

# AGENDA

Tuesday, August 14, 2018  
4:00 PM

**4:00 CALL MEETING TO ORDER** (M. Todd Dishner, Chairman)

## **CLOSED SESSION**

Code of Virginia, Section 2.2-3711 **A.3; Land acquisition**; discussion or consideration of the acquisition of real property for a public purpose; **A.5; Industrial/Business Prospects**; discussion concerning a business or industry considering expansion with no previous announcement being made.

## **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 July 10<sup>th</sup> and July 26<sup>th</sup>, 2018 meeting minutes

## **FINANCIAL STATUS**

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**

**5:30 Dr. Karen Shelton-Mt. Rogers Health District**

**6:00 Lavonda Brickey-Rabies Clinic Advertisement**

**6:15 Kendra Hayden-CSA Update**

## **NEW BUSINESS**

**\*Consideration of COF Performance Agreement for Speyside Bourbon Cooperage, Inc.-Jeff Campbell**

**\*Authorization of Exoneration-Jeff Richardson**

**\*Planning Commission Recommendation-Michael Carter**

**\*Letter of Support for TDO/ECO Transportation Solutions-Michael Carter**

**\*Committee Recommendations:**

- **Budget Committee-Todd Dishner, Chair**

Board of Supervisors Agenda  
Tuesday, August 14, 2018

- **Personnel Committee Update-Todd Dishner, Chair**
- **Solid Waste Committee-Curtis Rhea, Chair**
- **Water/Sewer Committee-Roscoe Call, Chair**

**\*Supervisor Comment Time**


The Smyth County Board of Supervisors held its regular meeting at 4:00 p.m., Tuesday, July 10, 2018. 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, Park District Supervisor M. Todd Dishner; North Fork District Supervisor Phil Stevenson; Chilhowie District Supervisor R. Curtis Rhea; Royal Oak District Supervisor Judy Wyant (4)

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K Blevins; Saltville District Supervisor Roscoe D Call; Atkins District Supervisor Charles Atkins (3)

STAFF: County Administrator Michael Carter; Assistant County Administrator Scott Simpson; County Attorney Travis Lee; Administrative Assistant Kelly Woods (4)

OTHERS: Deputy with the Smyth County Sheriff's Office, Stephanie Porter  
Nichols with Smyth County News and Messenger, and several citizens.

 6/12/2018 4:04 PM Chairman, Park District Supervisor M. Todd Dishner called the meeting to order. A motion was made by Chilhowie District Supervisor R. Curtis Rhea 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. North Fork District Supervisor Phil Stevenson seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins; Saltville District Supervisor Roscoe D. Call; Atkins District Supervisor Charles Atkins.

 7/10/2018 5:04 PM Atkins District Supervisor Charles Atkins entered the meeting.

 7/10/2018 5:05 PM Chairman, Park District Supervisor M. Todd Dishner called the meeting back to order from Closed session.

It was moved by North Fork District Supervisor Phil Stevenson, seconded by Chilhowie District Supervisor R. Curtis Rhea, 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, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: Atkins District Supervisor Charles Atkins.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

 7/10/2018 5:05 PM Kelly Woods, Administrative Assistant led the Pledge of Allegiance.

 7/10/2018 5:06 PM A motion was made by Atkins District Supervisor Charles Atkins, seconded by North Fork District Supervisor Phil Stevenson to adopt the agenda and additional agenda as presented.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea,  
Atkins District Supervisor Charles Atkins and  
Royal Oak District Supervisor Judy Wyant.



NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

 7/10/2018 5:06 PM It was moved by Chilhowie District Supervisor R. Curtis Rhea, seconded by North Fork District Supervisor Phil Stevenson to approve the minutes of the June 12<sup>th</sup> and June 26<sup>th</sup>, 2018 meetings.

After consideration, the motion PASSED by the following vote:


AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea,  
Atkins District Supervisor Charles Atkins and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

 7/10/2018 5:07 PM Scott Simpson, Assistant County Administrator presented the Board with information on the fiscal year ending numbers for 2017-2018 and a current month analysis for appropriations for FY2018-2019.

 7/10/2018 5:16 PM It was moved by Atkins District Supervisor Charles Atkins, seconded by Chilhowie District Supervisor R. Curtis Rhea to appropriate \$2,125,000.00 from the General Fund. The following is an explanation of the appropriations approved:

**General County**

Accounts Payable Listing:	\$ 1,373,607.59
Payroll:	\$ 705,037.93
Auto Draft Rural Development:	\$ 8,974.00
AEP/Century Link Bills:	\$ 25,000.00
County Administration Fund:	\$ 5,000.00
Minus Beginning Appropriation:	\$ (15,000.00)
New Carryover for June:	\$ 22,380.48
Total County Appropriation:	\$ 2,125,000.00

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea,  
Atkins District Supervisor Charles Atkins and

Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

It was moved by Atkins District Supervisor Charles Atkins, seconded by Chilhowie District Supervisor R. Curtis Rhea to appropriate \$410,000.00 from the General Fund for the Department of Social Services. The following is an explanation of the appropriations approved:

**Social Services**

(July 11-July 31, 2018)	\$ 350,000.00
(August 1-August 14, 2018)	\$ 60,000.00
Total Social Services:	\$ 410,000.00

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea,  
Atkins District Supervisor Charles Atkins and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

It was moved by Atkins District Supervisor Charles Atkins, seconded by North Fork District Supervisor Phil Stevenson to appropriate \$1,440,000.00 from the General Fund for the Smyth County School Board Operating Fund. The following is an explanation of the appropriations approved:

**Schools-Operating Fund**

Instruction	\$ 550,000.00
Administration, Attendance, & Health	\$ 75,000.00
Transportation	\$ 110,000.00
Facilities	\$ 360,000.00
School Food Service	\$ 275,000.00
Technology	\$ 70,000.00
Total School Operating Fund:	\$1,440,000.00

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea,  
Atkins District Supervisor Charles Atkins and

Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

It was moved by North Fork District Supervisor Phil Stevenson, seconded by Atkins District Supervisor Charles Atkins to appropriate \$800,000.00 from the School Textbook Fund.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea,  
Atkins District Supervisor Charles Atkins and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

It was moved by North Fork District Supervisor Phil Stevenson, seconded by Chilhowie District Supervisor R. Curtis Rhea to appropriate \$975,000.00 from the General Fund for School Debt Service.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea,  
Atkins District Supervisor Charles Atkins and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

It was moved by Atkins District Supervisor Charles Atkins, seconded by Chilhowie District Supervisor R. Curtis Rhea to appropriate \$1,120.74 from the Sheriff's Fund 748 for open invoices.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea,  
Atkins District Supervisor Charles Atkins and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

It was moved by North Fork District Supervisor Phil Stevenson, seconded by Chilhowie District Supervisor R. Curtis Rhea to appropriate \$355,000.00 from Fund 301 for the Courthouse Project.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea,  
Atkins District Supervisor Charles Atkins and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

It was moved by North Fork District Supervisor Phil Stevenson, seconded by Chilhowie District Supervisor R. Curtis Rhea to appropriate \$1,488.15 from Fund 749 for Drug Recovery Court open invoices.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea,  
Atkins District Supervisor Charles Atkins and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

It was moved by North Fork District Supervisor Phil Stevenson, seconded by Chilhowie District Supervisor R. Curtis Rhea to appropriate \$30.00 from EDA Fund 4 for an open invoice.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea,  
Atkins District Supervisor Charles Atkins and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

It was moved by Atkins District Supervisor Charles Atkins, seconded by North Fork District Supervisor Phil Stevenson to appropriate \$552.62 from the Commonwealth Attorney's Fund 760 for open invoices.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea,  
Atkins District Supervisor Charles Atkins and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

 7/10/2018 5:20 PM Chairman, Park District Supervisor M. Todd Dishner opened Citizens Time.


Leslee Brewer, 1208 Old Stage Road, Chilhowie spoke in opposition of the Town of Chilhowie's request for the release of a deed restriction to house a Farmer's Market in Chilhowie.

Cathy Smith, 149 Crestwood Drive, Chilhowie spoke in opposition of the request for the release of the deed restriction, stating she would like to see the property kept as a green space.

Brent Foster, 225 Church Avenue Chilhowie, spoke and stated he is a Council Member of the Town of Chilhowie. Mr. Foster stated he supported the request for the release of the deed restriction and feels a Farmer's Market is a benefit to those in the Community.

Jeff Pease, 752 Skyview Drive, Chilhowie also spoke in favor of the release of the deed restriction.

 7/10/2018 5:29 PM With no one else wishing to speak, Chairman, Park District Supervisor M. Todd Dishner closed Citizens Time.

 7/10/2018 5:29 PM Gary Henninger, Mayor for the Town of Chilhowie spoke concerning the request being made for the release of the deed restriction, which would allow for a structure to be built to house the Farmer's Market. Mr. Henninger informed the Board of Supervisors the structure would not have a floor, just sides and a roof.

John Clark, Town Manager for the Town of Chilhowie stated he was in support of the release of the deed restriction and informed the Board of Supervisors that grant money was available to aid in the cost to build the structure for the Farmer's Market.

Several Board of Supervisors members asked Mr. Clark questions concerning the building to be constructed and where the structure was going to be placed.

Chilhowie District Supervisor R. Curtis Rhea stated he had received several calls from constituents and they were opposed to the release of the deed restriction.

Atkins District Supervisor Charles Atkins asked if the Board approved the release of the restriction would it be for just this one structure.

Royal Oak Supervisor Judy Wyant stated she understands the concern from both sides but feels a Farmers Market is good for any area.

County Attorney Travis Lee stated the Board could place a stipulation in the deed release, only allowing the Town of Chilhowie to place one structure on the property.

North Fork District Supervisor Phil Stevenson made a motion to allow the release of the deed restriction and to allow the County Attorney to draft the necessary documents for proper filing; specifying it was to be for just this one structure. Royal Oak Supervisor Judy Wyant seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Atkins District Supervisor Charles Atkins and  
Royal Oak District Supervisor Judy Wyant.


NAYS: Chilhowie District Supervisor R. Curtis Rhea.


ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

 7/10/2018 6:02 PM Chairman, Park District Supervisor M. Todd Dishner called for a five (5) minute recess.

 7/10/2018 6:09 PM Chairman, Park District Supervisor M. Todd Dishner called the meeting back to order from recess.

 7/10/2018 6:09 PM Lennie Gail Mitcham, Executive Director of Southwest Virginia Alliance for Manufacturing presented the SVAM annual report for 2017-2018.

 7/10/2018 6:27 PM Shannon Williams, 911 Coordinator presented a request for the FY2018 Aid to Localities allocations and stated the full payment had been received from the Department of Fire Programs Aid. Mr. Williams stated staff recommends the following disbursement schedule.

<b>Agency</b>	<b>Disbursement Amount</b>
Atkins Fire Department	\$15,804.33
Adwolfe Fire Department	\$15,804.33
Nebo Fire Department	\$15,804.33
Sugar Grove Fire Department	\$15,804.33
Chilhowie Fire Department	\$5,804.34
Saltville Fire Department	\$5,804.34

These disbursements total \$74,826.00.

Atkins District Supervisor Charles Atkins made a motion to approve and appropriate the allocations as presented. North Fork District Supervisor Phil Stevenson seconded the motion.


After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea,  
Atkins District Supervisor Charles Atkins and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

 7/10/2018 6:28 PM North Fork District Supervisor Phil Stevenson made a motion to approve the Rich Valley Fair Festival Application as presented at the June 28<sup>th</sup>, 2018 Board Meeting. Chilhowie District Supervisor R. Curtis Rhea seconded the motion.


After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea,  
Atkins District Supervisor Charles Atkins and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

 7/10/2018 6:28 PM Chilhowie District Supervisor R. Curtis Rhea made a motion to approve the Konnarock Community Center Festival Application as presented at the June 28<sup>th</sup>, 2018 Board of Supervisors Meeting. North Fork District Supervisor Phil Stevenson seconded the motion.


After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea,  
Atkins District Supervisor Charles Atkins and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

 7/10/2018 6:29 PM Scott Simpson, Assistant County Administrator brought forward the following recommendation from the Building and Grounds Committee. It is the Committee's recommendation to continue the lease with Mt. Rogers Community Services Board for the Cornerstone Building, at a rate of \$666.67 per month, with a 60-day notice should Mt. Rogers choose to vacate.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Chilhowie District Supervisor R. Curtis Rhea,  
Atkins District Supervisor Charles Atkins and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chairman, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

Scott Simpson, Assistant County Administrator brought forward the following recommendation from the Building and Grounds Committee. It is the Committees recommendation to award the Generator Maintenance contract to Fidelity Power in the amount of \$9,260.00 in year one (1), with four (4) one-year renewal options. Should the Board choose to renew the contract after year one (1), the cost will remain the same, with the exception of years four (4) and five (5) which will be at a cost of \$10,000.00.

After consideration, the motion PASSED by the following vote:

**AYES:** Chairman, Park District Supervisor M. Todd Dishner,  
North Fork District Supervisor Phil Stevenson,  
Atkins District Supervisor Charles Atkins,  
Chilhowie District Supervisor R. Curtis Rhea and  
Royal Oak District Supervisor Judy Wyant.

**NAYS:** None.

**ABSTAINERS:** None.



**ABSENT:** Vice Chair, Rye Valley District Supervisor Rick K. Blevins and Saltville District Supervisor Roscoe D. Call.

 7/10/2018 6:34 PM Chairman, Park District Supervisor M. Todd Dishner continued the meeting to Thursday, July 26<sup>th</sup>, 2018 at 7:00 P.M.

The Smyth County Board of Supervisors held its continued meeting at 7:00 p.m., **Thursday, July 26, 2018**. 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, Park District Supervisor M. Todd Dishner; Vice-Chairman, Rye Valley District Supervisor Rick K Blevins; Saltville District Supervisor Roscoe D Call; North Fork District Supervisor Phil Stevenson; Chilhowie District Supervisor R. Curtis Rhea; Atkins District Supervisor Charles Atkins; Royal Oak District Supervisor Judy Wyant (7)

North Fork District Planning Commissioner Norman Sparks; Park District Planning Commissioner Joel Pugh; Chilhowie District Planning Commissioner Graham Davidson Jr.; Rye Valley District Planning Commissioner Paul D. Shepherd; Atkins District Planning Commissioner Hazel Wagoner, Royal Oak District Planning Commissioner Tony Dean; Saltville District Supervisor David Spence (7)

**ABSENT:**


None

**STAFF:**

County Administrator Michael Carter; Assistant County Administrator Scott Simpson; Building & Zoning Administrator Clegg Williams; Administrative Assistant Sarah Parris; Administrative Assistant Kelly Woods; County Attorney Jeff Campbell (6)

**Others Present:**

Stephanie Porter Nichols, Smyth County News and Messenger, Smyth County Sheriff's Department Deputy and several citizens were present.

 7/26/18 7:00 PM Chairman of the Board of Supervisors, M. Todd Dishner and Norman Sparks Chairman of the Planning Commission, called the joint public hearing to order. Scott Simpson, Assistant County Administrator read the advertisement as placed in the Smyth County News and Messenger.

**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, July 26, 2018, 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 Kenneth and Cynthia Parkin for a Special Use Permit to establish a campground. The property is addressed as 7530 Lee Highway; in Rural Retreat, it is identified as Tax Map No. 38C-1-13C and zoned Agricultural/Rural.*

*An application from Kenneth and Cynthia Parkin for a Special Use Permit to establish an event center. The property is addressed as 7530 Lee Highway; in Rural Retreat, it is identified as Tax Map No. 38C-1-13C and zoned Agricultural/Rural.*

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

Copies of 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 Clegg Williams, ADA Coordinator, at (276) 706-8315 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

Atkins District Supervisor Charles Atkins made a motion to waive the reading of the rules relating to Public Hearings. Chilhowie District Supervisor R. Curtis Rhea seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
Vice Chairman, Rye Valley District Supervisor Rick K. Blevins,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Atkins District Supervisor Charles Atkins,  
Chilhowie District Supervisor R. Curtis Rhea and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Clegg Williams, Building and Zoning Administrator explained Kenneth and Cynthia Parkin's intention to establish a campground. For this proposed use, the Parkin's are planning to dedicate an area of land for tent camping. In total, no more than five (5) tent sites will be available. Additionally, a cabin is being proposed to be constructed that will be available to rent, with a restroom facility attached. The property is located at 7530 Lee Highway, identified as tax map #38C-1-13C, and is zoned Agricultural/Rural. Mr. Williams stated notice of the public hearing was advertised in the Smyth County News & Messenger on July 14<sup>th</sup> and July 24<sup>th</sup>, 2018, along with a first class mailing to each of the applicants adjoining property owners.

Secondly, is an application for an event center. The Parkin's are proposing to install a large tent next to their home for scheduled events such as weddings and reunions. The restrooms proposed with the cabin will also provide facilities to the proposed event use.


Discussion continued by the Board of Supervisors and the Planning Commission, with several members questioning the sight line of the tent to be used and expressed concerns over noise.

No one spoke concerning these applications.

Board of Supervisors Chairman, Park District Supervisor M. Todd Dishner and Planning District Commission Chairman Norman Sparks closed the joint public hearing.

 7/26/2018 7:31 PM Chairman, Park District Supervisor M. Todd Dishner called the Board of Supervisors Meeting to order.

 7/26/2018 7:31 PM Chairman, Park District Supervisor M. Todd Dishner opened Citizens Time. With no one wishing to speak, Chairman Park District Supervisor M. Todd Dishner closed Citizens Time.

 7/26/2018 7:31 PM Scott Simpson, Assistant County Administrator presented a VDOT SMART SCALE Project Resolution for consideration as shown below. Mr. Simpson explained the program focuses on selecting the right transportation projects for funding and ensuring the best use of limited tax dollars. There is a firm deadline of August 1, 2018 to submit the resolution to allow for the projects selected to be considered for funding.

#### **VDOT SMARTSCALE PROJECT RESOLUTION - 2018**

**WHEREAS**, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a Resolution be received from the sponsoring Local Jurisdiction requesting the Virginia Department of Transportation to establish a project in Smyth County;

**THEREFORE, BE IT RESOLVED**, the Smyth County Board of Supervisors hereby requests the Commonwealth Transportation Board to establish two projects for the construction of:

US Route 11 / SR 660 Roundabout South	\$ 3,607,316
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US Route 11 / SR 660 Roundabout North	\$ 3,572,022
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**THEREFORE, BE IT FURTHER RESOLVED** Smyth County hereby agrees to enter into a project administration agreement with VDOT and, if required; provide the necessary oversight to ensure the project is developed in accordance with all applicable Federal, State, and Local requirements for design, right of way acquisition, and construction of the project.

This 26<sup>th</sup> day of July, 2018. Smyth County, Virginia

Chilhowie District Supervisor R. Curtis Rhea made a motion to adopt the Resolution as presented. Saltville District Supervisor Roscoe D. Call seconded the motion.


After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
Vice Chairman, Rye Valley District Supervisor Rick K. Blevins,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Atkins District Supervisor Charles Atkins,  
Chilhowie District Supervisor R. Curtis Rhea and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

 7/26/2018 7:47 PM Saltville District Supervisor Roscoe D. Call made a motion to appropriate \$135.00 Fund 749, Drug Recovery Court for open invoices. Atkins District Supervisor Charles Atkins seconded the motion.


After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
Vice Chairman, Rye Valley District Supervisor Rick K. Blevins,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Atkins District Supervisor Charles Atkins,  
Chilhowie District Supervisor R. Curtis Rhea and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

 7/26/2018 7:48 PM 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 and **A.7 Legal**; discussion with legal counsel and staff pertaining to actual or probable litigation. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Park District Supervisor M. Todd Dishner,  
Vice Chairman, Rye Valley District Supervisor Rick K. Blevins,  
Saltville District Supervisor Roscoe D. Call,

North Fork District Supervisor Phil Stevenson,  
Atkins District Supervisor Charles Atkins,  
Chilhowie District Supervisor R. Curtis Rhea and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

It was moved by Rye Valley District Supervisor Rick K. Blevins, seconded by North Fork District Supervisor Phil Stevenson, 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, Park District Supervisor M. Todd Dishner,  
Vice Chairman, Rye Valley District Supervisor Rick K. Blevins,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Atkins District Supervisor Charles Atkins,  
Chilhowie District Supervisor R. Curtis Rhea and  
Royal Oak District Supervisor Judy Wyant.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

The meeting was adjourned at 9:24 P.M.



## Substance Abuse in Smyth County

At the Smyth County Board of Supervisors meeting on May 8, 2018, we presented the Community Health Assessment (CHA) results from the Smyth County Community Hospital. This assessment was the collaboration lead by the Hospital, and included the Mount Rogers Health District of the Virginia Department of Health, Mount Rogers Community Service Board, Smyth County Department of Social Services, Smyth County Schools, Emory and Henry College of Health Sciences, Southwest Virginia Community Health Systems Saltville Medical Clinic, Smyth County Sheriff's Department, Marion Town Police, Drug Court, and the Ministerial Association of Smyth County. The priorities were Substance Abuse, Mental Health, Child Abuse and Childhood Obesity. There was also a public survey on the Mount Rogers Health District website that was highlighted by the newspaper article covering the CHA, social media, and community events. There were 117 surveys returned, and the results showed the number one concern of the community was also Drug Abuse (#86), followed by Unemployment (#55), Cost of Healthcare (#49), Mental Health Issues (#39), Child Abuse/Neglect (#38), and Alcohol Use/Abuse (#37).

The problem of substance abuse is a problem of addiction. Addiction is considered a chronic relapsing disease of the brain, much like depression, and as such there is treatment for addiction. It is a hard fought treatment and takes commitment from the individual, support of the family, and support of the community, but those with substance addiction can recover and go on to be productive members of society.

There are many adverse effects of substance abuse to the user, the user's family, and society. Abuse of opioids can be fatal. Because the opioid substance of abuse in southwest Virginia is predominately prescription opioids, we tend to see less fatalities than areas where synthetic opioids (heroin, fentanyl and carfentanyl) have heavier use. Smyth County fatalities have been 1-2 per year for the last 5 years.

Substance use during pregnancy can have long term effects on a child and cause a baby to be born withdrawing from these substances - a condition called Neonatal Abstinence Syndrome (NAS). Smyth County has very high rates of NAS compared to the rest of the state. The NAS rate for Smyth County (number per 1000 births) in 2015 was 43.5 and for 2016 was 37.8. Compare these to Virginia state rates for those years of 6.1 and 6.7.

Hepatitis C is another problem caused by intravenous drug use. The Smyth County rate of Hepatitis C in 2015 (per 100,000 people) was 212 and in 2016 was 200, compared to Virginia state rates of 98 and 135. In the population most active in acquiring Hepatitis C, ages 18 - 30, the rate in Smyth County in 2016 was 537, compared to the Virginia rate of 133.

Cost to Smyth County is also a factor in substance abuse. Considerable resources from every agency in this county goes toward dealing with substance abuse and addiction and the consequences. Law enforcement states that the majority of arrests are drug related. The regional jail cost has gone from \$1.8 million in 2015 to \$2.9 million for 2019. Businesses have a hard time finding workers that can pass a drug screen.

There is much work being done by all agencies in Smyth County to combat the problem of Substance Abuse. We will focus on some of the solutions that are already underway and additional solutions to be considered.

Karen Shelton MD, Director Mount Rogers Health District, Virginia Department of Health

## COMMONWEALTH'S DEVELOPMENT OPPORTUNITY FUND

### PERFORMANCE AGREEMENT

This **PERFORMANCE AGREEMENT** made and entered this \_\_\_\_ day of August, 2018, by and among the **COUNTY OF SMYTH, VIRGINIA** (the "Locality"), a political subdivision of the Commonwealth of Virginia (the "Commonwealth"), **[TFF GROUP]** (the "Company"), a \_\_\_\_\_ [corporation/limited liability company/etc.] [authorized to transact business in the Commonwealth], the **SMYTH-WASHINGTON INDUSTRIAL FACILITIES AUTHORITY** (the "Authority"), a political subdivision of the Commonwealth, and the **VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP AUTHORITY** ("VEDP"), a political subdivision of the Commonwealth.

#### WITNESSETH:

WHEREAS, the Locality has been awarded a grant of and expects to receive \$325,000 from the Commonwealth's Development Opportunity Fund (a "COF Grant") through VEDP for the purpose of inducing the Company to renovate, equip, improve, and operate a cooperage facility in the Locality (the "Facility"), thereby making a significant Capital Investment, and creating and Maintaining a significant number of New Jobs, as such capitalized terms are hereinafter defined;

WHEREAS, the Locality is willing to provide the funds to the Authority with the expectation that the Authority will provide the funds to or for the use of the Company, provided that the Company promises to meet certain criteria relating to Capital Investment and New Jobs;

WHEREAS, the Locality, the Authority, the Company, and VEDP desire to set forth their understanding and agreement as to the payout of the COF Grant, the use of the COF Grant proceeds, the obligations of the Company regarding Capital Investment and New Jobs, and the repayment by the Company of all or part of the COF Grant under certain circumstances;

WHEREAS, the renovation, equipping, improvement, and operation of the Facility will entail a capital expenditure by or on behalf of the Company of approximately \$26,000,000, of which approximately \$18,000,000 will be invested in machinery and tools, approximately \$500,000 will be invested in furniture, fixtures and equipment, approximately \$2,000,000 will be invested in the purchase of an existing building, and approximately \$5,500,000 will be invested in the renovation and up-fit of the building;

WHEREAS, the renovation, equipping, improvement, and operation of the Facility will further entail the creation and Maintenance of 125 New Jobs at the Facility; and

WHEREAS, the stimulation of the additional tax revenue and economic activity to be generated by the Capital Investment and New Jobs constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for the COF Grant:



NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows.

**Section 1. Definitions.**

For the purposes of this Agreement, the following terms shall have the following definitions:

“Capital Investment” means a capital expenditure by or on behalf of the Company in taxable real property, taxable tangible personal property, or both, at the Facility. The purchase or lease of machinery and tools or furniture, fixtures, and equipment, including under an operating lease, and expected building renovation and up-fit by or on behalf of the Company will qualify as Capital Investment. The Capital Investment must be in addition to the capital improvements at the Facility as of July 1, 2018.

“Initial Performance Date” means December 31, 2022. If the Locality, in consultation with the Authority and VEDP, deems that good faith and reasonable efforts have been made and are being made by the Company to achieve the Targets, the Locality may request an extension of the Initial Performance Date by up to 15 months. Any extension of the Initial Performance Date shall require the prior approval of the Board of Directors of VEDP (the “Board”). If the Performance Date is extended, the Locality shall send written notice of the extension to the Authority, the Company and VEDP and the date to which the Initial Performance Date has been extended shall be the “Initial Performance Date” for the purposes of this Agreement.

“Maintain” means that the New Jobs will continue without interruption from the date of creation through the Subsequent Performance Date. Positions for the New Jobs will be treated as Maintained during periods in which such positions are not filled due to (i) temporary reductions in the Company’s employment levels (so long as there is active recruitment for open positions), (ii) strikes, and (iii) other temporary work stoppages.

“New Job” means new permanent full-time employment of an indefinite duration at the Facility for which the standard fringe benefits are provided by the Company for the employee, and for which the Company pays an average annual wage of at least \$30,173. Average annual wage means the average annual salary of full-time positions at the Facility determined by dividing total payroll (of a type included in W-2 compensation) provided to full-time positions at the Facility by the number of full-time positions at the Facility. Each New Job must require a minimum of either (i) 35 hours of an employee’s time per week for the entire normal year of the Company’s operations, which “normal year” must consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth, and positions with construction contractors, vendors, suppliers and similar multiplier or spin-off jobs shall not qualify as New Jobs.

“Subsequent Performance Date” means December 31, 2026, unless the Initial Performance Date has been extended. If the Initial Performance Date has been extended, the

Subsequent Performance shall be four years after the new Initial Performance Date. Except as so noted, the Subsequent Performance Date is not subject to extension.

“Targets” means the Company’s obligations to make Capital Investments at the Facility of at least \$26,000,000 and to create and Maintain at least 125 New Jobs at the Facility, all as of the Initial Performance Date. Further, “Targets” includes the Company’s obligation to Maintain at least 125 New Jobs at the Facility as of the Subsequent Performance Date.

“Virginia Code” means the Code of Virginia of 1950, as amended.

## **Section 2.     Targets; Statutory Criteria.**

(a)     *Targets:* The Company will renovate, equip, improve, and operate the Facility in the Locality, make a Capital Investment of at least \$26,000,000, and create and Maintain at least 125 New Jobs at the Facility, all as of the Initial Performance Date. Further, the Company will maintain at least 125 New Jobs at the Facility as of the Subsequent Performance Date.

(c)     *Prevailing Wage; Unemployment and Poverty Rates:* The average annual wage of the New Jobs of at least \$30,173 is less than the prevailing average annual wage in the Locality of \$34,227, but is more than 85% of that prevailing average annual wage (\$29,093). The Locality is a high-unemployment locality, with an unemployment rate for 2017, which is the last year for which such data is available, of 5.4% as compared to the 2017 statewide unemployment rate of 3.8%. The Locality is a high-poverty locality, with a poverty rate for 2016, which is the last year for which such data is available, of 18.1% as compared to the 2016 statewide poverty rate of 11.0%.

(d)     *Disclosure of Political Contributions:* The Company acknowledges that the name of the Company will be shared by VEDP with the Governor of Virginia, and any campaign committee or political action committee associated with the Governor. The Company acknowledges that within 18 months of the date of this Performance Agreement, the Governor, his campaign committee, and his political action committee will submit to the Virginia Conflict of Interest and Ethics Advisory Council a report listing any contribution, gift, or other item with a value greater than \$100 provided by the Company to the Governor, his campaign committee, or his political action committee, respectively, during the period from the date of the Company’s application for the COF Grant through the one-year period immediately after the date of this Agreement.

## **Section 3.     Disbursement of COF Grant.**

(a)     *Disbursement of the COF Grant:* By execution and delivery of this Agreement, the Locality requests that the COF Grant be disbursed to it. VEDP will promptly arrange for the payment of the \$325,000 COF Grant to the Locality.

The disbursement of the COF Grant proceeds to the Company will serve as an inducement to the Company to achieve the Targets.

The COF Grant proceeds shall be retained by the Locality and shall be disbursed in one payment as follows:

Within 90 days after the Initial Performance Date, by completing and filing the report described in Section 5(b), the Company will provide notice and evidence reasonably satisfactory to the Locality, the Authority, and VEDP of the amount of Capital Investments that it has made through the Initial Performance Date and the number of New Jobs created and Maintained through the Initial Performance Date. Such evidence will be subject to verification by the Locality and VEDP.

If the Company has not made Capital Investments of at least \$1,500,000 and created and Maintained at least 15 New Jobs as of the Initial Performance Date, it will not receive any of the proceeds of the COF Grant. These are the statutory minimum requirements for a COF Grant under the Virginia Code for a project located in the Locality.

If the Company has made Capital Investments of at least \$26 million and created and Maintained at least 125 New Jobs as of the Initial Performance Date, it will receive all \$325,000 of the proceeds of the COF Grant.

The COF Grant is to be allocated as 50% (\$162,500) for the Company's Capital Investment Target, and 50% (\$162,500) for the Company's New Jobs Target. If the Company met the statutory minimum requirements set forth in the second prior paragraph, but has not fully achieved the Targets, the Company will not receive that part of the COF Grant that is proportional to the Target or Targets for which there is a shortfall. For example, if as of the Initial Performance Date, only \$19,500,000 of the Capital Investment has been retained (reflecting achievement of 75% of the Capital Investment Target), and only 100 New Jobs have been created and Maintained (reflecting achievement of 80% of the New Jobs Target), the Company will receive \$121,875 (reflecting 75% of the \$162,500 allocated to the Capital Investment Target), *plus* \$130,000 (reflecting 80% of the \$162,500 allocated to the New Jobs Target), for a total of \$251,875. These amounts reflect the percentages of the shortfall from the expected amount of Capital Investment and expected number of New Jobs, each multiplied by the portion of the COF Grant proceeds available to the Company allocated to that Target.

Within 30 days of the verification, if any portion of the COF Grant proceeds has been earned by the Company, the Locality will disburse the amount earned to the Authority. Within 30 days of its receipt of such COF Grant proceeds, the Authority will disburse such COF Grant proceeds to the Company.

Within 30 days of the verification, if any portion of the COF Grant proceeds has not been earned by the Company, the Locality shall return to VEDP the amount not earned, for redeposit to the Commonwealth's Development Opportunity Fund.

(b) *Determination of Inability to Comply:* If the Locality or VEDP shall determine at any time prior to the Initial Performance Date (a "Determination Date") that the Company is unable or unwilling to meet and Maintain its Targets by and through the Initial Performance Date, and if the Locality, the Authority or VEDP shall have promptly notified the Company of such determination, the Company will not receive any of the proceeds of the COF Grant, and, within 90 days of the Determination Date, the Locality will repay to VEDP all of the COF Grant proceeds. Such a determination will be based on such circumstances as a filing by or on behalf of the Company under Chapter 7 of the U.S. Bankruptcy Code, the liquidation of the Company, an abandonment of the Facility by the Company or other similar significant event that demonstrates that the Company will be unable or is unwilling to satisfy the Targets for the COF Grant.

(c) *Use of the COF Grant Proceeds:* The Company will use the COF Grant proceeds to pay or reimburse the cost of build-out of a privately owned building for the Facility, as permitted by Section 2.2-115(D) of the Virginia Code.

#### **Section 4. Break-Even Point; State and Local Incentives.**

(a) *State-Level Incentives:* VEDP has estimated that the Commonwealth will reach its "break-even point" by the Subsequent Performance Date. The break-even point compares new revenues realized as a result of the Capital Investment and New Jobs at the Facility with the Commonwealth's expenditures on incentives, including but not limited to the COF Grant. With regard to the Facility, the Commonwealth expects to provide incentives in the following amounts:

<u>Category of Incentive:</u>	<u>Total Amount</u>
COF Grant	\$325,000
Virginia Jobs Investment Program ("VJIP") (Estimated)	87,500
Tobacco Region Opportunity Fund Grant ("TROF")	415,000
Enterprise Zone Real Property Investment Grant ("EZRPIC") (Estimated)	200,000
Enterprise Zone Job Creation Grant ("EZJCG") (Estimated)	457,600

The proceeds of the COF Grant shall be used for the purposes described in Section 3(c). The VJIP grant proceeds shall be used by the Company to pay or reimburse itself for recruitment and training costs. The proceeds of the TROF Grant, the EZRPIC, and the EZJCG may be used by the Company for any lawful purpose.

(b) *Locality-Level Incentives:* The Locality expects to provide the following incentives, as matching grants or otherwise, for the Facility by the Performance Date:

<u>Category of Incentive:</u>	<u>Total Amount</u>
Highlands Business Park Land Donation ("Land Donation") (Estimated)	\$750,000

The value of the Land Donation reflects the Locality's share of the cost of the land owned by the Smyth-Washington Industrial Facilities Authority to be transferred to the Company, and shall represent a cost savings to the Company.

(c) *Other Incentives:* This Agreement relates solely to the COF Grant. The qualification for, and payment of all other State-Level Incentives and Locality-Level Incentives, except for the COF Grant, will be governed by separate arrangements between the Company and the entities offering the other incentives.

## **Section 5. Company Reporting.**

(a) *Progress Reporting:* The Company shall provide, at the Company's expense, in the form attached hereto as Exhibit A, detailed verification reasonably satisfactory to the Locality, the Authority, and VEDP of the Company's progress on the Targets. Such progress reports will be provided annually, starting at March 31, 2020, and covering the period through the prior December 31. Further, the Company shall provide such progress reports at such other times as the Locality, the Authority, or VEDP may reasonably require.

With each such progress report, the Company shall report to VEDP the amount paid by the Company in the prior calendar year in Virginia corporate income tax or, as applicable, shall provide to VEDP a copy of its Virginia income tax form filed with respect to its status as a pass-through entity. VEDP hereby represents to the Company that it considers such information to be confidential proprietary information that is exempt from public disclosure under the Virginia Freedom of Information Act and that such information will be used by VEDP solely in calculating aggregate return on invested capital analyses for purposes of gauging the overall effectiveness of economic development incentives.

(b) *Initial Performance Date Performance Report:* The Company shall provide, at the Company's expense, in the form attached hereto as Exhibit B, detailed verification reasonably satisfactory to the Locality, the Authority and VEDP of the Company's achievement of the Targets as of the Initial Performance Date. The Initial Performance Date Performance Report shall be filed within 90 days after the Initial Performance Date.

(c) *Subsequent Performance Date Performance Report:* The Company shall provide a letter certifying the number of New Jobs Maintained at the Facility as of the Subsequent Performance Date. Such certification shall be filed within 90 days after the Subsequent Performance Date.

## **Section 6. Verification of Targets.**

(a) *Verification of Capital Investment:* The Company hereby authorizes the Locality, including the Locality's Commissioner of the Revenue and Treasurer, to release to VEDP the Company's real estate tax, business personal property tax and machinery and tools tax information. Such information shall be marked and considered confidential and proprietary and shall be used by VEDP solely for verifying satisfaction of the Capital Investment Target. If the



Locality, the Office of the Commissioner of the Revenue or the Office of the Treasurer should require additional documentation or consents from the Company to access such information, the Company shall promptly provide, at the Company's expense, such additional documentation or consents as the Locality, the Authority, or VEDP may request. In accordance with Virginia Code Section 58.1-3122.3, VEDP is entitled to receive the Company's real estate tax, business personal property tax and machinery and tools tax information from the Locality's Commissioner of the Revenue.

In addition to the verification data described above, in the sole discretion of the Locality, the Authority, or VEDP, the Locality, the Authority, or VEDP, may each require such other documentation, including invoices, or audits as may be required to properly verify the Capital Investment.

(b) *Verification of New Jobs and Wages:* The Company must submit a copy of its four most recent Employer's Quarterly Tax Report (Form FC-20) with the Virginia Employment Commission with the reports filed for the Initial Performance Date and the Subsequent Performance Date, as described in Sections 5(b) and (c). The forms shall be marked and considered confidential and proprietary and shall be used by VEDP solely for verifying satisfaction of the New Jobs Target. In accordance with Virginia Code Section 60.2-114, VEDP is entitled to receive the Company's employment level and wage information from the Virginia Employment Commission.

The Company agrees that it will report to the Virginia Employment Commission with respect to its employees at a facility-level, rather than at the company-level.

In addition to the verification data described above, in the sole discretion of the Locality, the Authority, or VEDP, the Locality, the Authority or VEDP, may each require such other documentation or audits as may be required to properly verify the New Jobs.

## **Section 7. Repayment Obligation.**

(a) *Further Performance Target for the Maintenance of the New Jobs:* If, pursuant to Section 3(a), the Company received all \$162,500 of the COF Grant allocated to the New Jobs Target, the Company may have a repayment obligation if it has not Maintained the New Jobs from the Initial Performance Date through the Subsequent Performance Date. If the Company has received all of the proceeds of the COF Grant allocated to the New Jobs Target, but has not Maintained at least 113 New Jobs (90.4% of 125 the New Jobs Target) through the Subsequent Performance Date, the Company shall repay to the Authority that part of COF Grant that is proportional to the shortfall from the 125 New Jobs Target. For example, if at the Subsequent Performance Date, only 75 New Jobs have been Maintained (reflecting achievement of 60% of the New Jobs Target), the Company shall repay to the Authority \$65,000, reflecting 40% of the COF Grant proceeds that it received allocated to the New Jobs Target.

(b) *Repayment:* The Company shall be liable for any repayment of all or a portion of the COF Grant, as described in this Section 7. ***Such repayment shall be due from the Company to the Authority within ninety days of the Subsequent Performance Date.*** Any moneys repaid

by the Company to the Authority hereunder shall be repaid by the Authority to the Locality and shall be repaid by the Locality promptly to VEDP for redeposit into the Commonwealth's Development Opportunity Fund. The Locality and the Authority shall use their best efforts to recover such funds, including legal action for breach of this Agreement. Neither the Locality nor the Authority shall have any responsibility for the repayment of any sums payable by the Company hereunder unless said sums have been received by the Authority from the Company.

(c) *Failure to Repay*: If any repayment due pursuant to this Section 7 is not made by the Company when due, the Board of Directors of VEDP (the "Board") may determine that further collection action is required, and the Board may refer the matter to the Office of the Attorney General (the "OAG") for collection pursuant to Section 2.2-518 of the Virginia Code. In such event, by their signatures below, the Locality and the Authority will be deemed to have assigned to the Commonwealth all of their rights, title and interest in and to this Section 7. In any matter referred to the OAG for collection, the Company shall be liable to pay interest, administrative charges, attorney fees and other applicable fees. Interest on any outstanding repayment referred to the OAG shall accrue at the rate set forth in Section 6.2-301 A. of the Virginia Code (currently 6.0% per year) for the period from the Subsequent Performance Date until paid.

## **Section 8.     Notices.**

Formal notices and communications between the Parties shall be given either by (i) personal service, (ii) delivery by a reputable document delivery service that provides a receipt showing date and time of delivery, (iii) mailing utilizing a certified or first class mail postage prepaid service of the United States Postal Service that provides a receipt showing date and time of delivery, or (iv) delivery by facsimile or electronic mail (email) with transmittal confirmation and confirmation of delivery, addressed as noted below. Notices and communications personally delivered or delivered by document delivery service shall be deemed effective upon receipt. Notices and communications mailed shall be deemed effective on the second business day following deposit in the United States mail. Notices and communications delivered by facsimile or email shall be deemed effective the next business day, not less than 24 hours, following the date of transmittal and confirmation of delivery to the intended recipient. Such written notices and communications shall be addressed to: [PLEASE CONFIRM/PROVIDE THE DESIRED CONTACT INFORMATION.]

if to the Company, to:

Speyside Bourbon Cooperage, Inc.  
P. O. Box 509  
960 East Main Street  
Jackson, Ohio 45640  
Facsimile: \_\_\_\_\_  
Email: \_\_\_\_\_  
Attention: Darren Whitmer, General  
Manager

with a copy to:

TFF Group  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Facsimile: \_\_\_\_\_  
Email: \_\_\_\_\_  
Attention: \_\_\_\_\_

if to the Locality, to:

with a copy to:

County of Smyth, Virginia  
121 Bagley Circle, Suite 100  
Marion, Virginia 24354  
Facsimile: 276.783.9314  
Email: [mcarter@smythcounty.org](mailto:mcarter@smythcounty.org)  
Attention: Michael L. Carter, County  
Administrator

County of Smyth, Virginia  
\_\_\_\_\_  
\_\_\_\_\_  
Facsimile: \_\_\_\_\_  
Email: \_\_\_\_\_  
Attention: \_\_\_\_\_

if to the Authority, to:

with a copy to:

Smyth-Washington Industrial Facilities  
Authority

Economic Development Authority of the  
County of Smyth, Virginia

\_\_\_\_\_  
\_\_\_\_\_  
Facsimile: \_\_\_\_\_  
Email: \_\_\_\_\_  
Attention: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Facsimile: \_\_\_\_\_  
Email: \_\_\_\_\_  
Attention: \_\_\_\_\_

if to VEDP, to:

with a copy to:

Virginia Economic Development Partnership  
One James Center, Suite 900  
901 East Cary Street  
Richmond, Virginia 23219  
Facsimile: 804.545.5611  
Email: [moret@vedp.org](mailto:moret@vedp.org)  
Attention: President and CEO

Virginia Economic Development Partnership  
One James Center, Suite 900  
901 East Cary Street  
Richmond, Virginia 23219  
Facsimile: 804.545.5611  
Email: [smcninch@vedp.org](mailto:smcninch@vedp.org)  
Attention: General Counsel

## **Section 8. Miscellaneous.**

(a) *Entire Agreement; Amendments:* This Agreement constitutes the entire agreement among the parties hereto as to the COF Grant and may not be amended or modified, except in writing, signed by each of the parties hereto. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The Company may not assign its rights and obligations under this Agreement without the prior written consent of the Locality, the Authority and VEDP.

(b) *Governing Law; Venue:* This Agreement is made, and is intended to be performed, in the Commonwealth and shall be construed and enforced by the laws of the Commonwealth. Jurisdiction and venue for any litigation arising out of or involving this Agreement shall lie in the Circuit Court of the City of Richmond, and such litigation shall be brought only in such court.

(c) *Counterparts:* This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.



(d) *Severability:* If any provision of this Agreement is determined to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

(e) *Attorney's Fees:* Except as provided in Section 7(c), attorney's fees shall be paid by the party incurring such fees.

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**IN WITNESS WHEREOF**, the parties hereto have executed this Performance Agreement as of the date first written above.

**COUNTY OF SMYTH, VIRGINIA**

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**SMYTH-WASHINGTON INDUSTRIAL  
FACILITIES AUTHORITY**

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**[TFF GROUP]**

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**VIRGINIA ECONOMIC  
DEVELOPMENT PARTNERSHIP  
AUTHORITY**

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Exhibit A: Annual Progress Report Form  
Exhibit B: Final Report Form

## ANNUAL PROGRESS REPORT COMMONWEALTH'S DEVELOPMENT OPPORTUNITY FUND

### PROJECT SUMMARY:

Project	
Location	
Amount of Grant	
Performance Reporting Period	
Performance Date	

### PROJECT PERFORMANCE:

Performance Measurement	Target	As of _____	% Complete
<b>New Jobs</b> (over 0 baseline) <sup>1</sup>			
Confidence level target will be reached by Performance Date shown above (check one)	High <input type="checkbox"/>	Moderate <input type="checkbox"/>	Low <input type="checkbox"/>
<b>Capital Investment</b> (provide breakdown below) <sup>2</sup>			
Confidence level target will be reached by Performance Date shown above (check one)	High <input type="checkbox"/>	Moderate <input type="checkbox"/>	Low <input type="checkbox"/>
<b>Average Annual Wage</b>			N/A
Confidence level target will be reached by Performance Date shown above (check one)	High <input type="checkbox"/>	Moderate <input type="checkbox"/>	Low <input type="checkbox"/>
<b>Standard Fringe Benefits</b> (check one)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A
<b>Virginia Corporate Income Tax Paid in Prior Calendar Year</b> <sup>3</sup>	\$ _____		

<sup>1</sup>Data will be verified using Virginia Employment Commission records.

<sup>2</sup>Data will be verified with locality records.

<sup>3</sup>This confidential information is protected from disclosure pursuant to § 2.2-3705.6 of FOIA.

Capital Investment Breakdown	Amount
Land	\$
Land Improvements	\$
New Construction or Expansion	\$
Renovation or Building Upfit	\$
Production Machinery and Tools	\$
Furniture, Fixtures and Equipment	\$
Other	
<b>Total</b>	<b>\$</b>

**COMMENTS:**

Discuss project status, including the current level of new jobs and capital investment, progress on targets, changes or likely changes in project's nature that may impact achievement of targets, and other information relevant to project performance. If the project is not on track to meet targets, please provide an explanation.

**TO BE CERTIFIED BY AN OFFICER OF THE COMPANY:**

I certify that I have examined this report and to the best of my knowledge and belief, it is true, correct, and complete.

Company: \_\_\_\_\_

Submitted By: \_\_\_\_\_  
Signature of Official

Name: \_\_\_\_\_  
Print Name

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Please return to:

Kim Ellett, Incentives Coordinator, Virginia Economic Development Partnership, 804-545-5618, [kellest@vedp.org](mailto:kellest@vedp.org)

## FINAL REPORT COMMONWEALTH'S DEVELOPMENT OPPORTUNITY FUND

### PROJECT SUMMARY:

Project	
Location	
Amount of Grant	
Performance Date	

### PROJECT PERFORMANCE:<sup>1</sup>

Performance Measurement	Target	As of March 1, 2021	% Complete
<b>New Jobs</b> (over 0 baseline) <sup>2</sup>			
<b>Capital Investment</b> (provide breakdown below) <sup>3</sup>			
<b>Average Annual Wage</b>			N/A
<b>Standard Fringe Benefits</b>			
<b>Virginia Corporate Income Tax Paid in Prior Calendar Year<sup>4</sup></b>	\$		

Capital Investment Breakdown	Amount
Land	\$
Land Improvements	\$
New Construction or Expansion	\$
Renovation or Building Upfit	\$
Production Machinery and Tools	\$
Furniture, Fixtures and Equipment	\$
Other	
<b>Total</b>	<b>\$</b>

<sup>1</sup>Final, actual performance will be reported on VEDP's public reporting website.

<sup>2</sup> Attach the company's four most recent Quarterly Tax Report (Form FC-20) filed with the Virginia Employment Commission.

<sup>3</sup> Data will be verified using records from the Commissioner of the Revenue and invoices.

<sup>4</sup>This confidential information is protected from disclosure pursuant to § 2.2-3705.6 of FOIA

**LOCAL MATCH:**

Goal	
Actual	

**COMMENTS:**

Discuss Project status or the important of the Project to the locality and region.

**TO BE CERTIFIED BY AN OFFICER OF THE COMPANY:**

I certify that I have examined this report and to the best of my knowledge and belief, it is true, correct, and complete.

Company: \_\_\_\_\_

Submitted By: \_\_\_\_\_  
Signature of Official

Name: \_\_\_\_\_  
Print Name

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Please return to:

Kim Ellett, Incentives Coordinator, Virginia Economic Development Partnership, 804-545-5618, [kelllett@vedp.org](mailto:kelllett@vedp.org)



# Smyth County

JEFFREY T. RICHARDSON  
Commissioner of the Revenue

P.O. BOX 985  
MARION, VIRGINIA 24354-0985  
August 3, 2018



Board of Supervisors  
Smyth County  
121 Bagley Circle  
Marion VA 24354

RE: Authorization of Exoneration

Pursuant to the requirements of Article VII Sec. 34-206 – Sec. 34-211 of the Code of Smyth County, the Commissioner of the Revenue has determined the following rehabilitated real estate projects are eligible for the tax exemption qualifications:

Tax Year 2017:

Ellis Historical Properties, LLC, Acct. # 9938, building located at 111 East Main St, Marion, VA  
Chilhowie Milling/Myrtle Prop., Acct. # 5151, building located at 154 Lee Hwy, Chilhowie, VA  
Keith & Lissa Hungate, Acct. # 26697/26735, building located at 210 Broad St, Marion, VA  
Mt View Properties, Acct # 6874, building at 1204 N Main St, Marion VA  
Richards Comm. Properties, Acct # 149233, building at 129/131 E Main St, Chilhowie VA

These projects reflect an increased investment in real estate projects exceeding \$ 1,392,000 by these investors since 2010.

By offering this program, Board of Supervisors is encouraging owners to invest in their commercial and industrial property, in exchange for a reduction of real estate tax on the increased improvement values for 9 years following the completion of these projects. These businesses have and continue to meet the requirements outlined by the Board of Supervisors, and we ask for authorization to exonerate the appropriate value in order to carry out the tax exemption.

Sincerely,

  
Jeff Richardson

c. Tom Burkett, Treasurer  
✓ Mike Carter, County Administrator



## Smyth County Planning Commission

121 Bagley Circle, Suite 120, Marion, VA 24354  
Phone (276) 706-8316 Fax (276) 783-9314

Hazel Wagoner, Atkins District  
Graham Davidson Jr., Chilhowie District  
Norman Sparks, North Fork District  
Joel Pugh, Park District  
Tony Dean, Royal Oak District  
Paul Shepherd, Rye Valley District  
David Spence, Saltville District  
Clegg Williams, Zoning Administrator  
Sarah Parris, Administrative Assistant

To: Michael L. Carter  
From: Clegg Williams *CW*  
Date: July 30, 2018  
Subject: Recommendations from Planning Commission

After the joint public hearing on Thursday, July 26, 2018, the following motion was rendered:

**Kenneth and Cynthia Parkin - Campground:** Commissioner Joel Pugh made a motion to recommend approval for the request for a Special Use Permit for a campground on the property addressed as 7530 Lee Highway; in Rural Retreat with the stipulations there be a maximum of five tent sites and the bunkhouse be limited to 12 or less beds. Commissioner David Spence seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Sparks, Spence, Wagoner, Shepherd, Pugh, Davidson Jr., Dean  
**NAYS:** None.  
**ABSTAINERS:** None.  
**ABSENT:** None.

**Kenneth and Cynthia Parkin - Event Center:** Commissioner Joel Pugh made a motion to recommend approval for the request for a Special Use Permit for an event center on the property addressed as 7530 Lee Highway; in Rural Retreat with the stipulations the tent used for the events or any permanent structure that may be built to replace the tent be limited to 2000 square feet. The structure be a minimum of 15 feet from all lot lines, and the maximum occupant load for any event be 125. Commissioner Hazel Wagoner seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Sparks, Spence, Wagoner, Shepherd, Pugh, Davidson Jr., Dean  
**NAYS:** None.  
**ABSTAINERS:** None.  
**ABSENT:** None.





## Smyth County Board of Supervisors

121 Bagley Circle, Suite 100, Marion, VA 24354  
Phone (276) 783-3298 Fax (276) 783-9314  
[www.smythcounty.org](http://www.smythcounty.org)

*Michael L. Carter*  
County Administrator

*Scott R. Simpson, P.E.*  
Assistant County Administrator

### RESOLUTION CONCERNING TEMPORARY DETENTION ORDER (TDO) TRANSPORTATION

Whereas, safe, recovery-oriented transportation is a critical need for individuals involved in the civil commitment process, offering a less traumatizing experience and facilitating more positive outcomes for individuals and their families; and

Whereas, historically, within the civil commitment process, law enforcement has provided transportation to inpatient facilities, in addition to providing a constant presence throughout the crisis evaluation process; and

Whereas, the current system of law enforcement providing transportation for ECO's and TDO's is an unfunded mandate and results in undue financial and operational challenges to local municipalities and creates additional stress and trauma for the individual and the families of the person being transported by law enforcement; and

Whereas, the current system creates a risk to maintaining safe communities by reducing the number of hours in which officers are patrolling their communities due to the TDO/ECO transport duties, and creates an increased risk to those being transported because they are often alone in the back of a patrol car without proper monitoring of physiological and psychological symptoms while in transport, in some cases for up to six hours; and

Whereas, In 2009, legislation was passed allowing magistrates to designate someone other than law enforcement to provide transportation under an Emergency Custody Order (ECO) or a Temporary Detention Order (TDO) if this could be accomplished safely, and it's perceived that alternative transportation would have a substantial positive impact on individuals, families, and law enforcement, by allowing law enforcement to focus on their primary responsibilities, and by de-stigmatizing and promoting a more recovery-oriented civil commitment process;

**NOW, THEREFORE BE IT RESOLVED**, this 14th day of August, 2018, The Smyth County Board of Supervisors requests the Virginia Legislature continue to develop, and adequately fund, an alternative transportation system for individuals involved in the civil commitment process, recognizing the demographic and geographical challenges that rural areas in Virginia have concerning travel distances, the effect those challenges have on the emotional and financial impact of the families, and the financial distress incurred by all parties involved; and

Be it further resolved that the Virginia Legislature review and grant an exemption for the Southwest Virginia Mental Health Institute from the "place of last resort" requirement under current law; recognizing that it is centrally located, and imminently qualified, to serve as a front line regional detention center for the civil commitment process, and that increasing the capacity at Southwest Virginia Mental Health Institute through increased state and local financial support would ultimately result in cost savings to the overall mental health arena.

SIGNED:

ATTEST:

*Saltville District*  
*Roscoe D Call*

*North Fork District*  
*Phil Stevenson*

*Chilhowie District*  
*R. Curtis Rhea*

*Park District*  
*M. Todd Dishner*

*Atkins District*  
*Charles Atkins*

*Royal Oak District*  
*Judy Wyant*

*Rye Valley District*  
*Rick K Blevins*

A meeting of the Smyth County Budget Committee was held at the County Office Building on Tuesday, July 10, 2018 at 3:00 p.m.

**Committee Members Present:**

Chairman, Park District Supervisor M. Todd Dishner  
Chilhowie District Supervisor R. Curtis Rhea

**Staff Members Present:**

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

**Others Present:**

Dr. Dennis Carter, Smyth County School Superintendent  
Julie Bear, Finance Director for Smyth County Schools

Chairman, Park District Supervisor M. Todd Dishner called the meeting to order at 3:05 P.M.

Dr. Dennis Carter, Smyth County School Superintendent presented two budget amendment requests as shown below for FY2018-2019 from the Smyth County School Board in the amount of \$235,275.00. This amendment of \$235,275.00 will increase the FY2018-2019 Budget from \$87,634,888.00 to \$87,870,163.00.

**AMENDMENT:**

<b>REVENUE:</b>	<b>AMOUNT:</b>
009-022000-0001 Local Funds Transfer	\$135,275.00
37-011010-0001 School Textbook Fund	\$100,000.00
<b>EXPENSE:</b>	<b>AMOUNT:</b>
009-099990-5804 Facilities	\$135,275.00
37-099990-5701 School Textbook Fund	\$100,000.00

Chilhowie District Supervisor R. Curtis Rhea made a motion to recommend approving the Budget Amendments as presented in the amount of \$235,275.00. All agreed unanimously.

Michael Carter, County Administrator reviewed the Auditing "pre-work" Bids with the Committee. Mr. Carter stated that an RFP had been placed and two (2) proposals for services had been received. After discussion, Chilhowie District Supervisor R. Curtis Rhea made a motion to interview both firms that submitted proposals, and to enter into competitive negotiations during the interview process. All agreed unanimously.

Michael Carter, County Administrator presented information on the PPTRA rate and stated the Board of Supervisors is required to establish the PPTRA tax relief rate to be applied to qualifying vehicles each year. The Commissioner of Revenue is recommending a relief rate of 52%.

Chilhowie District Supervisor R. Curtis Rhea made a motion to accept the recommendation from the Commissioner of Revenue for a 52% PPTRA relief rate. All agreed unanimously.

At 3:36 p.m. Chairman Park District Supervisor M. Todd Dishner adjourned the meeting.

A meeting of the Smyth County Budget Committee was held at the County Office Building on Thursday, July 19, 2018 at 3:30 P.M.

**Committee Members Present:**

Park District Supervisor M. Todd Dishner, Chairman  
Rye Valley District Supervisor Rick K. Blevins

**Staff Members Present:**

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

Chairman, Park District Supervisor M. Todd Dishner called the meeting to order at 3:35 P.M.

Scott Simpson, Assistant County Administrator presented a VDOT SMART SCALE Project Resolution for consideration as shown attached. Mr. Simpson explained the program focuses on selecting the right transportation projects for funding and ensuring the best use of limited tax dollars. There is a firm deadline of August 1, 2018 to submit the resolution to allow for the projects selected to be considered for funding. Due to the timing needed to submit the applications, this item will be brought for consideration at the July 26, 2018 continued Board Meeting.

Michael Carter, County Administrator presented two bids for a 40-yard container for the Solid Waste Department. Two (2) bids were received, one from Cavalier Equipment at a cost of \$7,016.00 each and one from Bakers Waste Equipment at a cost of \$6,859.00 each. Rye Valley District Supervisor Rick K. Blevins made a motion to recommend awarding the bid to Baker's Waste Equipment in the amount of \$6,859.00.00 for one (1) 40-yard container. All agreed unanimously.

The committee proceeded with interviews of the two accounting firms who submitted proposals for preaudit work for FY2018.

Brown, Edwards and Company representatives were interviewed.

Hicok, Brown and Company representatives were interviewed.

After discussion and consideration of the proposals and presentations given today, the committee unanimously recommended Mr. Carter begin negotiations with Hicok, Brown and Company to provide pre-audit services for the County for FY2018.

At 5:04 p.m. Chairman Park District Supervisor M. Todd Dishner adjourned the meeting.

A meeting of the Smyth County Budget Committee was held at the County Office Building on Monday, August 6, 2018 at 3:30 P.M.

**Committee Members Present:**

Park District Supervisor M. Todd Dishner, Chairman  
Rye Valley District Supervisor Rick K. Blevins

**Staff Members Present:**

Michael Carter, County Administrator  
Kelly Woods, Administrative Assistant

**Others Present:**

Sheriff Chip Shuler  
Johnny Joannou, Smyth County Sheriff's Department  
Gabe Johnson, Grants Administrator, Smyth County Sheriff's Department

Chairman, Park District Supervisor M. Todd Dishner called the meeting to order at 3:47P.M.

Sheriff Chip Shuler presented a quote for the purchase of four (4) 2018 Ford Explorers, at a cost of \$27,665.00 each, for a total of \$110,660.00 to be purchased from Sheehy Auto Sales out of the Police Activity Fund 744. Sheriff Shuler stated the vehicles were in stock. After discussion, Rye Valley District Supervisor Rick K. Blevins made a motion to recommend approving the purchase as requested. All agreed unanimously.

Gabe Johnson, Grants Administrator with the Smyth County Sheriff's Office presented a request to apply for a grant from DCJS, for two (2) School Resource Officer. Mr. Johnson stated this would be for a period of one year and could require an in-kind match, which would be a vehicle for each Officer. Applications are due on August 24, 2018.

Rye Valley District Supervisor Rick K. Blevins made a motion to recommend the approval of the grant submission requested for two (2) SRO's. All agreed unanimously.

Michael Carter, County Administrator brought forward a request from an employee in the Clerk of Circuit Court's Office for an increase to their salary in the amount of \$10,000.00. The Committee discussed the request, and the justification the employee has provided. Information provided included a letter from the employee, and data showing an increase in the criminal court cases that are handled by the Clerk's Office. After much discussion, the Committee tabled the request.

Michael Carter, County Administrator reviewed the delinquent tax list with the Committee. After discussion, Rye Valley District Supervisor Rick K. Blevins made a motion to recommend allowing Mr. Carter to notify any part-time and/or full-time employees and current Smyth County Board Members concerning any delinquent taxes that are currently owed. The notification would include a deadline of August 31, 2018 requesting the balance to be paid in full or further action would be taken. All agreed unanimously. At 4:41 p.m. Chairman Park District Supervisor M. Todd Dishner adjourned the meeting.

A meeting of the Smyth County Personnel Committee was held at the County Office Building on Tuesday, July 24, 2018 at 5:00 P.M.

**Committee Members Present:** Park District Supervisor M. Todd Dishner, Chairman  
Saltville District Supervisor Roscoe D. Call

**Staff Present:** Michael Carter, County Administrator

Chairman, Park District Supervisor M. Todd Dishner called the meeting to order at 5:37 P.M.

A motion was made by Saltville District Supervisor Roscoe D. Call 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 contract; promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body. All agreed unanimously.

It was moved by Saltville District Supervisor Roscoe D. Call to adopt the following resolution certifying the business conducted in closed session as follows. All agreed unanimously.

**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.

With nothing further to discuss, the meeting was adjourned at 6:13 P.M.

A meeting of the Smyth County Solid Waste Committee was held at the County Office Building on Monday, July 9, 2018 at 4:00 P.M.

**Committee Members Present:** Chilhowie District Supervisor R. Curtis Rhea, Chairman  
North Fork District Supervisor Phil Stevenson  
Atkins District Supervisor Charles Atkins

**Staff Members:** Michael Carter, County Administrator  
Jeff Campbell, County Attorney  
Scott Simpson, Assistant County Administrator  
Kelly Woods, Administrative Assistant  
Wally Blevins, Solid Waste Foreman

Chairman, Chilhowie District Supervisor R. Curtis Rhea called the meeting to order at 4:03 P.M.

Michael Carter, County Administrator informed the Committee that a meeting had taken place with Walker Paving concerning the lease for the property the Transfer Station currently resides on. A copy of a letter from Mr. Walker concerning the lease is attached. Discussion continued, with the Committee reviewing several options for Smyth County to continue operating the Transfer station at the current site.

Michael Carter, County Administrator then reviewed financing rates received with the Committee for the purchase of the trucks needed to haul the solid waste. The first proposal received was from the Bank of Marion with a rate of 3.25% fixed for 60 months. The second proposal received was from BB&T with a rate of 3.19% fixed for 60 months. After discussion, North Fork District Supervisor Phil Stevenson made a motion to recommend approving the rate for financing from BB&T, at 3.19% for five (5) years. Atkins District Supervisor Charles Atkins seconded the motion and all agreed unanimously.

With nothing else to discuss, Chairman, Chilhowie District Supervisor R. Curtis Rhea adjourned the meeting at 4:38 p.m.



A meeting of the Smyth County Water and Sewer Committee was held at the County Office Building on Tuesday, July 24, 2018 at 4:00 p.m.

**Board Members Present:** Saltville District Supervisor Roscoe D. Call, Chair  
Chilhowie District Supervisor R. Curtis Rhea

**Staff Present:** Michael Carter, County Administrator  
Scott Simpson, Assistant County Administrator  
Kelly Woods, Administrative Assistant

At 4:16 p.m. Chairman, Saltville District Supervisor Roscoe D. Call called the meeting to order.

Scott Simpson, Assistant County Administrator presented year end numbers for FY18 to the Committee concerning the operating budget for the Water/Sewer Department. Mr. Simpson stated that on a cash basis, the end of year revenues for the Department were \$2,141,572.94 and expenses were \$2,022,814.49. The resulting difference is an operating surplus for fiscal year 2018 of \$118,758.45. For reference fiscal year 2017 showed an operating surplus of \$166,737.

Mr. Simpson informed the committee the Smyth Wythe Airport had a leak on their private side of the service line. The line was replaced and is showing no further signs of a leak. The Department gave a standard leak adjustment and have not heard of any further concerns or issues.

Mr. Simpson then discussed a scenario concerning customers who have booster pumps to increase the water pressure to their homes. The Water/Sewer Department does not have any record of the locations of these pumps, nor is it obligated to keep such information. Staff wished to confirm the intent of Section VI (B), of the Water/Sewer Policy Manual; which states the County's responsibility for services ends just outside the meter box. In this case the County is not responsible for pumps or other items beyond the meter box. The Committee concurred with the interpretation.

Mr. Simpson informed the Committee that four (4) responses had been received to the Banking RFP which was seeking ACH services, online web payment portal, credit card machines for the office counter, and telephone payment options. The proposals were reviewed and ranked according to quality and completeness of the services offered. Chilhowie District Supervisor R. Curtis Rhea made a motion to rank the two proposals as being from Paymentus and The Bank of Marion, authorizing Staff to interview both organizations. This will allow for a final ranking of the two (2) firms and negotiations of the fee structure with the top ranked firm first. The final information will be brought to the Committee by staff after the negotiations have been completed for discussion, review, and final recommendation. All agreed unanimously.

The Committee discussed the public advertisement made in May, 2018 seeking new water sources. Mr. Simpson informed the Committee the County received three (3) offers from local landowners as follows:

Mr. Alvin Jones offered his rights to the Town Spring along Highway 16, which he stated now flows about 50 gallons per minute. Unfortunately, this quantity of water is not sufficient for the needs of the County.



Mr. Wyatt offered his spring located in Broadford next to the Cove Mine. Mr. Simpson observed this spring and indicated it appeared to not have enough flow and the location was not conducive to connecting to the existing areas needing supplemental water.

Ms. Scott offered her family's spring located adjacent to the river and Tranquility lane. The spring flows well over an estimated million gallons per day, and feeds directly into the river. Mr. Simpson stated the location is about 6,000 feet from the existing Hutton Branch system. Further evaluation of this spring could occur with the water source PER to be completed for the County's east end.

Next, committee discussion centered around the development of water sources in specific areas of need within Smyth County. The discussion was broken up into an East and West County evaluation. The main areas of need are in the Atkins system, which requires approximately 40,000 gallons per day and the Cleghorn System, which needs approximately 120,000 gallons per day. Mr. Simpson offered several suggestions related to the quantity of water needed, existing piping, existing sources, and potential sources.

After further discussion, Chilhowie District Supervisor R. Curtis Rhea recommended the following on the East County Source Development. All agreed unanimously.

Continue working with Wythe County on the Joint application to the MRPDC for a PER evaluation of the interconnection, utilize the \$11,880.00 of Mt. Rogers Planning District Commission Grant funds in hand to determine the upgrades and improvements needed to the Hutton Branch treatment plant; which could allow for an increased permitted capacity as well as a more reliable operation.

Apply for a \$30,000.00 SEARCH Grant from Rural Development to provide for a formal evaluation of overall line extensions, upgrades, and other water sources in the area such as the Scott Spring and potentially a large spring near Exit 54.

Chilhowie District Supervisor R. Curtis Rhea recommended the following on the West County Source Development. All agreed unanimously.

Utilize \$20,000.00 of an Engineering Grant previously awarded and \$67,900.00 of the Mt. Rogers Planning District Commission construction grant funds to ream, develop, drawdown, and seek permitting of the well located on the EDA property at the West end of Chilhowie.

After the above process, apply for another \$30,000.00 SEARCH Grant from Rural Development to provide for a formal evaluation of overall line extensions, and incorporation of this well source to supply the Cleghorn system.

The following is a listing of projects which are unanimously recommended by the committee for new grant applications:

MRPDC Technical Assistance	\$20,000.00	Engineering PER Wythe County Interconnection Evaluation
MRPDC Technical Assistance	\$20,000.00	Design Assistance for Daywood Lane Water Extension
MRPDC Construction Funds	\$25,000.00	Water Correlator Device and Services
MRPDC Construction Funds	\$100,000.00	Grubmore Water Extension
MRPDC Construction Funds	\$75,000.00	Daywood Water Extension

Water/Sewer Committee Meeting Minutes  
July 24, 2018

MRPDC Construction Funds      \$60,000.00      Small Sewer Line extension in the Atkins Area

Saltville District Supervisor Roscoe D. Call asked staff to look into the feasibility of sewer service along Upper Poore Valley Road near McCready Convenience Station.

With nothing else to discuss, Chairman, Saltville District Supervisor Roscoe D. Call adjourned the meeting at 5:34 P.M.