; Discussion, consideration, or interviews of prospective candidates for employment and contracts; **A.5; Industrial/Business Prospects**; discussion concerning a business or industry considering expansion with no previous announcement being made and **A.7 Legal**; discussion with legal counsel and staff pertaining to actual or probable litigation. Vice Chair, Park District Supervisor M. Todd Dishner seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and
Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:03:18 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. called the meeting back to order from closed session.

It was moved by Rye Valley District Supervisor Rick K Blevins, seconded by Royal Oak District Supervisor G. Blake Frazier, to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION
CERTIFICATION OF CLOSED SESSION

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

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

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

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and
Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:03:54 PM Lori Deel, Director of Community and Economic Development gave the invocation and Sandy Elswick, Voter Registrar led the Pledge of Allegiance.

5:04:46 PM A motion was made by Royal Oak District Supervisor G. Blake Frazier, seconded by Atkins District Supervisor Charles Atkins to adopt the agenda and additional agenda as presented.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and
Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:05:03 PM It was moved by Royal Oak District Supervisor G. Blake Frazier, seconded by North Fork District Supervisor Phil Stevenson to approve the minutes of the March 24th, and April 12th, 2016 meetings, notating changes to be made to Pages 12-14 concerning votes made by North Fork District Supervisor Phil Stevenson.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and
Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:08:02 PM Financial Update-Michael Carter, County Administrator presented the Board with information on the current FY15-16 budget and a current month analysis for appropriations.

5:19:07 PM It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Atkins District Supervisor Charles Atkins to appropriate \$6,157,000.00 from the General Fund. The following is an explanation of the appropriations approved:

General County:	\$	1,500,000.00
Social Services (May 11-May 31, 2016)	\$	315,000.00
Social Services (June 1-June 8, 2016)	\$	60,000.00
Schools-Operating Fund	\$	4,040,000.00
School Debt and Capital Outlay	\$	242,000.00

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and
Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Royal Oak District Supervisor G. Blake Frazier to appropriate \$264,337.62 for the Courthouse Project.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and
Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

It was moved by Saltville District Supervisor Roscoe D. Call, seconded by Atkins District Supervisor Charles Atkins to appropriate \$2,501.48 from the EDA's Fund 4 for open invoices.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and
Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:22:20 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr., opened citizen's time.

5:22:24 PM With no one wishing to speak, Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. closed citizen's time.

5:22:49 PM Michael Carter, County Administrator brought forward an update from the Personnel Committee. Mr. Carter stated the Committee had discussed the County's meals policy and smoking policy and the Committee will continue to look at this along with Mr. Jeff Campbell, County Attorney.

5:23:34 PM Michael Carter, County Administrator informed the Board that Youth Government Day was scheduled for May 16, 2016 from 10 A.M-1:00 P.M., and invited all members to participate.

Board of Supervisors Meeting Minutes
Tuesday, May 10, 2016

5:27:17 PM Saltville District Supervisor Roscoe D. Call made motion to appropriate \$230,345 for the wire transfer to US Bank for the May 25th, 2016 payment on the 2012 Water/Sewer Bond. Atkins District Supervisor Charles Atkins seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and
Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:28:11 PM Mike Pinder with the Department of Game and Inland Fisheries presented a slide show on a Yellowfin Madtom restoration project. The Yellowfin Madtom are native fish to the North Fork of the Holston River, and they have declined in population over the last several years. Mr. Pinder explained the process of the fish release and stated they were looking for support from the Board of Supervisors.

Saltville District Supervisor Roscoe D. Call made a motion to support the project as presented by the Department of Game and Inland Fisheries. Rye Valley District Supervisor Rick K. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Royal Oak District Supervisor G. Blake Frazier and
Saltville District Supervisor Roscoe D. Call.

NAYS: North Fork District Supervisor Phil Stevenson and
Atkins District Supervisor Charles Atkins.

ABSTAINERS: None.

ABSENT: None.

5:53:11 PM Tim Long with Sunset Digital Communications informed the Board that Sunset is in the process of trying to purchase Optinet from BVU and they are looking for a letter of support from the County. Michael Carter, County Administrator asked Jeff Campbell, County Attorney, if there was a need to do a Franchise agreement and Mr. Campbell stated that he would look into the issue and inform the Board at a later meeting.

Royal Oak District Supervisor G. Blake Frazier made a motion to allow Michael Carter, County Administrator to send a letter of Support from the County to Sunset Digital Communications. Rye Valley District Supervisor Rick K. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and
Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

6:08:43 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. called the Public Hearing to order concerning the Smyth County School FY16-17 Budget. Michael Carter, County Administrator read the advertisement as placed in the Smyth County News and Messenger.

**NOTICE OF PUBLIC HEARING
ON THE SMYTH COUNTY SCHOOL BUDGET
FOR FISCAL YEAR COMMENCING
July 1, 2016– June 30, 2017
On May 10, 2016 at 6:00 p.m.**

This budget synopsis is prepared and published in accordance with Section 15.2-2506 and 22.1-93, of the Code of Virginia of 1950, as amended. The budget has been prepared and proposed on the basis of estimates made by the Smyth County School Board. The adoption of this proposed budget shall require a monthly appropriation by the Smyth County Board of Supervisors as required in Section 15.2-2506 for any contemplated expenditures.

The Smyth County Board of Supervisors will conduct a hearing for the purpose of receiving public comment on the proposed School Board budget for fiscal year beginning July 1, 2016. The public hearing will be held in the **Board of Supervisors meeting room, 121 Bagley Circle, Smyth County Office Building on May 10, 2016 at 6:00 p.m.**

Subject to the rules and procedures of the Board of Supervisors, at the above-mentioned day, time, and place any citizen of Smyth County may appear and express their opinion(s).

A full copy of the proposed Smyth County School Board budget is on file at the Office of the County Administrator, 121 Bagley Circle, Suite 100, Marion, Virginia, and may be viewed during regular business hours 8:00 a.m. – 5:00 p.m., Monday – Friday.

By order of the Smyth County Board of Supervisors
Michael Carter, County Administrator

**Smyth County School Board
Operations Budget For the Year Ending June 30, 2017**

Revenue Summary for Operations Budget			
	2015-2016	2016-2017	Difference
State Revenue	\$ 25,307,660	\$ 26,294,578	\$ 986,918
Local Revenue	\$ 8,061,575	\$ 8,061,575	\$ -0-
Federal Revenue	\$ 4,788,520	\$ 5,189,460	\$ 400,940
State Sales Tax	\$ 4,773,990	\$ 4,924,248	\$ 150,258
Other Revenue	\$ 2,670,195	\$ 2,511,065	\$ (159,130)
TOTAL OPERATIONS	\$ 45,601,940	\$ 46,980,926	\$ 1,378,986

Expenditure Summary for Operations Budget			
	2015-2016	2016-2017	Difference
Instruction	\$ 33,728,880	\$ 33,958,548	\$ 229,668
Administration	\$ 1,415,268	\$ 1,439,837	\$ 24,569
Transportation	\$ 2,170,364	\$ 2,660,381	\$ 490,017
Facilities	\$ 4,192,744	\$ 4,319,795	\$ 127,051
Food Service	\$ 2,800,609	\$ 3,244,555	\$ 443,946
Technology	\$ 1,294,075	\$ 1,357,810	\$ 63,735
TOTAL OPERATIONS	\$ 45,601,940	\$ 46,980,926	\$ 1,378,986

Smyth County School Board
Capital Outlay and Debt Service Budget For the Year Ending June 30, 2017

Revenue Summary for Capital Outlay and Debt Service Budget			
	2015-2016	2016-2017	Difference
Local Funds - Capital Outlay	\$ -0-	\$ 1,000,000	\$ 1,000,000
Local Funds - Debt Service	\$ 1,759,443	\$ 1,762,111	\$ 2,668
Other Funds - Interest Rebate	\$ 487,113	\$ 487,113	\$ -
TOTAL CAPITAL OUTLAY	\$ 2,246,556	\$ 3,249,224	\$ 1,002,668

Expenditure Summary for Capital Outlay and Debt Service Budget			
	2015-2016	2016-2017	Difference
Capital Outlay - Facilities	\$ 0	\$ 1,000,000	\$ 1,000,000
Capital Outlay - Debt Service	\$ 2,246,556	\$ 2,294,224	\$ 2,668
TOTAL CAPITAL OUTLAY	\$ 2,246,556	\$ 3,249,224	\$ 1,002,668

Michael Carter, County Administrator read the rules for Public Hearings.

Dr. Michael Robinson, School Superintendent presented information on the proposed budget.

6:32:15 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. closed the Public Hearing.

6:32:24 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. called the Public Hearing to order concerning the VDOT 6 Year Plan. Michael Carter, County Administrator read the advertisement as placed in the Smyth County News.

Public Hearing Notice

The Virginia Department of Transportation and the Board of Supervisors of Smyth County, in accordance with Section 33.1-70.01 of the Code of Virginia, will conduct a joint public hearing in the Board of Supervisors Meeting Room of the Smyth County Administration Office, 121 Bagley Circle, Suite 100, Marion, Virginia 24354 at **6:30 p.m. on May 10, 2016**. The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2016/17 through 2021/22 in Smyth County and on the Secondary System Construction Budget for Fiscal Year 2016/17. Copies of the proposed Plan and Budget may be reviewed at the Wytheville Residency Office of the Virginia Department of Transportation, located at 2843 Chapman Road, Wytheville, Virginia 24382 or at the Smyth County Administration Office located at 121 Bagley Circle, Suite 100, Marion, Virginia 24354.

All projects in the Secondary Six-Year Plan that are eligible for federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate federal transportation funds.

Persons requiring special assistance to attend and participate in this hearing should contact the Virginia Department of Transportation at (276) 228-2154. Persons wishing to speak at this public hearing should contact the Smyth County Board of Supervisors at (276) 783-3298.

Rye Valley District Supervisor Rick K. Blevins made a motion to waive the reading of rules for Public Hearings. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and
Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Board of Supervisors Meeting Minutes
Tuesday, May 10, 2016

Jeff Russell, Wytheville Residency Administrator for VDOT presented information concerning the 6 year plan that is being proposed.

6:42:46 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. closed the Public Hearing.

6:42:56 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. called for a recess.

7:06:00 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. called the meeting back to order.

7:06:15 PM Shannon Williams, 911 Coordinator presented information for the FY2016 Aid to Localities payments as presented below:

Agency	Disbursement Amount
Atkins Fire Department	\$13,640.50
Adwolfe Fire Department	\$13,640.50
Nebo Fire Department	\$13,640.50
Sugar Grove Fire Department	\$13,640.50
Chilhowie Fire Department	\$4,640.50
Saltville Fire Department	\$4,640.50

These disbursements total \$63,843.00.

Atkins District Supervisor Charles Atkins made a motion to approve the FY2016 Aid to Localities payments as presented. Rye Valley District Supervisor Rick K. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and
Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

7:07:20 PM Michael Carter, County Administrator presented an Agreement from the Mt. Rogers Health District as shown below.



COMMONWEALTH of VIRGINIA
Department of Health

BUSINESS ASSOCIATE AGREEMENT

PRIVACY AND SECURITY OF PROTECTED HEALTH INFORMATION

THIS BUSINESS ASSOCIATE AGREEMENT is made as of April 18, 2016, by the **Smyth County Health Department and Mount Rogers Health District Offices** (herein referred to as "Covered Entity"), with offices at 201 Francis Marion Lane, Marion, Virginia and **Smyth County** (here in referred to as "Business Associate"), a corporation, department or other entity with office at 121 Bagley Circle, Suite 100, Marion, Virginia.

This BUSINESS ASSOCIATE AGREEMENT (herein referred to as the "Agreement") constitutes a non-exclusive agreement between the Covered Entity, which administers health services, and the Business Associate named above.

The Covered Entity and Business Associate have entered into this Business Associate Agreement to comply with the Health Insurance Portability and Accountability Act (HIPAA). The parties signing this Agreement shall comply fully with the provisions of the HIPAA Rules.

NOW THEREFORE, the parties, intending to be legally bound, agree as follows:

I. Definitions.

As used in this contract, the terms below will have the following meanings:

- a. "Business Associate" shall generally have the same meaning as the term "business associate" at 45 CFR 160.103, and in reference to the party to this agreement, shall mean [Insert Name of Business Associate].
- b. "Covered Entity" shall generally have the same meaning as the term "covered entity" at 45 CFR 160.103, and in reference to the party to this agreement, shall mean [Insert Name of Covered Entity].
- c. Protected Health Information (PHI): Any information that is created or received by a Covered Entity that relates to the past, present, or future physical or mental health or condition of an individual, limited to the information created or received by Business Associate from or on behalf of Covered Entity.

Board of Supervisors Meeting Minutes
Tuesday, May 10, 2016

- d. "HIPAA Rules" shall mean the Privacy, Security, Breach Notification, and Enforcement Rules at 45 CFR Part 160 and Part 164.

II. Obligations and Activities of Business Associate

- a. Business Associate agrees to not use or disclose Protected Health Information other than as permitted or required by the Agreement or as required by law.
- b. Business Associate agrees to use appropriate safeguards and comply with Subpart C of 45 C.F.R. Part 164 to prevent use or disclosure of the Protected Health Information other than as provided for by this Agreement.
- c. Business Associate agrees to report to Covered Entity any use or disclosure of the Protected Health Information not provided for by this Agreement of which it becomes aware, including breaches of unsecured protected health information, as required at 45 C.F.R. 164.410.
- d. In accordance with 45 C.F.R. 164.502(e)(1)(ii) and 164.308(b)(2), if applicable, ensure that any subcontractors that create, receive, maintain, or transmit protected health information on behalf of the Business Associate agree to the same restrictions, conditions, and requirements that apply to the Business Associate with respect to such information.
- e. Report to the Covered Entity any security incident of which it becomes aware.
- f. Business Associate shall notify the Covered Entity of a breach of unsecured PHI on the first day on which such breach is known by Business Associate or an employee, officer or agent of Business Associate other than the person committing the breach, or as soon as possible following the first day on which Business Associate or an employee, officer or agent of Business Associate other than the person committing the breach should have known by exercising reasonable diligence of such breach. Notification shall include, to the extent possible, the identification of each individual whose unsecured PHI has been, or is reasonably believed by the Business Associate to have been, accessed, acquired, used or disclosed during the breach. Business Associate shall also provide the Covered Entity with any other available information at the time Business Associate makes notification to the Covered Entity or promptly thereafter as information becomes available. Such additional information shall include (i) a brief description of what happened, including the date of the breach; (ii) a description of the types of unsecured PHI that were involved in the breach; (iii) any steps the Business Associate believes individuals should take to protect themselves from potential harm resulting from the breach; and (iv) a brief description of what Business Associate is doing to investigate the breach, mitigate harm to individuals, and protect against any future breaches.

For purposes of this paragraph, unsecured PHI means protected health information that is not rendered unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified by the U.S. Secretary of Health and Human Services.

Board of Supervisors Meeting Minutes
Tuesday, May 10, 2016

- g. Business Associate agrees to provide access, at the request of Covered Entity to Protected Health Information to Covered Entity or, as directed by Covered Entity, to an Individual in order to meet the requirements under 45 CFR 164.524.
- h. Business Associate agrees to make internal practices, books, and records, including policies and procedures and Protected Health Information, available to the Secretary of the U.S. Department of Health and Human Services for the purpose of determining compliance with the HIPAA Rules.
- i. Business Associate agrees to document and provide to Covered Entity such disclosures of Protected Health Information and information as would be required for Covered Entity to respond to a request by an Individual for an accounting of disclosures of Protected Health Information in accordance with 45 CFR 164.528.
- j. Make any amendment(s) to Protected Health Information in a designated record set as directed or agreed to by the covered entity pursuant to 45 C.F.R. 164.526, or take other measures as necessary to satisfy covered entity's obligations under 45 C.F.R. 164.526.

III. General Use and Disclosure Provisions

- a. Business Associate may only use or disclose Protected Health Information as provided in the underlying Agreement.
- b. Business Associate may use or disclose Protected Health Information as required by law.
- c. Business Associate agrees to make uses and disclosures and requests for Protected Health Information consistent with Covered Entity's minimum necessary policies and procedures.
- d. Business Associate may not use or disclose Protected Health Information in a manner that would violate Subpart E of 45 CFR Part 164 if done by covered entity, except for the specific uses and disclosures set forth below.
- e. Business Associate may disclose Protected Health Information for the proper management and administration of the Business Associate, provided that disclosures are required by law, or Business Associate obtains reasonable assurances from the person to whom the information is disclosed that it will remain confidential and used or further disclosed only as required by law or for the purpose for which it was disclosed to the person, and the person notifies the Business Associate of any instances of which it is aware in which the confidentiality of the information has been breached.

IV. Obligations of Covered Entity

- a. Covered Entity shall notify Business Associate of any limitations in its notice of privacy practices of Covered Entity in accordance with 45 CFR 164.520, to the extent

that such limitation may affect Business Associate's use or disclosure of Protected Health Information.

- b. Covered Entity shall notify Business Associate of any changes in, or revocation of, permission by Individual to use or disclose Protected Health Information, to the extent that such changes may affect Business Associate's use or disclosure of Protected Health Information.
- c. Covered Entity shall notify Business Associate of any restriction to the use or disclosure of Protected Health Information that Covered Entity has agreed to in accordance with 45 CFR 164.522, to the extent that such restriction may affect Business Associate's use or disclosure of Protected Health Information.

V. Permissible Request by Covered Entity

Covered Entity shall not request Business Associate to use or disclose Protected Health Information in any manner that would not be permissible under the Privacy Rule if done by Covered Entity.

VI. Termination

Either party may terminate this Agreement immediately if it determines that the other party has violated a material term of this Agreement. This Agreement shall remain in effect unless terminated for cause with immediate effect, or until terminated by either party with not less than thirty (30) days prior written notice to the other party, which notice shall specify the effective date of the termination; provided, however, that any termination shall not affect the respective obligations or rights of the parties arising under this Agreement before the effective date of termination.

VII. Effect of Termination

Upon termination of this Agreement for any reason, Business Associate shall return or destroy all Protected Health Information received from Covered Entity, or created or received by Business Associate on behalf of Covered Entity. This provision shall apply to Protected Health Information that is in the possession of subcontractors or agents of Business Associate. Business Associate shall retain no copies of the Protected Health Information. In the event that Business Associate determines that returning or destroying the Protected Health Information is infeasible, Business Associate shall provide to Covered Entity notification of the conditions that make return or destruction of Protected Health Information infeasible. Upon agreement that return or destruction of Protected Health Information is infeasible, Business Associate shall extend the protections of this Agreement to such Protected Health information and limit further uses and disclosures of such Protected Health Information to those purposes that make the return or destruction infeasible, for so long as Business Associate maintains such Protected Health Information.

VIII. Amendment

Upon the enactment of any law or regulation affecting the use or disclosure of PHI, or the publication of any decision of a court of the United States or of this state relating to any such law, or the publication of any interpretive policy or opinion of any governmental agency charged with the enforcement of any such law or regulation, the parties shall work in good faith to amend this Agreement in such manner as is necessary to comply with such law or regulation. If the parties are unable to agree on an amendment within thirty (30) days thereafter, either of them may terminate this Agreement by written notice to the other.

EACH PARTY has caused this Agreement to be properly executed on its behalf as of the date first above written.

For: Mount Rogers Health District

For: Smyth County

_____, M.D.

BY: _____
District Director

BY: _____

DATE: _____

DATE: _____

2015

5

Atkins District Supervisor Charles Atkins made a motion to approve the agreement as presented. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,

Board of Supervisors Meeting Minutes
Tuesday, May 10, 2016

Rye Valley District Supervisor Rick K. Blevins,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and
Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

7:09:10 PM Royal Oak District Supervisor G. Blake Frazier brought forward a recommendation from the Animal Control Committee. It is the Committee's recommendation to approve payment of the following claims totaling \$1,470.00 (appropriated from the Animal Control, Claims & Bounties #003-091060-5802).

	<u>NAME</u>	<u>APPROVED</u>
1.)	Fred N. Smith	\$750.00
2.)	Derek Cardwell	\$545.00
3.)	Ted Hunt	\$175.00

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and
Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

7:10:17 PM Michael Carter, County Administrator brought forward a recommendation from the Budget Committee. It is the Committee's recommendation to schedule the Public Hearing for the FY16-17 County Budget for June 14, 2016 at 6:00 P.M.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Royal Oak District Supervisor G. Blake Frazier,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins and
Saltville District Supervisor Roscoe D. Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

7:11:25 PM Michael Carter, County Administrator brought forward the following recommendation from the Planning Commission.

Commissioner Joel Pugh made a motion to recommend approval of all four Map Amendment requests to the Official Zoning Map of Smyth County, Virginia, from Agricultural/Rural to Industrial. Commissioner Hazel Wagoner seconded the motion.

- a) Angelina Blevins Pratt, Tax Map Nos. 48-A-85, 48A2-1D-4E, 48A2-1D-5, 48A2-1D-6, 48A2-1D-6A, and 48A2-1D-7;
- b) Norma Pratt Teaters, Tax Map No. 48A2-1D-4;
- c) Charles Walter Pratt, Tax Map No. 48-A-83; and
- d) Sara Elizabeth Pratt Carty, Tax Map No. 48-A-83B.

Vote: Yays: Sparks, Wagoner, Doyle, Pugh, Shepherd, and Davidson Jr.
Nays: None.
Abstainers: None.
Absent: Spence.

Atkins District Supervisor Charles Atkins made a motion to accept the recommendation presented by the Planning Commission. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

After consideration, the recommendation PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Atkins District Supervisor Charles Atkins,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Michael Carter, County Administrator brought forward the following recommendation from the Planning Commission.

Commissioner Robbie Doyle made a motion to recommend approval of the proposed text amendments to the Smyth County Zoning Ordinance as presented and advertised (See Attachment 1). Commissioner Joel Pugh seconded the motion.

Vote: Yays: Sparks, Wagoner, Doyle, Pugh, Shepherd, and Davidson Jr.
Nays: None.
Abstainers: None.
Absent: Spence.

Board of Supervisors Meeting Minutes
Tuesday, May 10, 2016

Saltville District Supervisor Roscoe D. Call made a motion to accept the recommendation presented by the Planning Commission. Vice Chair, Park District Supervisor M. Todd Dishner seconded the motion.

After consideration, the recommendation PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Atkins District Supervisor Charles Atkins,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

7:14:03 PM Park District Supervisor M. Todd Dishner brought forward a recommendation from the Surplus Committee. It is the Committee's recommendation to declare all vehicles listed below as surplus property and to allow staff to advertise them for bids in the Smyth County News and Messenger.

YEAR	MAKE	MODEL	MILEAGE	VIN
1997	FORD	TAURUS	Unknown	1FALP52U9VA229435
2004	FORD	EXPLORER	143,064	1FMZU72KXUA91601
2003	DODGE	PICKUP	213,180	1D7HG12X23S185584
1998	FORD	TAURUS	90,440	1FAFP52U1WA106842
2006	FORD	CROWN VIC	Unknown	2FAHP71W26X162206
2011	FORD	CROWN VIC	139,116	2FABP7BV1BX115660
2010	FORD	CROWN VIC	161,385	2FABP7BV6AX121310
2009	DODGE	CHARGER	155,084	2B3KA43T39H540746
2009	DODGE	CHARGER	135,944	2B3KA43T19H540745
1987	TOYOTA	PICKUP	Unknown	JT4RN63R1H0141516
1992	CHEVROLET	PICKUP	63,981	1GCEK14Z0NE170237
2000	CHEVROLET	PICKUP	75,184	1GCEK14W3YZ233379
1996	FORD	F350	Unknown	2FDKF38GXTCA5615
1979	CHEVROLET	TRUCK C60	Unknown	C16DA9V149556
1989	GULF STREAM	RV	43,720	17N330125KW0134977

After consideration, the recommendation PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Atkins District Supervisor Charles Atkins,
North Fork District Supervisor Phil Stevenson,

Board of Supervisors Meeting Minutes
Tuesday, May 10, 2016

Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

7:15:56 PM Saltville District Supervisor Roscoe D. Call brought forward a recommendation from the Water/Sewer Committee. It is the Committee's recommendation to increase the Water/Sewer Rates by 8% and to schedule a Public Hearing for this for June 14, 2016 at 6:30 P.M.

After consideration, the recommendation PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.

Vice Chair, Park District Supervisor M. Todd Dishner,

Rye Valley District Supervisor Rick K. Blevins,

Atkins District Supervisor Charles Atkins,

Saltville District Supervisor Roscoe D. Call and

Royal Oak District Supervisor G. Blake Frazier.

NAYS: North Fork District Supervisor Phil Stevenson.

ABSTAINERS: None.

ABSENT: None.

7:23:08 PM Scott Simpson, Assistant County Administrator brought forward a budget transfer request as listed below.

From:

*001-012040-1001 (Salaries and Wages) \$15,000.00

To:

*001-012040-3002 (Professional Services and Fees) \$15,000.00

Royal Oak District Supervisor G. Blake Frazier made a motion to approve the Budget Transfer as requested. North Fork District Supervisor Phil Stevenson seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,

Vice Chair, Park District Supervisor M. Todd Dishner,

Saltville District Supervisor Roscoe D. Call,

Rye Valley District Supervisor Rick K. Blevins,

North Fork District Supervisor Phil Stevenson,

Atkins District Supervisor Charles Atkins, and

Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Board of Supervisors Meeting Minutes
Tuesday, May 10, 2016

Scott Simpson, Assistant County Administrator brought a recommendation before the Board of Supervisors from the Sheriff's Department asking for funds to be added to Fund 746, Sheriff Federal Drug Asset Account, which will amend the FY2015-2016 Budget from \$88,895,809 to \$88,925,809.00 as shown below.

Expense:

746-010001-0001 \$30,000.00

Revenue:

746-010001-0001 \$30,000.00

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Saltville District Supervisor Roscoe D. Call,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins, and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

7:27:37 PM Michael Carter, County Administrator presented a Letter of Support being requested by the Conservation Fund as shown below.

The Conservation Fund is working in partnership with the George Washington-Jefferson National Forest to help acquire a priority property that lies along the border of Smyth and Grayson Counties for the national forest. The seller of the property is eager to see their land purchased for public access, and the project has been recommended for funding in the President's FY17 LWCF budget. We were hopeful that Smyth County would provide a letter of support for this acquisition, which will help us secure the Congressional support needed to ensure that the funds are appropriated.

The property in question (map attached) is a 790 acre tract along the ridge of Straight Mountain. It contains significant ridge top hickory stands and commands views of the area to both the east and west. Acquisition of this property will help open public access to the ridge top and will connect trails from the Mount Rogers National Recreation Area to other Forest Service lands in the area. It also increases management potential for early successional wildlife habitat on USFS lands, and will build on existing efforts to that effect in the area. This property was the second highest priority for the USFS in the Southern Blue Ridge Collaborative, and was recommended for LWCF funding through that partnership.

We are working with the landowner (the estate of Phil Carroll) and the town of Troutdale to ensure that this project is a benefit to the local community, the residents of Virginia and the greater national population. It was the sincere desire of Mr. Carroll that this land be made

available to all through a sale to the USFS. Acquisition of the property will help ensure that the land which provides a backdrop to scenic Troutdale remains that way forever, and provides access to all in the community.

We are trying to get letters of support together by the end of April, addressed to Chief Thomas Tidwell of the USDA Forest Service. Please don't hesitate to call me at 703-203-0060 or email if you have any questions.

*All the best,
Heather Richards
Virginia Consultant
The Conservation Fund
www.conservationfund.org
703-203-0060*

No action was taken on this item by the Board.

7:32:11 PM Supervisor Comment Time- Park District Supervisor M. Todd Dishner commented that he liked getting the Department Reports. Rye Valley District Supervisor Rick K. Blevins mentioned that he has received some noise ordinance complaints from several constituents.

North Fork District Supervisor Phil Stevenson made a motion to appoint Patsy Waddle, 215 Sunset River Road Ceres, as the North Fork District Representative to the Social Services Board. Park District Supervisor M. Todd Dishner seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Saltville District Supervisor Roscoe D. Call,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins, and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Royal Oak District Supervisor G. Blake Frazier informed every one of the plaque that will be placed at the Courthouse.

7:38:44 PM Rye Valley District Supervisor Rick K. Blevins made a motion to schedule the Public Hearing for the Rich Valley Fair Festival Application for May 26, 2016 at 4:30 P.M. North Fork District Supervisor Phil Stevenson seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,

Board of Supervisors Meeting Minutes
Tuesday, May 10, 2016

Saltville District Supervisor Roscoe D. Call,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Phil Stevenson,
Atkins District Supervisor Charles Atkins, and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

7:39:15 PM Royal Oak District Supervisor G. Blake Frazier made a motion to continue the meeting to Thursday, May 26, 2016 at 4:00 P.M. Vice Chair, Park District Supervisor M. Todd Dishner seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Saltville District Supervisor Roscoe D. Call,
Rye Valley District Supervisor Rick K. Blevins,
Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor G. Blake Frazier and
North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

**NOTICE OF PUBLIC HEARING ON THE PROPOSED SMYTH COUNTY BUDGET FOR FISCAL
YEAR JULY 1, 2016- JUNE 30, 2017**

Pursuant to § 15.2-2506 of the Code of Virginia (1950), as amended, a Public Hearing will be conducted by the Board of Supervisors on the budget for informative and planning purposes in the Board of Supervisors meeting room, 121 Bagley Circle, Smyth County Office Building on Tuesday, June 14, 2016, at 6:00 p.m., or soon thereafter, at which time any citizen of the County shall have the right to attend and subject to Rules and Procedures of the Board of Supervisors state his or her views. The budget is for informative and fiscal planning purposes and will not be approved, adopted or ratified by the Board of Supervisors on Tuesday, June 14, 2016.

This budget synopsis is prepared and published for informative and fiscal planning purposes only. The inclusion in the budget of any item does not constitute an obligation or commitment on the part of the Board of Supervisors of this county to appropriate any funds for that purpose, except as it relates to the budget for the Smyth County School Board, which is governed by Virginia Code § 22.1-93, et seq.

This budget has been prepared on the basis of estimates and requests submitted to the Board of Supervisors by several offices and department heads of this County. There are no allocation or designation of any funds of this County for any purpose until there has been an appropriation for that purpose by the Board of Supervisors.

A full copy of the proposed Smyth County Budget is on file at the Office of the County Administrator, 121 Bagley Circle, Suite 100, Marion, Virginia, and may be viewed during regular business hours 8:00 a.m. to 5:00 p.m., Monday - Friday.

SMYTH COUNTY PROPOSED BUDGET

<u>Revenue</u>	<u>FY/2016 Budget</u>	<u>Proposed FY/2017</u>	<u>Inc./Dec.</u>
Real Property Taxes	\$ 10,180,000	\$ 9,952,700	\$ (227,300)
Public Services	973,001	1,035,000	\$ 61,999
Personal Property	2,853,700	2,893,700	\$ 40,000
PPTRA	1,804,310	1,804,310	\$ -
Machinery & Tools	1,760,250	1,775,600	\$ 15,350
Merchants Capital	234,000	244,000	\$ 10,000
Lodging Tax	45,000	45,000	\$ -
Penalties & Interest	266,000	265,075	\$ (925)
Franchise Fees TV Cable	-	-	\$ -
Motor Vehicle License	431,500	422,000	\$ (9,500)
Rolling Stock Tax	37,561	37,850	\$ 289
Utility Licenses Tax	99,600	88,600	\$ (11,000)
Consumer's Utility Tax	1,199,000	1,108,000	\$ (91,000)
Permits & Other Licenses	130,500	115,600	\$ (14,900)
Fines & Forfeitures	248,200	196,600	\$ (51,600)
Interest on Investments	37,500	36,500	\$ (1,000)
Use of Property	164,074	164,074	\$ -
Court Cost	9,076	8,876	\$ (200)
Charges for Commonwealth Attorney	4,200	4,200	\$ -
Charges Correction & Detention	-	-	\$ -
Charges Sanitation & Waste	911,000	966,000	\$ 55,000
Expenditure Refunds	454,309	518,896	\$ 64,587

Miscellaneous Revenue	82,200	21,242	\$ (60,958)
Grant Money	615,000	608,000	\$ (7,000)
Revenue from the Commonwealth	234,600	235,900	\$ 1,300
Comprehensive Service Act	592,579	623,179	\$ 30,600
Commonwealth Attorney	529,546	584,406	\$ 54,860
Sheriff	1,694,525	1,699,612	\$ 5,087
Commissioner of the Revenue	108,722	109,679	\$ 957
Treasurer	106,489	108,027	\$ 1,538
Registrar/Electoral Board	83,724	83,724	\$ -
Clerk's Office	303,049	305,615	\$ 2,566
Local Sales Tax	2,000,000	2,100,200	\$ 100,200
Court Fines to Towns	42,000	42,000	\$ -
Categorical Aid - Other	154,000	196,884	\$ 42,884
Payment in Lieu of Taxes	85,000	85,000	\$ -
Special Assessments	10,000	30,000	\$ 20,000
Local Funds Transfers	(10,681,025)	(10,282,707)	\$ 398,318
Animal Licenses	14,000	11,000	\$ (3,000)
EDA Funds	525,000	600,000	\$ 75,000
State/Federal School Funds	38,027,478	39,406,464	\$ 1,378,986
Local Funds Transfer General Fund	9,821,018	9,463,686	\$ (357,332)
Board of Welfare -Social Serv	3,939,056	3,934,496	\$ (4,560)
Local Share from General Fund	819,021	819,021	\$ -
Proceeds from 2012 bonds	-	-	\$ -
Interest	-	-	\$ -
BOM School Construction	-	-	\$ -
School Textbook Revenue	439,259	475,419	\$ 36,160
On-Site Wastewater Revenue	-	-	\$ -
911 Wireless Grants	41,017	43,020	\$ 2,003
Interest/Tranf Courthouse Sav	7,715,000	3,000,000	\$ (4,715,000)
Courthouse Construction	60,000	14,000	\$ (46,000)
Pioneer Greenwood Project	-	-	\$ -
Miscellaneous	(142,602)	2,250	\$ 144,852
Lick Skillet Project	-	-	\$ -
Water-Sewer Revenue	2,191,000	2,311,300	\$ 120,300
Special Projects	205,000	250,000	\$ 45,000
Special Welfare	161,220	106,215	\$ (55,005)
Drug Asset Revenue	6,800	11,000	\$ 4,200
Sheriff Dare Revenue	8,500	9,000	\$ 500
Courthouse Security Revenue	167,000	155,000	\$ (12,000)
Asset Forfeiture	6,000	8,000	\$ 2,000
Revenue from Radar Fines Fund	1,037,000	840,000	\$ (197,000)
Sheriff Federal Asset Forfeiture	-	25,000	\$ 25,000
Money Collected in Court	60,000	60,000	\$ -
Drug Court	-	129,231	\$ 129,231
Federal Money	300,000	300,000	\$ -
Revenue from Local Sources (Fund Balance)	-	-	\$ -
Sub-total	83,203,957	80,207,444	(2,996,513)
Debt Service			
Proceeds From Short term borrowing	5,000,000	5,000,000	-
Proceeds from Financing	\$0	2,340,000	2,340,000
Sub-total	5,000,000	7,340,000	2,340,000

Total County Budget Revenues

\$88,203,957

\$ 87,547,444

\$ (656,513)

<u>Expenditures</u>	<u>FY/2016 Budget</u>	<u>Proposed FY/2017</u>	<u>Inc./Dec.</u>
Board of Supervisors	\$ 704,470	\$ 945,435	\$ 240,965
County Administration	467,165	462,097	\$ (5,068)
Legal Department	114,703	75,000	\$ (39,703)
Accounting	-	-	\$ -
Commissioner of the Revenue	295,858	294,338	\$ (1,520)
Assessor	-	-	\$ -
Treasurer	377,429	372,244	\$ (5,185)
Information Systems	335,857	343,462	\$ 7,605
Registrar	186,462	285,452	\$ 98,990
Circuit Court	76,810	76,820	\$ 10
General District Court	6,230	5,730	\$ (500)
Juvenile & Domestic Courts	276,120	255,044	\$ (21,076)
Clerk of the Circuit Court	550,653	544,564	\$ (6,089)
Sheriff	2,832,533	2,786,835	\$ (45,698)
Law Library	1,000	1,000	\$ -
School Resource Officers	77,837	86,472	\$ 8,635
Commonwealth Attorney	663,285	644,904	\$ (18,381)
Victim Witness Asst. Program	58,004	101,375	\$ 43,371
Central Dispatch	2,800	2,800	\$ -
Smyth County Basic 911	490,121	472,110	\$ (18,011)
Volunteer Fire Department	237,250	243,572	\$ 6,322
Ambulance & Rescue Service	133,450	135,455	\$ 2,005
Forestry	9,000	8,000	\$ (1,000)
Sheriff - Jail	1,911,006	2,065,675	\$ 154,669
Building Inspection & Zoning	400,368	383,978	\$ (16,390)
Animal Control - Dog Warden	398,490	415,877	\$ 17,387
Medical Examiner - Coroner	500	500	\$ -
Emergency Services - Civil Defense	21,367	22,925	\$ 1,558
Refuse Collection & Disposal	1,317,414	1,433,614	\$ 116,200
Convenience Stations	312,607	317,373	\$ 4,766
Rye Valley Water Co.	26,041	26,168	\$ 127
Smyth County Tourism	35,558	35,563	\$ 5
Building & Facility Maintenance	559,620	566,704	\$ 7,084
Local Health Department	441,023	441,023	\$ -
Mental Health	166,022	166,022	\$ -
Welfare & Social Services	4,200	4,200	\$ -
Other Community expenses	233,121	212,721	\$ (20,400)
Community Colleges	55,806	55,750	\$ (56)
Recreation	29,000	29,000	\$ -
Library Administration	850,000	700,000	\$ (150,000)
Planning Commission	6,900	6,900	\$ -
Community & Economic Development	189,890	169,080	\$ (20,810)
County Engineer	3,600	3,000	\$ (600)
Economic Development Authority	819,407	766,428	\$ (52,979)
Soil & Water Conservation	28,250	27,600	\$ (650)

Cooperative Extension Program	86,167	88,875	\$ 2,708
Comprehensive Service Act	819,699	860,152	\$ 40,453
Animal Control	38,638	19,010	\$ (19,628)
EDA General Expenses	525,000	600,000	\$ 75,000
Court Fines transferred to Towns.	42,000	42,000	\$ -
County School Operations & Capital Outlay(Non-Local)	38,027,478	39,456,464	\$ 1,428,986
County School Operations & Capital Outlay (Local)	8,061,575	7,651,575	\$ (410,000)
County School Debt Service Local Funds	1,759,443	1,762,111	\$ 2,668
Welfare & Social Service Cost	4,747,077	4,742,517	\$ (4,560)
Project Expenses	-	-	\$ -
School Textbook Fund Expense	250,000	175,000	\$ (75,000)
Special Dispatch Funds	47,420	43,760	\$ (3,660)
Courthouse Project	7,715,000	3,000,000	\$ (4,715,000)
Pioneer Greenwood Project	-	-	\$ -
On Site Waste Water Expense	-	-	\$ -
Lick Skillet Project	-	-	\$ -
Water-Sewer Department Operations	1,165,589	1,259,496	\$ 93,907
Water-Sewer Department Debt Service	882,809	882,809	\$ -
Funded Projects	205,000	250,000	\$ 45,000
Special Welfare Funds	180,000	130,000	\$ (50,000)
Drug Asset Expense	307,000	307,000	\$ -
Sheriff Dare Program	6,000	5,000	\$ (1,000)
Courthouse Security	120,437	141,885	\$ 21,448
Asset Forfeiture	6,000	2,600	\$ (3,400)
Sheriff Federal Asset Forfeiture	-	25,000	\$ 25,000
Purchase Equipment	60,000	60,000	\$ -
Drug Court	-	129,231	\$ 129,231
Radar Fund Expense	646,398	782,149	\$ 135,751
Sub-total	81,405,957	78,409,444	\$ (2,996,513)

DEBT SERVICE

Payment on Line of Credit	5,000,000	5,000,000	-
Courthouse Debt Service	1,798,000	1,798,000	-
School Debt (HVAC/Buses)	0	2,110,000	2,110,000
Solid Waste Truck	\$ -	180,000	180,000
Professional Fees	\$ -	50,000	50,000
Sub-total	6,798,000	9,138,000	2,340,000

Total County Budget Expenditures	<u>\$ 88,203,957</u>	<u>\$ 87,547,444</u>	<u>\$ (656,513)</u>
----------------------------------	----------------------	----------------------	---------------------

TAX RATES FOR 2016

In preparation of the above budget the Smyth County Board of Supervisors proposed no changes in the current tax levies as follows:

Pursuant to Virginia Code §58.1-3001 et seq., the Board proposes to re-adopt, a real estate levy on all taxable real estate located in Smyth County, Virginia, including equalized real estate, where applicable, a unit levy of \$0.74 per \$100.00 of assessed valuation; Tax on tangible personal property and the tangible personal property of public service corporations, except rolling stock of corporations operating railroads, a unit levy of \$2.30 per \$100.00 of assessed valuation; Machinery & tools \$1.55 per \$100.00 of assessed valuation; Tax on Category 23 items (trucks used in interstate commerce over 10,000 pounds) a unit levy of \$1.55 per

\$100.00 of assessed valuation; Tax on merchants capital a unit levy of \$0.40 per \$100.00 of assessed valuation; and airplane tax \$1.40 per \$100.00 of assessed valuation.

There are no proposed tax increases in the FY2016-2017 budget.

There are no fee structure changes other than an 8% Water/Sewer Rate Increase in the Proposed FY16-17 Budget.

By order of the Smyth County Board of Supervisors, Michael L. Carter, County Administrator

Public Hearing

Proposed Increase in Water and Sewer Rates

Pursuant to Section 15.2-2119 of the Code of Virginia, The Smyth County Board of Supervisors proposes to increase the rates charged for Water and Sewer services within the Smyth County systems as follows, effective July 1, 2016:

Water Rates - Residential

Current Rates		Proposed Rates - 8% increase	
0 - 1,000 gallons	\$19.84 minimum bill	0 - 1,000 gallons	\$21.43 minimum bill
1,001 - 6,000 gallons	\$8.60 per 1,000 gallons	1,001 - 6,000 gallons	\$9.29 per 1,000 gallons
6,001 and over	\$10.58 per 1,000 gallons	6,001 and over	\$11.43 per 1,000 gallons

Water Rates - Commercial

Current Rates		Proposed Rates - 8% increase	
0 - 4,000 gallons	\$46.28 minimum bill	0 - 4,000 gallons	\$49.98 minimum bill
Each additional 1,000 gallons	\$10.58 per 1,000 gallons	Each additional 1,000 gallons	\$11.43 per 1,000 gallons

Water Rates - Industrial

Current Rates		Proposed Rates - 8% increase	
0 - 25,000 gallons	\$214.89 minimum bill	0 - 25,000 gallons	\$232.08 minimum bill
Each additional 1,000 gallons	\$10.58 per 1,000 gallons	Each additional 1,000 gallons	\$11.43 per 1,000 gallons

Sewer Rates - Residential

Current Rates		Proposed Rates - 8% increase	
0 - 1,000 gallons	\$19.84 minimum bill	0 - 1,000 gallons	\$21.43 minimum bill
1,001 - 6,000 gallons	\$8.60 per 1,000 gallons	1,001 - 6,000 gallons	\$9.29 per 1,000 gallons
6,001 and over	\$10.58 per 1,000 gallons	6,001 and over	\$11.43 per 1,000 gallons

Current Rate		Proposed Rate - 8% increase	
Residential Flat Rate	\$43.92 per month	Residential Flat Rate	\$47.43 per month

Sewer Rates - Commercial

Current Rates		Proposed Rates - 8% increase	
0 - 4,000 gallons	\$46.28 minimum bill	0 - 4,000 gallons	\$49.98 minimum bill
Each additional 1,000 gallons	\$10.58 per 1,000 gallons	Each additional 1,000 gallons	\$11.43 per 1,000 gallons

Sewer Rates - Industrial and Industrial Enterprise Zone

Current Rates		Proposed Rates - 8% increase	
0 - 3,000 gallons	\$66.12 minimum bill	0 - 3,000 gallons	\$71.41 minimum bill
Each additional 1,000 gallons	\$10.58 per 1,000 gallons	Each additional 1,000 gallons	\$11.43 per 1,000 gallons

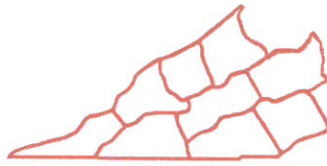
A Public Hearing will be conducted by the Smyth County Board of Supervisors on Tuesday, June 14, 2016 beginning at 6:30 p.m. in the Board of Supervisors meeting room, 121 Bagley Circle, Marion, Virginia. A copy of the present and proposed rate schedule is on file at the Smyth County Administrators Office, 121 Bagley Circle, Marion, Virginia and can be viewed between the hours of 8:00 am and 5:00 pm, Monday through Friday.

At this public hearing, subject to the rules of procedure of the Board of Supervisors of Smyth County, Virginia, any person may appear and state his/her views thereon. In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in this hearing should contact Clegg Williams, ADA Coordinator, at (276) 706-8315, at least 48 hours prior to the hearing.

By order of the Smyth County Board of Supervisors - Michael L. Carter, County Administrator

Southwest Virginia

Darin P. Russell, Director
Post Office Box 2725
Lebanon, VA 24266



Tel. : (276) 889-5862
Fax: (276) 889-5864

Community Corrections

May 26, 2016

Mr. Michael Carter
Smyth County Administrator
121 Bagley Circle, Suite 100
Marion, VA 24354

Dear Mr. Carter:

I understand that your appointment to the Southwest Virginia Community Corrections Criminal Justice Board is set to expire. I respectfully request that you be re-appointed to represent Smyth County. Please set this matter for your next Board of Supervisors' Meeting.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Russell', written over a horizontal line.

Darin P. Russell
Director

A meeting of the Smyth County Courthouse Committee was held at the County Office Building on Monday, June 6, 2016 at 4:00 p.m.

Committee Members Present:

Royal Oak District Supervisor G. Blake Frazier, Chairman (Entered meeting at 4:24)
Saltville District Supervisor Roscoe D. Call, Acting Chairman
North Fork District Supervisor Phil Stevenson

Staff Members Present:

Michael Carter, County Administrator
Scott Simpson, Assistant County Administrator
Kelly Woods, Administrative Assistant

Saltville District Supervisor Roscoe D. Call, Acting Chairman called the meeting to order at 4:01 p.m.

Scott Simpson, Assistant County Administrator presented change order #4 for several revisions relating to the Courthouse Project, in the amount of \$102,086.68 for BurWil Construction. After discussion, North Fork District Supervisor Phil Stevenson made a motion to approve and recommend Change Order #4 (attachment #1), with the exception of enlarging the Security Office in the amount of \$8,572.69. This will make the total of the change order to BurWil Construction \$93,513.99, and all agreed unanimously.

Mr. Simpson brought forward a request from the Commonwealth's Attorney's Office. The Commonwealth's Attorney's Office would like to change the carpeting in their offices at a cost of \$12,235.52, as shown on attachment #2, and to be paid for with non-county funds.

After discussion, North Fork District Supervisor Phil Stevenson made a motion to deny the request for the carpet change. Royal Oak District Supervisor G. Blake Frazier seconded the motion and all agreed unanimously.

Mr. Simpson brought forward a request from the Circuit Court Judge. The Circuit Court Judge would like to change the carpeting in 2 Courtrooms, a cost of \$12,746.82 as shown on attachment #3.

After discussion North Fork District Supervisor Phil Stevenson made a motion to deny the request as presented by Mr. Simpson. Royal Oak District Supervisor G. Blake Frazier seconded the motion and all agreed unanimously.

Mr. Simpson then brought forward a request for enclosing an outdoor room for maintenance equipment, a cost of \$16,550.58, as shown on attachment #4.

After discussion, Royal Oak District Supervisor G. Blake Frazier made a motion to approve the change with a not to exceed amount of \$12,000.00. North Fork District Supervisor Phil Stevenson seconded the motion and all agreed unanimously.

Mr. Simpson brought forward a request for an addition of a filing system unit in the Clerk of Circuit Court's office. This is the second time this matter has been presented before the

Committee. After discussion North Fork District Supervisor Phil Stevenson made a motion to deny the request as presented. Royal Oak District Supervisor G. Blake Frazier seconded the motion. All agreed unanimously.

Mr. Simpson informed the Committee that a plaque had been prepared for the Board of Supervisors to hang within the Courthouse for recognition of the renovation. Royal Oak District Supervisor G. Blake Frazier made a motion to allow staff to install the plaque. North Fork District Supervisor Phil Stevenson seconded the motion. All agreed unanimously.

These recommendations are to be presented to the Board of Supervisors at their regular meeting to be held on Tuesday, June 14, 2016.

Having no other business to discuss, Acting Chairman, Saltville District Supervisor Roscoe D. Call adjourned the meeting at 4:57 pm.

Attachment #1

Category 1:

Historic Refurbishing

\$33,755.23	PCO 52R1	Salvage Tin Ceilings
-------------	----------	----------------------

Total	\$33,755.23
-------	-------------

Category 2:

Asbestos Abatement

\$4,790.01	PCO 46R1	Additional Second Floor Abatement
\$8,200.13	PCO 49R1	Abate Lead Painted Tin Ceilings
\$12,712.37	PCO 53	Additional Asbestos Material

Total	\$25,702.51
-------	-------------

Category 3:

Code Requirements

\$6,486.13	PCO 40	Courtroom Bench Handrails
\$9,724.27	PCO 50R1	Plenum Space Sprinkler Head
\$1,081.64	PCO 48	Rubber Nosings for Stairs
\$1,650.21	PCO 64	Lockset Trim on Stair Door
\$4,951.98	PCO 27	Outside Air Unit Breakers

Total	\$23,894.23
-------	-------------

Category 4:

Miscellaneous Modifications

\$4,246.15	PCO 44	Interior Door Remote Control
\$6,109.28	PCO 47R1	Miscellaneous Owner Changes
(\$5,426.12) CREDIT	PCO 51	Black Iron Sprinkler Pipe in Attic
\$1,263.23	PCO 54R1	Hold Opens for 20 Doors
\$4,000.00	PCO 56R1	Remove Loose Terrazzo in Lobby
(\$5,127.67) CREDIT	PCO 57	Batt Insulation in Attic #1
\$5,097.15	PCO 60R1	Site Concrete Additions
\$8,572.69	PCO 61	Enlarge Security Office

Total	\$18,734.71
-------	-------------

Grand Total	<u>\$102,086.68</u>
-------------	---------------------

Attachment # 2

BurWil Construction Company, Inc.

P. O. Box 637
620 Locust Street
Bristol, TN 37621

Phone: (423) 968-4158
Fax: (423) 968-3199

PROPOSED CHANGE ORDER

No. 00064

TITLE: Change Carpet & Paint

DATE: 05/31/2016

PROJECT: Smyth County Courthouse Expansion

JOB NO.: 469-120-00

TO: Moseley Architects
3000 RDU Center Drive, Suite 217
Morrisville, NC 27560

PROJECT NO.: MOSELEY - 434401

CONTRACT NO: C46912000.00

ATTN: Russell Giles

RE:

To:

From:

Number:

DESCRIPTION OF PROPOSAL

Change carpet and paint in Rooms: 2077, 2078, 2080, 2081, 2079, 2084, 2083, 2086, 2089, 2088, 2095, 2097, 2099, 2098, 2093, 2075, 2103, 2104 and 2106.

Unit Cost: \$12,235.52

Unit Tax: \$0.00

Lump Sum: \$0.00

Lump Tax: \$0.00

Total: \$12,235.52

APPROVAL:

BurWil Construction Company, Inc.

By: _____

Nick Self

Title: Vice President of Operations

Date: 05/31/2016

cc: File

Expedition 6

Moseley Architects

By: _____

Russell Giles

Title: _____

Date: _____

Attachment #3

BurWil Construction Company, Inc.

P. O. Box 637
620 Locust Street
Bristol, TN 37621

Phone: (423) 968-4158
Fax: (423) 968-3199

PROPOSED CHANGE ORDER

No. 00060

TITLE: Change Carpet in Courtrooms

DATE: 04/27/2016

PROJECT: Smyth County Courthouse Expansion

JOB NO.: 469-120-00

TO: Moseley Architects
3000 RDU Center Drive, Suite 217
Morrisville, NC 27560

PROJECT NO.: MOSELEY - 434401

CONTRACT NO.: C46912000.00

ATTN: Russell Giles

RE:

To:

From:

Number:

DESCRIPTION OF PROPOSAL

Change carpet in the Circuit Courtroom and Shared Courtroom.

Unit Cost:	\$12,746.82
Unit Tax:	\$0.00
Lump Sum:	\$0.00
Lump Tax:	\$0.00
Total:	\$12,746.82

APPROVAL:

BurWil Construction Company, Inc.

By:

Nick Self

Title: Vice President of Operations

Date: 04/27/2016

cc: File

Expedition ®

Moseley Architects

By:

Russell Giles

Title:

Date:

Attachment # 4

BurWil Construction Company, Inc.

P. O. Box 637
620 Locust Street
Bristol, TN 37621

Phone: (423) 968-4158
Fax: (423) 968-3199

PROPOSED CHANGE ORDER

No. 00018

TITLE: Moseley's PCO No. 18-Outdoor Shed

DATE: 06/02/2015

PROJECT: Smyth County Courthouse Expansion

JOB NO.: 469-120-00

TO: Moseley Architects
3000 RDU Center Drive, Suite 217
Morrisville, NC 27560

PROJECT NO.: MOSELEY - 434401

CONTRACT NO.: C46912000.00

ATTN: Russell Giles

RE:

To:

From:

Number:

DESCRIPTION OF PROPOSAL

To construct the outdoor shed per Moseley Architects' PCO No. 18 dated 5/06/15.

Unit Cost: \$16,550.58

Unit Tax: \$0.00

Lump Sum: \$0.00

Lump Tax: \$0.00

Total: \$16,550.58

APPROVAL:

BurWil Construction Company, Inc.

By:

Nick Self

Title: Vice President of Operations

Date: 06/02/2015

cc: File

Expedition ®

Moseley Architects

By:

Russell Giles

Title:

Date:

A meeting of the Smyth County Ordinance Committee was held at the County Office Building on Tuesday, May 17, 2016 at 4:00 p.m.

Board Members Present: North Fork District Supervisor Phil Stevenson, Chairman
Saltville District Supervisor Roscoe D. Call
Atkins District Supervisor Charles Atkins

Staff Present: Michael Carter, County Administrator
Kelly Woods, Administrative Assistant
Clegg Williams, Building and Zoning Administrator
Jed Arnold, Campbell Law Firm

At 3:58 p.m. Chairman Phil Stevenson called the meeting to order.

Chairman, North Fork District Supervisor Phil Stevenson opened the meeting with discussion concerning the Rich Valley area being zoned Agricultural. Mr. Stevenson stated he felt it needed to be changed to be zoned Agricultural/Rural and also stated he has spoken to several constituents and they were in agreement with the change. Discussion continued on this item.

After discussion, Saltville District Supervisor Roscoe D. Call made a motion to recommend to the Board of Supervisors to schedule a Public Hearing for rezoning of the Rich Valley area from Agricultural to Agricultural/Rural. Atkins District Supervisor Charles Atkins seconded the motion. All agreed unanimously.

Michael Carter, County Administrator informed the Committee that some complaints have been received concerning the noise ordinance in the County. Mr. Carter stated he had spoken to Jeff Campbell, County Attorney and he stated he would review the Ordinance that is currently in place and would also speak to the Commonwealth's Attorney. Mr. Campbell will bring his findings before the Committee at their next scheduled meeting.

With nothing else to discuss, Chairman Phil Stevenson adjourned the meeting at 4:39 P.M.

A meeting of the Smyth County Surplus Committee was held at the County Office Building on Monday, June 6, 2016 at 4:45 P.M.

Committee Members Present:

Saltville District Supervisor Roscoe D. Call, acting Chair
North Fork District Supervisor Phil Stevenson

Committee Members Absent:

Park District Supervisor M. Todd Dishner

Staff Members Present:

Michael Carter, County Administrator
Scott Simpson, Assistant County Administrator
Kelly Woods, Administrative Assistant

The meeting was called to order at 5:02 P.M. by Saltville District Supervisor Roscoe D. Call, Acting Chairman.

Mr. Simpson reviewed 15 vehicles that were advertised for bid by the County. Below is a listing of the bids received.

VEHICLES FOR BID				POSEY JONES	YOUSEF DABBAGH	WILLIS BRIDGEMAN	WINNING BID
1997	FORD	TAURUS	1FALP52U9VA229435	\$ -	\$ -	\$ -	\$ -
2004	FORD	EXPLORE R	1FMZU72KXUA91601	\$ -	\$ 408.00	\$ 900.00	\$ 900.00
2003	DODGE	PICKUP	1D7HG12X23S185584	\$ 1,150.00	\$ -	\$ -	\$ 1,150.00
1998	FORD	TAURUS	1FAFP52U1WA106842	\$ -	\$ -	\$ -	\$ -
2006	FORD	CROWN VIC	2FAHP71W26X162206	\$ 657.00	\$ 308.00	\$ -	\$ 657.00
2011	FORD	CROWN VIC	2FABP7BV1BX115660	\$ 941.00	\$ 868.00	\$ -	\$ 941.00
2010	FORD	CROWN VIC	2FABP7BV6AX121310	\$ 743.00	\$ 508.00	\$ 900.00	\$ 900.00
2009	DODGE	CHARGER	2B3KA43T39H540746	\$ 1,871.00	\$ 1,368.00	\$ -	\$ 1,871.00
2009	DODGE	CHARGER	2B3KA43T19H540745	\$ 2,100.00	\$ 1,768.00	\$ -	\$ 2,100.00
1987	TOYOTA	PICKUP	JT4RN63R1H0141516	\$ 700.00	\$ -	\$ -	\$ 700.00
1992	CHEVROLE T	PICKUP	1GCEK14Z0NE170237	\$ 450.00	\$ -	\$ -	\$ 450.00
2000	CHEVROLE T	PICKUP	1GCEK14W3YZ233379	\$ 1,100.00	\$ -	\$ -	\$ 1,100.00
1996	FORD	F350	2FDKF38GXTCA5615	\$ 750.00	\$ -	\$ -	\$ 750.00
1979	CHEVROLE T	TRUCK C60	C16DA9V149556	\$ 550.00	\$ -	\$ -	\$ 550.00
1989	GULF STREAM	RV	17N330125KW0134977	\$ 650.00	\$ -	\$ -	\$ 650.00
				\$ 10,919.00		\$ 1,800.00	\$ 12,719.00

North Fork District Supervisor Phil Stevenson made a motion to award the bids to the highest bidder, and for those that were not bid on to stay as surplus for advertisement at a later date. All agreed unanimously. These funds will be placed into the General Fund for the County. This recommendation will be brought before the Board of Supervisors at the next meeting, scheduled for June 14, 2016 at 5:00 P.M.

The meeting was adjourned at 5:04 P.M.

A meeting of the Smyth County Water and Sewer Committee was held at the County Office Building on Wednesday, June 1, 2016 at 3:30 p.m.

Committee Members Present:

Saltville District Supervisor Roscoe D. Call, Chair
Royal Oak District Supervisor G. Blake Frazier
Rye Valley District Supervisor Rick K. Blevins

Staff Members Present:

Michael Carter, County Administrator
Scott Simpson, Assistant County Administrator
Jeff Campbell, County Attorney
Kelly Woods, Administrative Assistant
Wally Blevins, Water/Sewer Department Foreman

The meeting was called to order at 3:32 p.m. by Chairman Roscoe D. Call.

Michael Carter, County Administrator introduced Wally Blevins as the new Foreman for the Water/Sewer Department and the Solid Waste Department made effective immediately.

Discussion continued on the Atkins System Water Source. Michael Carter, County Administrator informed the Committee the County has 3 options available to them. Jeff Campbell, County Attorney presented his findings on the interconnect option with Rural Retreat, and stated Smyth County would have to receive approval from Wythe County to move forward with this. Discussion continued on this item.

Rye Valley District Supervisor Rick K. Blevins made a motion to test the current well for water quality in the Atkins area. Royal Oak District Supervisor G. Blake Frazier seconded the motion. All agreed unanimously.

Royal Oak District Supervisor G. Blake Frazier made a motion to allow Michael Carter, County Administrator to continue discussions with the Town of Marion concerning their water rates for the County. Rye Valley District Supervisor Rick K. Blevins seconded the motion. All agreed unanimously.

Scott Simpson, Assistant County Administrator presented the Committee with an agreement between Thomas Bridge Water and Smyth County as shown below.

**COOPERATIVE SEWER BILLING AND ENFORCEMENT AGREEMENT
BETWEEN
SMYTH COUNTY, VIRGINIA
AND
THOMAS BRIDGE WATER CORPORATION
JULY 1, 2016**

Water and Sewer Committee Minutes
Wednesday, June 1, 2016

THIS AGREEMENT for cooperative billing and enforcement was entered into as of the 1st day of July, 2016, by and between THOMAS BRIDGE WATER CORPORATION, (hereinafter referred to as "TBWC"), and SMYTH COUNTY, a political subdivision of the Commonwealth of Virginia, (hereinafter referred to as "County"), provides as follows:

Comment [TB-office1]: This date is controlled by when the billing can be set up.

Comment [JC2]: Agreed.

WHEREAS, Thomas Bridge Water Corporation ("TBWC"), located at 586 Thomas Bridge Road, Marion, Virginia 24354, is a public service company, chartered by the State Corporation Commission of Virginia on September 1, 1965, and amended; and

WHEREAS, as a 501 (c) 12 water public utility company with gross annual operating revenues of less than one million dollars, TBWC is governed by the Small Water or Sewer Public Utility Act found at Code of Virginia Title 56, Chapter 10.2:1; and

WHEREAS, TBWC provides water service to approximately 2,000 water customers within part of Smyth County, Virginia; and

WHEREAS, the County's Water and Sewer Department (the "Department"), located at 121 Bagley Circle, Marion, Virginia 24354, provides water and sewer services to customers throughout Smyth County; and

WHEREAS, the County provides sewer service in some areas in which its sewer customers obtain water service from TBWC; and

WHEREAS, the County plans to extend its sewer service to additional areas where customers obtain water service from TBWC; and

WHEREAS, Code of Virginia (1950), as amended, §§ 15.2-2117 and 15.2-2119 permits the establishment of cooperative billing and enforcement agreements such as this;

WHEREAS, by resolution of the Thomas Bridge Water Corporation, enacted on the 19th day of May, 2016, the billing and enforcement terms for collecting and billing the County sewer customers that are also TBWC water customers in accordance with this Agreement were approved and execution of this Agreement by the President and attestation by the Secretary were duly authorized.

Comment [TB-office3]: May 19, 2016 is the earliest possible date.

Comment [JC4]: Date will need to be modified to reflect date of action by TBWC Board.

WHEREAS, by resolution of the Board of Supervisors of Smyth County, enacted on the 10th day of May, 2016, the billing and enforcement terms for collecting and billing County sewer customers that are also TBWC water customers in accordance with this Agreement were approved and execution of this Agreement by the Chairman and attestation by the Clerk were duly authorized.

Water and Sewer Committee Minutes
Wednesday, June 1, 2016

NOW, THEREFORE, TBWC and the County agree as follows:

1. County will provide sewer service to its current and new customers within the County, including the establishment of all rates for sewer service in accordance with Virginia law; County will provide at least forty-five (45) days advance notice to TBWC of any changes in rates for sewer service.
2. TBWC will provide water to its current and new customers within its service area, including the establishment of all rates, fees, and charges (including penalties and interest), other than sewer usage rates and sewer non-user fees, in accordance with Virginia law.
3. "Joint Customers" are those customers who receive water service from TBWC and sewer service from County and those who receive water service from TBWC and are subject to a sewer non-user fee.
4. TBWC will provide water meter reading service to establish the basis for Joint Customer billing for both water and sewer services. As identified in Paragraph 10, these readings will be forwarded to the County at the time of remittance of collected sewer funds.
5. TBWC will bill those Joint Customers for both water and sewer services, including any sewer non-user fees, as its rules and procedures provide. The County hereby authorizes and directs TBWC to bill and collect allowable charges for sewer services and sewer non-user fees from Joint Customers pursuant to this Agreement according to the rates established by the County.
6. TBWC's disconnect policy is contained in Section III of its Rates, Rules, and Regulations manual, which is incorporated and made a part of this Agreement, and which may be amended from time to time at the discretion of TBWC. TBWC shall provide notice, pursuant to the notice provisions below, to the County of any change in its disconnect policy within 30 days of the enactment of such change. Pursuant to this Agreement, TBWC's disconnect policy shall apply to all customers, including Joint Customers who fail to pay all valid rates, fees, charges, or penalties.
7. County will pay to TBWC the following fees:
 - A. Account set-up for new Joint Customers: \$3.00 each account;
 - B. Monthly fee for billing for Joint Customers: \$1.00 each account.
8. TBWC will reimburse the County for all customer fees paid for monthly sewer Service, except as provided in Paragraph 9.
9. Fees owed by County to TBWC as established by Paragraph 7 shall be off-set on

Water and Sewer Committee Minutes
Wednesday, June 1, 2016

a monthly basis against the reimbursement of sewer collections which are due from TBWC to County.

10. Net payment from TBWC to County shall be made monthly with a report indicating customer list and charges.

Comment [JC5]: Strike "customer list and charges" and insert "individual customer charges and payments."

11. If TBWC receives any partial payments from Joint Customers, then it shall be entitled to apply such partial payments in the following order: (A) first to its charges and fees for the provision of water services, (B) second to the fees owed by County to TBWC as established by Paragraph 7, and (C) finally to the County for the reimbursement of sewer collections due from TBWC to the County.

Comment [JC6]: Strike this sentence and insert "All payments received by TBWC from Joint Customers shall be applied in the following order"

12. Pursuant to Virginia Code Ann. § 15.2-2117, the County shall make and enforce all such ordinances as may be necessary and proper to compel the payment of the fees and charges allowed in this Agreement and shall also do all other acts and things that may be necessary to establish, enforce, and maintain the provisions of this Agreement.

13. The County represents and warrants, as of the effective date:

- A. that it has sent written notice, separate from its usual billing statements, to all Joint Customers of the new cooperative billing arrangement with TBWC; and
- B. that it has held a public meeting to explain this Agreement and the new cooperative billing arrangement with TBWC to Joint Customers.

Comment [SS7]: The County Committee does not object to sending written notice to affected customers, as well as conducting a public information session in the community to inform customers of the new procedures. 06-06-2016

14. TBWC shall also have the right to send notice of this Agreement to Joint Customers. TBWC shall have the right to determine the language and information that it will include in the joint billing statements issued to Joint Customers pursuant to this Agreement.

Comment [JC8]: Do not understand the need for the public meeting portion of this provision. No such meeting is required by law. I understand the functional desire by TBWC to notify its customers but see no need for the County to conduct a public meeting.

15. This Cooperative Sewer Billing and Enforcement Agreement shall impose no obligations or responsibilities upon TBWC for the provision of sewer services to Joint Customers, but is intended solely to establish a cooperative billing agreement and enforcement agreement between TBWC and County, in accordance with Code of Virginia (1950), as amended, §§ 15.2-2117 and 15.2-2119. Nothing in this Agreement shall cause TBWC to be considered a provider of sewer services.

16. The County shall defend, indemnify, and hold harmless TBWC, its directors, officers, employees, and representatives against any claims made in connection with this Agreement and any claims related to the provision of sewer services by the County. The County's obligation to TBWC under this paragraph shall include, but is not limited to, the payment of all attorneys' fees and other litigation costs incurred by TBWC, as well as the

payment of all judgments, plus interest and costs. If the County fails to defend, indemnify, and/or hold harmless TBWC pursuant to this paragraph, or otherwise fails to honor the terms of this Agreement, then TBWC can, notwithstanding the provisions below establishing the term of the Agreement, terminate the Agreement with 30 days' notice.

TERM OF AGREEMENT

Initial Term. The term of this Agreement shall be for a period of five (5) years commencing July 1, 2016 and ending June 30, 2021. It shall be renewable as desired by the parties for additional terms of three (3) years, not to exceed a total of forty-one (41) successive years. At the end of the initial term and each successive three-year term, the Agreement shall automatically renew if notice of nonrenewal is not provided by either party as provided below.

Notice of Nonrenewal or Cancellation. If either party desires that the Agreement shall not renew at the end of the initial term or at the end of any successive three-year term, then that party must provide written notice to the other party at the address required below no later than 60 days prior to the end of the current term.

MISCELLANEOUS

Successors and Assigns. This Agreement shall be binding upon, inure to the benefit of, and be enforceable by the participants hereto and their respective successors and assigns.

Governing Law. This Agreement shall be governed and interpreted pursuant to Virginia law. Any lawsuit between the parties concerning this Agreement or the parties' performance under the Agreement shall be filed in a state court in Marion, Virginia, or in federal court in Abingdon, Virginia.

Entire Agreement: This Agreement is a fully integrated document that represents the complete understanding between the Parties. The Parties expressly disclaim reliance on any representations, written or oral, other than those contained in this Agreement. This Agreement therefore constitutes the entire understanding between the parties, and reflects their final and exclusive understanding. The parties have not relied on any oral or written statements that are not included in this Agreement, and no other oral or written statements are merged into this Agreement. Any modifications to this Agreement must be in writing and signed by the Parties or their authorized representatives.

Severability. If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not affect any other provision hereof, and those remaining portions shall remain in full force and effect.

Comment [JC9]: Counties in Virginia are absolutely immune from Tort liability and are given the power to enter into contracts of this type only under specific statutory provisions that do not provide specifically for an ability to indemnify third parties. See § 15.2-2117. Under the Dillon Rule, this indemnification provision would likely be held void ab initio.

Comment [TB-office10]: The dates may have to be changed depending on notification of customers and time needed to enter the necessary information in to the billing system.

Comment [JC11]: Agreed.

Water and Sewer Committee Minutes
Wednesday, June 1, 2016

Counterparts. This Agreement may be executed in several copies, any of which shall be regarded for all purposes as the original.

Notices and Address of Parties: All notices and communications required or permitted to be given pursuant to this Agreement shall be in writing and (i) mailed by United States Postal Service certified or registered mail, return receipt requested, and postage prepaid, or (ii) sent by recognized overnight carrier that provides proof of delivery such as UPS or Federal Express, with delivery charges prepaid, addressed as follows:

Thomas Bridge Water Corporation
586 Thomas Bridge Road
Marion, Virginia 24354
Telephone: _____

Smyth County Board of Supervisors
121 Bagley Circle, Suite 100
Marion, Virginia 24354
Telephone: _____

Notices shall be effective upon receipt or refusal. The telephone numbers listed above are for purposes of providing the same to overnight delivery services and are not to be otherwise used for notice purposes. Any party shall be entitled to change its address for notice by providing written notice of such change in accordance with this Paragraph.

Water and Sewer Committee Minutes
Wednesday, June 1, 2016

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and their seals to be affixed and attested by their duly authorized officials.

THOMAS BRIDGE WATER CORPORATION

F. Joseph Copenhaver, Jr., Administrator

Attest:

COMMONWEALTH OF VIRGINIA
COUNTY OF SMYTH, to-wit:

The foregoing Agreement dated July 01, 2016 was acknowledged before me this _____ day of _____, 2016, by F. Joseph Copenhaver, Jr., Administrator of the Thomas Bridge Water Corporation.

NOTARY PUBLIC

SMYTH COUNTY, VIRGINIA

Wade H. Blevins, Jr., Chairman
Smyth County Board of Supervisors

Attest:

Michael L. Carter

COMMONWEALTH OF VIRGINIA
COUNTY OF SMYTH, to-wit:

The foregoing Agreement dated July 01, 2016 was acknowledged before me this _____ day of _____, 2016, by Wade H. Blevins, Jr., Chairman of the Smyth County Board of Supervisors.

NOTARY PUBLIC

Pursuant to §15.2-1803 of the Code of Virginia, approved as to form:

By: _____
County Attorney

Water and Sewer Committee Minutes
Wednesday, June 1, 2016

Several items need to be changed and Mr. Simpson will forward them on to Thomas Bridge Water Corporation for their final approval.

Mr. Simpson then presented a letter to the Committee from Thomas Bridge Water Corporation requesting a Water rate increase. TBWC is requesting that we amend the contract to replace the tiered rates with a new single rate of \$3.60 per 1,000 gallons delivered to Smyth County to be effective June 1, 2016 and further rate increases to be calculated at the same amount of increase charged to their regular customers. Discussion continued on this item.

All recommendations will be presented to the Board of Supervisors at the next scheduled meeting on June 14, 2016.

With nothing further to discuss, the meeting was adjourned at 4:37 P.M.