

# BOARD OF SUPERVISORS



**TUESDAY, DECEMBER 8, 2020**  
**5:00 P.M.**

# AGENDA

Tuesday, December 8, 2020  
5:00 PM

## **5:00 CALL MEETING TO OPEN SESSION (Judy Wyant, Chair)**

Invocation and Pledge of Allegiance

## **MINUTES OF PREVIOUS MEETINGS**

Request adoption of the November 12 and November 19, 2020 meeting minutes (Pg. 8-32)

## **FINANCIAL STATUS**

Inform the Board of the County's financial status – Lisa Richardson

## **PAYMENT OF INVOICES**

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

## **5:15 Citizen's Time**

### **1. Presentations**

- a. Resolution of Appreciation for Ron Thomason – Shawn Utt (Pg. 33-34)
- b. June 30, 2020 Draft Audit Presentation – Emily Viers, Robinson, Farmer, Cox (Pg. 35-39)

### **2. Public Hearings**

- a. Riverside Community Center (Pg. 40)
- b. FY20/21 Budget Amendment (Pg. 41-45)

### **3. Old Business**

- a. Special Use Permit Request from the Planning Commission – Shawn Utt (Pg. 46)
- b. “Unity Day” Follow-up – Shawn Utt (Pg. 47)
- c. Options/Plans for Board Retreat – Shawn Utt
- d. Report on CARES Act Funds – Shawn Utt
- e. Committee Reports/Recommendations
  - i. Public Safety Committee – Lori Deel, Chair

4. **New Business**
  - a. Extension of Deadline for Payment of Personal Property and Real Estate Taxes - Shawn Utt
5. **County Attorney Report** – Scot Farthing (Pg. 48-62)
6. **County Administrator/Staff Reports**
7. **Supervisor Comment Time**
8. **Closed Session** – Code of Virginia Section 2.2-3711-A (8) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel regarding a proposal from the Smyth County Community Foundation
9. **Adjourn**



*Smyth County, Virginia*  
121 Bagley Circle, Suite 100  
Marion, VA 24354  
(276) 783-3298 p

*Atkins District  
Chilhowie District  
North Fork District  
Park District  
Royal Oak District  
Rye Valley District  
Saltville District*

*Charles E. Atkins  
Michael L. Sturgill  
Charles P. Stevenson  
Kristopher S. Ratliff, DPh  
Judy Wyant  
Lori H. Deel  
Roscoe D. Call*

*County Administrator  
Assistant County Administrator*

*Shawn M. Utt  
Alicia Richardson*

December 3, 2020

To: Members, Smyth County Board of Supervisors  
CC: Smyth County Leadership Team  
From: Shawn M. Utt, Smyth County Administrator  
RE: Packet summary – December 8, 2020 Board meeting

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Below are summaries related to specific agenda items. Should additional information become available, we will provide as quickly as possible:

**Invocation** – The pledge of allegiance will be led by Lisa Richardson, Assistant County Administrator. Pastor Justin Hall of Cedar Bluff Baptist Church in Atkins will provide the invocation for the meeting.

**Minutes** – the minutes of the November 12, 2020 (**Att. 1**) and November 19, 2020 (**Att. 2**) meetings are **enclosed** for the Board’s review and approval.

**Financial Status** – Lisa Richardson will provide the most recent financials for the Board’s review.

**Payment of Invoices** – Appropriations and accounts payable items to be provided with the supplemental agenda.

**Citizen’s Time** – Time has been set aside for citizens to provide comments to the Board on general items of interest or concern.

1. **Presentations:**

- a. **Resolutions of Appreciation** – As you know, Ron Thomason, Smyth County Tourism Director retired earlier this year and Atkins District Supervisor Charles Atkins suggested the Board consider a resolution of appreciation to help honor Mr. Thomason’s considerable contributions to the well-being of Smyth County both from an industrial perspective as well as a tourist one. I collaborated with several individuals to prepare the enclosed (**Att. 3**) resolutions that have equal wording but are two difference versions. It was suggested that the County and three Towns each sign a joint resolution and the other is a “County-only” version.
- b. **June 30, 2020 Draft Audit Presentation** – Emily Viers (Principle Partner with Robinson Farmer, Cox) will be at the meeting to present the FY20 audit. For your review, **enclosed (Att. 4)** is a copy of their governance letter as well as a letter outlining their recommendations for adjustments to

policies and procedures. A copy of the audit report itself is included as a separate bound document along with your board packet.

2. **Public Hearings:**

- a. **Proposed Disposition of the Riverside Community Center** – As discussed at the November 12<sup>th</sup> Board meeting during the Building and Grounds Committee report, the Board approved moving forward with the proposed disposition of the Riverside Community Center to the Riverside Ruritan Club. The next step in the process is to hold a public hearing for the disposition of publicly held property. **Enclosed (Att.5)** is a copy of the public hearing notice that was appropriately published in the newspapers. Following the public hearing, the recommendation would be for the Board to authorize the County Attorney to prepare the necessary paperwork for the transfer of ownership as well as authorize the Chair of the Board and County Administrator to execute any necessary documents to finalize on the transfer.
  
- b. **FY2020/21 Budget Amendment #3** – as discussed at the November 12<sup>th</sup> Board meeting, we have advertised a public hearing to for FY2020/21 Budget Amendment #3. **Enclosed (Att. 6)** is a copy of the public hearing advertisement as well as a draft resolution and summary table showing the various funds to be included. In total, the aggregate amount of budget amendment #3 is **\$2,141,948**. Below is a summary narrative for each:
  - i. **VDEM Local Emergency Management Performance Grant (LEMPG)** – Curtis Crawford has provided the **enclosed (Att. 7)** memo regarding a grant from the Virginia Department of Emergency Management. The additional grant funding (**\$49,804**) will need to be formally incorporated into the budget prior to moving forward.
  
  - ii. **Request from School Board** – in speaking with the School Superintendent, I understand the School Board has been awarded different grant funding related to CARES Act funding. Below is a summary of each grant:
    1. **Governor's Emergency Education Relief Funds (GEER)**: these funds were provided to the School System to purchase backpack foggers, mobile hot spots for students who need them (and have cell coverage at home), and water bottle fill stations for every school. The amount of GEER funds is **\$227,625**.
  
    2. **Coronavirus Relief Funds (CRF)**: these funds were provided by the Governor and have the same spending deadline as the County's CARES Act funding (spent by Dec. 30<sup>th</sup>). The Superintendent is recommending the purchase of buses, Chromebooks for teachers and miscellaneous reimbursements for costs incurred last school year (mostly OT-type). The amount of CRF funds is **\$709,170**.
  
    3. **Smyth County CARES Act Funds**: We will need for formally appropriate the County's contribution (**\$776,157**) into Fund 009. These funds were used to reimburse the purchase

of technology equipment (largely Chromebooks and iPads) to allow students to be able to work remotely from home.

- iii. **CARES Act Broadband Funding** – The Governor of Virginia announced a few weeks ago an initiative to invest at least \$30-million in CARES Act funding into broadband networks statewide. The application deadline was October 30<sup>th</sup>. While the County was required to be the applicant, we also had to work with private providers for them to prepare the applications. The grant requires that the services be installed and operational before December 30<sup>th</sup>, which made it quite difficult to identify possible projects. However, after working through the process, we received requests from Point Broadband and SmythNet.

We received two requests from Point Broadband, both in the Rich Valley area of the County. Their first application will provide services for 83 customers on Ridge Road (Rt. 629) with a grant request of \$262,875 matched by a \$71,448 contribution from Point Broadband LLC. Their second application will provide services for 39 customers on Gillespie Hollow Road (Rt. 630) with a grant request of \$140,405 matched by a \$18,240 contribution by Point Broadband LLC.

In addition, we received one application from SmythNet to provide for upgrades to the backbone of his services. This project will increase service capabilities for 1,024 customers. The project is requesting \$65,600 in grant funding with no match provided and deals largely with internal upgrades to several towers and backbone equipment.

In summary, the following table shows the grants being requested. It should be noted that there are no County funds for any of the three requests.

	<b>Joint Applicant</b>	<b>Amount</b>	<b>Grant</b>	<b>Match</b>
Application #1	Point Broadband LLC	\$262,875	\$191,427	\$71,448
Application #2	Point Broadband LLC	\$140,405	\$122,165	\$18,240
Application #3	SmythNet	\$ 65,600	\$ 65,600	\$ 0
TOTAL -		\$468,880	\$379,192	\$94,688

**Enclosed (Att. 8)** is a copy of the award letter for the Broadband grant (**\$379,192**) which we received on Thursday, November 5, 2020.

Following the public hearing, the recommendation would be for the Board to adopt the budget amendment resolution as presented. Please note that this resolution, unlike budget amendments 1 and 2, includes language that not only amends the budget but also appropriates the funding as well. These funds are all associated with the CARES Act funding, have been received and is to be expended in a few weeks. Since we do not plan on having an additional meeting in December, this is the only opportunity to have the additional appropriations.

3. **Old Business Items:**

- a. **Special Use Permit Request** – the Planning Commission has prepared the **enclosed (Att. 9)** recommendation relative to the Special Use Permit request from Freedom Tabernacle Baptist Church.
- b. **“Unity Day” Follow-up** – **Following conversations with a number of stakeholders, Board members and staff, we would like to present the enclosed (Att. 10)** resolution for the Board’s consideration.
- c. **Options/Plans for Board Retreat** – After speaking with folks with The Berkley Group, Kimball Payne has been assigned to facilitate the retreat. He has over 30 years of experience as a local government manager and has facilitated several retreats over the past few years. He will be putting together a list of items for the Board to contemplate and would like to schedule phone calls with each of you prior to the retreat itself. I would like to propose the last week of January and get some feedback from the Board at the meeting.
- d. **Report on CARES Act Funds** – Over the 2 phases of funding, the County has received a total of \$5,252,916, which was shared proportionally with each of the 3 Towns (Marion - \$970,938, Chilhowie - \$297,272 and Saltville - \$332,030). That left the County with a remaining balance of \$3,652,676. With that, the following is a rough breakdown:
  - Smyth County Schools - \$776,157
  - Daycare Support for School System - \$75,000
  - Smyth County Sheriff’s Department - \$338,250
  - Purchase of EMS/Ambulance - \$321,000
  - Purchase of Firefighter SCBA and related - \$648,000
  - *Smyth Strong* Small Business Assistance Grants - \$300,000
  - Telework Infrastructure for County Operations - \$255,000
  - Building Modifications/HVAC & Air Handling Equipment - \$303,500
  - Solid Waste Semi-tractor/Truck - \$124,000
  - Radio Read Meter Replacements - \$41,125
  - 4-H Programming - \$34,000
  - Back-up Mobile Dispatch Unit - \$15,500
  - VDEM Grant Match - \$50,000
  - Animal Shelter Separation Panels - \$13,325
  - Smyth Animal Rescue - \$5,000
  - Konnarock Community Center Walking Track - \$10,000
  - Disinfection/Sanitation Equipment and Supplies - \$42,500

In addition to the items listed above, we have identified approximately \$1,190,000 in eligible expenses related to public health and public safety which are automatically allowed but we haven’t requested or received reimbursement for as of yet. We will use these “buffer funds” to help account for any item(s) that auditors may designate as ineligible in the coming years. We

don't have a good idea of if/when the funds would be audited but I believe it is a good idea to account for more than the \$5,252,916 in overall funds. We have requested that each of the Towns have the same type of "buffer funds" calculated to ensure we are well covered.

e. **Committee Reports/Recommendations:**

- i. Public Safety Committee – minutes of the meeting will be presented at the Board meeting.

4. **New Business Items:**

- a. **Extension of Deadline for Payment of Personal Property and Real Estate Taxes** – Due to the impact of the COVID-19 virus on some employees in the Treasurer's office, they were forced to close for 2 week and only reopened on Thursday, December 3<sup>rd</sup>. Since the deadline for the personal property and real estate taxes was set for December 7<sup>th</sup>, the County Treasurer would like to request the Board's approval to move the deadline back to December 15<sup>th</sup>. He feels that is enough time for those citizens who wish to pay their taxes in person rather than by mail or dropbox.
5. **Report from County Attorney:** Scot Farthing will provide any updates he may have on various projects he has been working on. In addition, he informed me that we need to begin the process to review/update the Board's Rules of Procedures, a copy of which are **enclosed (Att. 11)** for your information.
6. **Report from County Administrator/Staff:** Time has been reserved on the agenda to allow the County Administrator and/or staff to provide input and various updates as needed.
7. **Supervisor Comment Time:** Roundtable discussion for individual Board members.
8. **Closed Session under Code of Virginia Section 2.2-3711-A (8)** – regarding a proposal from the Smyth County Community Foundation.



# ATTACHMENT 1

The Smyth County Board of Supervisors held a regular meeting on Thursday, November 12, 2020. 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:** Chair, Judy Wyant, Royal Oak District Supervisor; Vice Chair Lori H. Deel, Rye Valley District Supervisor; Michael Sturgill, Chilhowie District Supervisor; Phil Stevenson, North Fork District Supervisor; Kristopher S. Ratliff, Park District Supervisor; Roscoe Call, Saltville District Supervisor (6)

**ABSENT:** Charles Atkins, Atkins District Supervisor (1)

**STAFF:** County Administrator Shawn Utt; Assistant County Administrator Lisa Richardson; County Attorney Scot Farthing; Administrative Assistant Christy Bise (4)

**OTHERS:** Smyth County Sheriff Chip Shuler and Sheriff's Department Deputy; Stephanie Porter-Nichols, Smyth County News; several citizens

 11/12/2020 5:01 PM Chair, Royal Oak District Supervisor Judy Wyant called the meeting to order and welcomed everyone.

 11/12/2020 5:02 PM Manuel Street, GIS Coordinator, led the Pledge of Allegiance. Invocations were given by Administrative Assistant Kendra Hayden and Reverend Latara Turner Cross, Mt. Zion Temple Family Worship Center.

 11/12/2020 5:04 PM A motion was made by Saltville District Supervisor Roscoe Call, seconded by Chilhowie District Supervisor Mike Sturgill, to approve the minutes of the October 13, 2020 meeting.


*After consideration, the motion PASSED by the following vote:*


**AYES:** Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill

**NAYS:** None.

**ABSTAINERS:** North Fork District Supervisor Phil Stevenson

**ABSENT:** Atkins District Supervisor Charles Atkins

 11/12/2020 5:04 PM Assistant County Administrator Lisa Richardson reviewed the County financial information.

 11/12/2020 5:08 PM Saltville District Supervisor Roscoe Call made a motion to approve the following payment of invoices:

<b>General County</b>	
<b>Accounts Payable Listing:</b>	<b>\$1,155,013.45</b>
<b>Payroll:</b>	<b>\$750,000.00</b>
<b>Auto Draft Rural Development:</b>	<b>\$15,515.00</b>
<b>Utilities/Misc</b>	<b>\$30,000.00</b>
<b>County Administration Fund:</b>	<b>\$5,000.00</b>
<b>Total County Appropriation (Plus Carryover):</b>	<b>\$1,600,000.00</b>

*Chilhowie District Supervisor Mike Sturgill seconded the motion.*


*After consideration, the motion PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
 Vice Chair, Rye Valley District Supervisor Lori Deel,  
 Saltville District Supervisor Roscoe D. Call,  
 North Fork District Supervisor Phil Stevenson,  
 Park District Supervisor Kris Ratliff, and  
 Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

 *11/12/2020 5:08 PM Saltville District Supervisor Roscoe Call made a motion to approve the following Social Services appropriations:*

<b>Social Services</b>	
<b>(November 11 - 30, 2020)</b>	<b>\$425,000.00</b>
<b>(December 1 - 8, 2020)</b>	<b>\$60,000.00</b>
<b>Total Social Services:</b>	<b>\$4,850,000.00</b>

*Chilhowie District Supervisor Mike Sturgill seconded the motion.*


*After consideration, the motion PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
 Vice Chair, Rye Valley District Supervisor Lori Deel,  
 Saltville District Supervisor Roscoe D. Call,  
 North Fork District Supervisor Phil Stevenson,  
 Park District Supervisor Kris Ratliff, and  
 Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

 *11/12/2020 5:09 PM Saltville District Supervisor Roscoe Call made a motion to approve the following School Board appropriations:*

<b>Schools-Operating Fund</b>	
<b>Instruction</b>	<b>\$3,550,000.00</b>
<b>Administration, Attendance, &amp; Health</b>	<b>\$160,000.00</b>
<b>Transportation</b>	<b>\$200,000.00</b>
<b>Facilities</b>	<b>\$300,000.00</b>
<b>School Food Service</b>	<b>\$475,000.00</b>
<b>Technology</b>	<b>\$125,000.00</b>
<b>Total School Operating Fund:</b>	<b>\$4,810,000.00</b>

*Vice Chair, Rye Valley District Supervisor Lori Deel seconded the motion.*


*After consideration, the motion PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
 Vice Chair, Rye Valley District Supervisor Lori Deel,  
 Saltville District Supervisor Roscoe D. Call,  
 North Fork District Supervisor Phil Stevenson, and  
 Park District Supervisor Kris Ratliff*

*NAYS: None.*

*ABSTAINERS: Chilhowie District Supervisor Michael Sturgill*

*ABSENT: Atkins District Supervisor Charles Atkins*

 11/12/2020 5:09 PM Saltville District Supervisor Roscoe Call made a motion to approve the following School Board appropriations:

<b>School Debt and Capital Outlay</b>	<b>\$1,135,000.00</b>
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*Vice Chair, Rye Valley District Supervisor Lori Deel seconded the motion.*


*After consideration, the motion PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
 Vice Chair, Rye Valley District Supervisor Lori Deel,  
 Saltville District Supervisor Roscoe D. Call,  
 North Fork District Supervisor Phil Stevenson, and  
 Park District Supervisor Kris Ratliff*

*NAYS: None.*

*ABSTAINERS: Chilhowie District Supervisor Michael Sturgill*

*ABSENT: Atkins District Supervisor Charles Atkins*

 11/12/2020 5:09 PM Saltville District Supervisor Roscoe Call made a motion to approve the following Four-for-Life distribution:

<b>Town of Marion Fire and EMS</b>	<b>\$7,136.22</b>
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*Vice Chair, Rye Valley District Supervisor Lori Deel seconded the motion.*

*After consideration, the motion PASSED by the following vote:*

**AYES:** Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill

**NAYS:** None.

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor Charles Atkins

 11/12/2020 5:09 PM Saltville District Supervisor Roscoe Call made a motion to approve the following Four-for-Life distribution:

<b>Town of Chilhowie Fire Department</b>	<b>\$7,136.22</b>
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*Chilhowie District Supervisor Mike Sturgill seconded the motion.*


*After consideration, the motion PASSED by the following vote:*

**AYES:** Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill

**NAYS:** None.

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor Charles Atkins

 11/12/2020 5:10 PM Saltville District Supervisor Roscoe Call made a motion to approve the following Four-for-Life distribution:

<b>Saltville Rescue Squad</b>	<b>\$7,136.22</b>
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*North Fork District Supervisor Phil Stevenson seconded the motion.*


*After consideration, the motion PASSED by the following vote:*

**AYES:** Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill

NAYS: None.

ABSTAINERS: None

ABSENT: Atkins District Supervisor Charles Atkins

 11/12/2020 5:10 PM Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to approve the following Four-for-Life distribution:

**Sugar Grove Life Saving Crew**

**\$7,136.22**

North Fork District Supervisor Phil Stevenson seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill

NAYS: None.

ABSTAINERS: None

ABSENT: Atkins District Supervisor Charles Atkins

Mr. Utt clarified that the Four-For-Life distributions are awarded to agencies that provide EMS services.

 11/12/2020 5:11 PM Saltville District Supervisor Roscoe Call made a motion to approve the following EDA Fund 4 appropriation:

**EDA Fund 4**

**\$65,600.00**

North Fork District Supervisor Phil Stevenson seconded the motion.


After consideration, the motion PASSED by the following vote:

AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill

NAYS: None.

ABSTAINERS: None

ABSENT: Atkins District Supervisor Charles Atkins

 11/12/2020 5:11 PM Saltville District Supervisor Roscoe Call made a motion to approve the following CDBG Fund 303 appropriation:

**CDBG Food Pantry Fund 303**

**\$433,975.00**

*Vice Chair, Rye Valley District Supervisor Lori Deel seconded the motion.*


*After consideration, the motion PASSED by the following vote:*

**AYES:** Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill

**NAYS:** None.

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor Charles Atkins

 11/12/2020 5:12 PM Chilhowie District Supervisor Mike Sturgill made a motion to approve the following Fund 746 appropriation:

**Sheriff Dept Fund 746**

**\$6,500.00**

*Vice Chair, Rye Valley District Supervisor Lori Deel seconded the motion.*


*After consideration, the motion PASSED by the following vote:*

**AYES:** Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill

**NAYS:** None.

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor Charles Atkins

 11/12/2020 5:12 PM Chilhowie District Supervisor Mike Sturgill made a motion to approve the following Fund 748 appropriation:

**Sheriff Dept Fund 748**

**\$4,919.37**

*Vice Chair, Rye Valley District Supervisor Lori Deel seconded the motion.*

*After consideration, the motion PASSED by the following vote:*

**AYES:** Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill

**NAYS:** None.

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor Charles Atkins

 11/12/2020 5:12 PM Saltville District Supervisor Roscoe Call made a motion to approve the following Fund 749 appropriation:

**Recovery Court Fund 749**

**\$872.15**

*After consideration, the motion PASSED by the following vote:*


**AYES:** Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill

**NAYS:** None.


**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor Charles Atkins

 11/12/2020 5:13 PM Chair, Royal Oak District Supervisor Judy Wyant opened citizen's time.

 11/12/2020 5:13 PM With no one wishing to speak, Chair, Royal Oak District Supervisor Judy Wyant closed citizen's time.

 11/12/2020 5:13 PM Mr. Utt asked that the Unity Day item on the agenda be skipped for now until those scheduled to speak arrive.

 11/12/2020 5:14 PM Building and Grounds Committee recommendation - Committee Chair, Rye Valley District Supervisor Lori Deel presented the following recommendations from the committee:

- *Park District Supervisor Kris Ratliff made a motion to transfer ownership of the Cornerstone property to the Smyth County Economic Development Authority (EDA) and direct them to put out an RFP for a realtor to sell the property at a negotiated minimum price with the profits to be split 50/50 with the County. Rye Valley District Supervisor Lori Deel seconded the motion and it was unanimously carried.*

After discussion, the Board tabled the matter and directed Mr. Utt to review the last appraisal of the property and gather more information to be presented at the November 19<sup>th</sup> Board Meeting.

Status of Riverside Community Center:

- *Park District Supervisor Kris Ratliff made a motion to transfer ownership of the Riverside Community Center to the Riverside Ruritan Club. The County will notify the Electoral Board of the transfer of ownership. Rye Valley District Supervisor Lori Deel seconded the motion and it was unanimously carried.*

*After consideration, the committee recommendation PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

Heating system for Morrison Building:

- *Park District Supervisor Kris Ratliff made a motion to hire a mechanical engineer to evaluate the heat needs for the Morrison Building and develop the specifications to be put out for bid. Rye Valley District Supervisor Lori Deel seconded the motion and it was unanimously carried.*

*After consideration, the committee recommendation PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

Southwest Virginia Community Corrections space at the Courthouse:

- *Park District Supervisor Kris Ratliff made a motion to utilize remaining Courthouse bond funds to do the necessary renovations to house the Community Corrections offices and to complete the sewer line repairs. Rye Valley District Supervisor Lori Deel seconded the motion and it was unanimously carried.*




*After consideration, the committee recommendation PASSED by the following vote:*

**AYES:** Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill

**NAYS:** None.

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor Charles Atkins

 11/12/2020 5:39 PM Mr. Utt presented information on the Unity Day follow-up as discussed at the last Board Meeting. The Justice, Equality, Peace, Change (JEPC) organization has approached various elected bodies to start the process of pulling people back together in unity. The Town of Marion and City of Bristol have adopted resolutions in support of the unity project. Various members of the JEPC including Misty Russell, Travon Brown, Herbert Clay, and Sabrina Meadows presented information to the Board about the mission of the JEPC and asked the Board to support an end discrimination and denounce racism. Lasandra Thompson also spoke in support of unity as a representative from the Grassroots Coalition of Southwest Virginia. Board Members expressed their appreciation for the presentation and the information provided. Mr. Utt will take the information that was shared at tonight's meeting and draft a resolution for the Board's consideration at the December meeting.

 11/12/2020 6:14 PM Public Safety Committee – Committee Chair, Rye Valley District Supervisor Lori Deel presented the following committee recommendation:

- *A motion was made by Chilhowie District Supervisor Mike Sturgill for the Board of Supervisors to send a letter of support to each of the Fire Departments within the County. The motion was seconded by Park District Supervisor Kris Ratliff and unanimously approved.*

*After consideration, the committee recommendation PASSED by the following vote:*

**AYES:** Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill

**NAYS:** None.

**ABSTAINERS:** None

**ABSENT:** Atkins District Supervisor Charles Atkins

 11/12/2020 6:23 PM Budget Committee – Rye Valley District Supervisor Lori Deel presented the following committee recommendations:

Budget Amendment Request –

School Board:

1. **Governor’s Emergency Education Relief Funds (GEER):** these funds were provided to the School System to purchase backpack foggers, mobile hot spots for students who need them (and have cell coverage at home), and water bottle fill stations for every school. The amount of GEER funds is **\$227,625**.
2. **Coronavirus Relief Funds (CRF):** these funds were provided by the Governor and have the same spending deadline as the County’s CARES Act funding (spent by Dec. 30<sup>th</sup>). The Superintendent is recommending the purchase of buses, Chromebooks for teachers and miscellaneous reimbursements for costs incurred last school year (mostly OT-type). The amount of CRF funds is **\$709,170**.
3. **Smyth County CARES Act Funds:** Following their anticipated action to approve their budget on November 9<sup>th</sup>, we will need for formally appropriate the County’s contribution (**\$776,157**) into Fund 009.

VDEM grant:

1. The VDEM grant is for an additional \$49,804 and will need to be included in the budget prior to moving forward. It does require a local match, but that money could come from CARES Act funds

Additional CARES Act funding for Broadband:

1.

	<b>Joint Applicant</b>	<b>Amount</b>	<b>Grant</b>	<b>Match</b>
Application #1	Point Broadband LLC	\$262,875	\$191,427	\$71,448
Application #2	Point Broadband LLC	\$140,405	\$122,165	\$18,240
Application #3	SmythNet	\$ 65,600	\$ 65,600	\$0
	<b>TOTAL</b>	<b>\$468,880</b>	<b>\$379,192</b>	<b>\$94,688</b>

The total budget amendment would be in the amount of \$2,141,948.

- *A motion was made by Rye Valley District Supervisor Lori Deel to set a public hearing at the November Board Meeting for December 8, 2020 at 5:30 p.m. for the proposed budget amendments. Royal Oak District Supervisor Judy Wyant seconded the motion and it was unanimously approved.*

*After consideration, the committee recommendation PASSED by the following vote:*

**AYES:** Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,

*Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

The Commissioner of Revenue's Office is requesting to add in Royal Oak Real Estate LLC to the Enterprise Zone Program. The value of the increase in assessment is \$8,867.69, which is the amount requested to be exonerated for the Enterprise Zone Program.

- *A motion was made by Rye Valley District Supervisor Lori Deel to approve the Enterprise Zone Program request. Royal Oak District Supervisor Judy Wyant seconded the motion and it was unanimously approved.*

*After consideration, the committee recommendation PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

 11/12/2020 6:31 PM Chair, Royal Oak District Supervisor Judy Wyant, called for a 10-minute recess.

 11/12/2020 6:48 PM Chair, Royal Oak District Supervisor Judy Wyant called the meeting back to order.

 11/12/2020 6:48 PM Vice Chair, Rye Valley District Supervisor Lori Deel continued with the following Budget Committee recommendations:

- *Royal Oak District Supervisor Judy Wyant made a motion to implement the minimum wage increase to \$9.50 per hour effective January 1, 2021, with a one-time \$500 bonus for all full-time employees and a one-time \$250 bonus for all part-time employees to be paid on November 30, 2020. Rye Valley District Supervisor Lori Deel seconded the motion and it was unanimously approved.*

*After consideration, the committee recommendation PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,*

*Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

- *Tax relief request from the Commissioner of Revenue's Office for a \$1,778.65 refund as part of the Tax Relief Program for a property located on Skyview Drive in Chilhowie.*

*Rye Valley District Supervisor Lori Deel made a motion to approve the tax refund request. Royal Oak District Supervisor Judy Wyant seconded the motion and it was unanimously approved.*

*After consideration, the committee recommendation PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

- *Rye Valley District Supervisor Lori Deel made a motion to appropriate \$10,000 of CARES Act funds to the Konnarock Center for walking track improvements if enough funding remains available and Atkins District Supervisor Charles Atkins seconded the motion. Royal Oak District Supervisor Judy Wyant abstained from the vote because she would like to see all areas of the County be evaluated for funding consideration. After further discussion, Ms. Wyant agreed with the motion and it was unanimously approved.*

*After consideration, the committee recommendation PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

Mr. Utt reported that he had asked the AirMedCare Network to provide another presentation to the Board at the January meeting.



11/12/2020 6:58 PM Sheriff Chip Shuler presented information to the Board concerning legislative effort to repeal or revise the judicial doctrine of qualified immunity for law enforcement officials. He noted that qualified immunity doesn't excuse law enforcement from an unlawful act, it protects them from frivolous lawsuits. If the qualified immunity goes away, hiring and retaining law enforcement officers in Virginia would become extremely difficult. Sheriff Shuler also noted that the County would see an enormous cost increase for insurance coverage if this legislation passes. *A motion was made by Vice Chair, Rye Valley District Supervisor Lori Deel to support a resolution in opposition to any legislative effort to repeal or revise the judicial doctrine of qualified immunity for law enforcement officers. North Fork District Supervisor Phil Stevenson seconded the motion.*



## **SMYTH COUNTY BOARD OF SUPERVISORS**

**A RESOLUTION IN OPPOSITION TO ANY LEGISLATIVE EFFORT TO REPEAL OR REVISE THE JUDICIAL DOCTRINE OF QUALIFIED IMMUNITY FOR LAW ENFORCEMENT OFFICIALS.**

**WHEREAS**, the General Assembly of Virginia is considering possible repeal or revision of the judicial doctrine of qualified immunity, and

**WHEREAS** qualified immunity protects law enforcement officials from frivolous, vengeful, and harassing lawsuits while allowing full trial of any case with merit; and

**WHEREAS** any legislative repeal or revision of qualified immunity would manifestly harm law enforcement by putting law enforcement officers at constant risk of unjustified lawsuits for almost every action they take; and

**WHEREAS**, any legislative repeal or revision of qualified immunity would require the taxpayers of Smyth County to pay for the defense of any and every claim against law enforcement officials, no matter how frivolous or unjustified; and

**WHEREAS**, repeal or revision would contribute to making law enforcement officials hesitate or refrain from becoming involved in some high-conflict situations because of the fear of liability, even for actions taken in good faith, and such hesitation or restraint will jeopardize public safety; and

**WHEREAS**, repeal or revision would make it harder to recruit and to retain the most highly qualified candidates for deputy positions because of the fear of repeated unjustified lawsuits; and

**WHEREAS** efforts at repeal or revision represent ill-advised prejudice against the men and women of law enforcement who put their lives on the line every day to protect public safety,

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SMYTH COUNTY:**

1. That Smyth County opposes any legislative repeal or revision of the judicial doctrine of qualified immunity and urges the County's delegation to the General Assembly to oppose any such effort.
2. The Clerk shall provide an attested copy of this resolution to all members of the County's delegation to the General Assembly.

Adopted by the Smyth County Board of Supervisors this 12<sup>th</sup> day of November, 2020.

ATTEST:

  
Shawn M. Utt, Clerk

SMYTH COUNTY  
BOARD OF SUPERVISORS

  
Judy Wyant, Chair

*After consideration, the motion PASSED by the following vote:*


*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

 11/12/2020 7:08 PM County Attorney Scot Farthing noted he had nothing new to report at this time.

 11/12/2020 7:08 PM County Administrator's Report - Mr. Utt provided an update on the revenue sharing project for Colecrest. This was a revenue sharing project that was originally incorporated into the VDOT system in the mid-2000's with the owners agreeing to pay 50% of the cost over a 10-year period. There are 2 properties that still have outstanding balances, one of which was the property that the title search was completed for. The owners recently received a notice from the County Treasurer regarding the amount due (\$2,303.63 in principle and an additional \$729.97 in interest = \$3,033.60 total due). In the 2000's, the Treasurer's office was filing the agreements with judgements and like documents but are now filing them with the deeds to make it easier to track. Since the researcher missed the filing, she is willing to pay the amount due but it respectfully requesting the waiver of the interest (\$729.97) that has accrued since 2015. In consultation with the County Treasurer, he is supportive of the request and is happy to be able to receive the principle amount due. *North Fork District Supervisor Phil Stevenson made a motion to deny the request from the title company requesting a waiver of the interest penalty. Park District Supervisor Kris Ratliff seconded the motion.*

*After consideration, the motion PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

Revenue Sharing - VDOT recently reported that the revenue sharing project to pave Green Acres Drive was funded, but the Commonwealth Transportation Board has moved all revenue sharing projects to FY25-26. It is possible that the projects may be moved forward, but the likelihood of that is not known at this time.

COF Extension for Speyside – Mr. Utt reported that the start-up process for Speyside Cooperage’s operation has been delayed by COVID-19. They are now up and operational, but behind schedule for hiring expectations outlined in their performance agreement. They currently have hired 28 of the 125 employees they originally committed to, but have invested close to \$33 million which exceeds their original \$25 million investment commitment. They are asking for a 15-month extension to meet the performance agreement hiring expectations. The state is support of this extension request, but it does require Board approval. *North Fork District Supervisor Phil Stevenson made a motion to extend the COF extension request from Speyside Cooperage to meet hiring expectations. Chilhowie District Supervisor Mike Sturgill seconded the motion.*

*After consideration, the motion PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

Board Retreat – Mr. Utt reported that he found a consultant, The Berkley Group, willing to facilitate the Board Retreat. He has also reached out to Shannon Blevins at UVA Wise to check her availability in participating. Possible locations for the retreat are Hemlock Haven or the Holston Hills Country Club with the option to hold an all-day event or split it up into two successive days. *Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to move forward with planning the Board retreat. Chilhowie District Supervisor Mike Sturgill seconded the motion.*

*After consideration, the motion PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

Financial Policies – Mr. Utt presented financial policies for review as recommended by auditors Robinson, Farmer, Cox. The documents include a draft Conflict of Interest Policy and information related to grant administration and financial management. He asked the Board to review these documents and they will be added to the November 19<sup>th</sup> meeting agenda for discussion and action.



 11/12/2020 7:21 PM Supervisor Comment Time:

Saltville District Supervisor Roscoe Call apologized for being unable to attend the recent Building and Grounds Committee Meeting due to health issues.

North Fork District Supervisor Phil Stevenson stated that Mr. Call is a good supervisor and he's glad to hear his health is improving. Mr. Stevenson said he has missed some recent meetings due to doctor's appointments and work schedule conflicts, but he's seeing things committees have done with an open mind, which he appreciates. He is here for the County and not himself, but he expressed caution with moving forward and getting all the information possible before making decisions. He also noted that he supports law enforcement and appreciates the job Mr. Farthing is doing as County Attorney.

Chilhowie District Supervisor Mike Sturgill appreciates the support of the Board in trying to make the County the best place to live.

Chair, Royal Oak District Supervisor Judy Wyant appreciates the efforts of the Board working together for the citizens during this challenging year.

Vice Chair, Rye Valley District Supervisor Lori Deel reported on flooding concerns in the St. Clair's Creek area on Route 800. VDOT has made improvements to the intersection, but it has actually made flooding worse so she is completing a road maintenance form for submission. She noted that Casey's Diner has reopened with a new menu. Ms. Deel also requested a report/update on the Smyth Strong fund. Atkins District Supervisor Charles Atkins wanted to make an appointment to the EDA for his district so, in his absence, *Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to appoint James McNeil, 289 Hutton Branch Road, Marion VA to serve on the EDA for the Atkins District.*

*After consideration, the motion PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

*Mr. McNeil's term will expire June 30, 2024.*

Ms. Deel continued that she would like to recognize employees who have recently retired/resigned at the December Board Meeting.

Park District Supervisor Kris Ratliff discussed concerns about COVID-19. He commended Ms. Deel for her leadership on the EMS/Public Safety Committee. He also recognized the School Board for their handling of the COVID-19 and tackling the tough subject and trying to make the right decisions. Supervisor Ratliff brought up the matter of the Bank of Marion's request concerning the Ashton Lane property lien that the Board had voted on at the October 2020 meeting. The Bank of Marion has reached out to him to asking the Board to reconsider a forbearance on the outstanding water bill, otherwise the property will continue to be on the books without going anywhere. Supervisor Ratliff made a motion allowing Mr. Utt to enter into negotiations with the Bank of Marion to recover the original outstanding bill of approximately \$2,500 without the extra penalties to get it off the books. Mr. Utt noted that the water on the property comes from the Town of Marion while the sewer comes from the County and the Health Department is strongly against plugging the sewer. North Fork District Supervisor Phil Stevenson asked Supervisor Ratliff if it was his intent to reverse the committee recommendation that was approved at the October meeting and bring forth a new motion to move forward with the Bank of Marion's request. Supervisor Ratliff stated that it was because otherwise the property is just going to sit there. Mr. Stevenson asked for Mr. Farthing's input on bringing forward a new motion. Mr. Farthing stated that a new motion would need to be made by someone on the prevailing side of the previous unanimous vote. *Supervisor Ratliff stated he is retracting his vote and is making a motion to reconsider the Bank of Marion's request and allow Mr. Utt to settle on a compromised amount not less than the outstanding sewer bill and for the bank to move forward with foreclosure.* Supervisor Call asked if the bank sells the property for more than the outstanding sewer bill would the surplus be used toward the bill. Mr. Farthing added that the discounted bill is only good to sell the property; any surplus would come to the County until our bill is paid. *Vice Chair, Rye Valley District Supervisor Lori Deel seconded the motion.*

*After consideration, the motion PASSED by the following vote:*


*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

Supervisor Ratliff asked about the status of the Churchland Drive situation that Mr. Roby Parks presented to the Board at the last meeting. Mr. Utt stated the previous zoning violations were rectified, but have since gone back into violation. Letters have been sent to the property owner notifying them of the violations and the matter will be turned over to Mr. Farthing to start the process of filing suit if they are not resolved. Supervisor Ratliff would like the matter to stay under Old Business each month until resolved, but Mr. Farthing noted that Court's aren't hearing cases right now so it could be a while before any resolution is reached. Supervisor Ratliff also added he would like to see broadband service on the forefront of every meeting.

 11/12/2020 7:42 PM A motion was made by Vice Chair, Rye Valley District Supervisor Lori Deel to enter into closed session under Code of Virginia Section 2.2-3711-A (8) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel regarding a proposal from the Smyth County Community Foundation. Chilhowie District Supervisor Mike Sturgill seconded the motion.


*After consideration, the motion PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

 11/12/2020 8:35 PM A motion was made by Vice Chair, Rye Valley District Supervisor Lori Deel to return to open session. Park District Supervisor Kris Ratliff seconded the motion.

*After consideration, the motion PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

*It was moved by Vice Chair, Rye Valley District Supervisor Lori Deel, 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: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Saltville District Supervisor Roscoe D. Call,  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff, and  
Chilhowie District Supervisor Michael Sturgill*

*NAYS: None.*

*ABSTAINERS: None*

*ABSENT: Atkins District Supervisor Charles Atkins*

 11/12/2020 8:36 PM The meeting was continued until Thursday, November 19, 2020 at 7:00 p.m.

## ATTACHMENT 2

The Smyth County Board of Supervisors held its continued meeting at 7:00 p.m., Thursday, November 19, 2020. 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:** Board of Supervisors: Chair, Judy Wyant, Royal Oak District Supervisor; Vice Chair Lori H. Deel, Rye Valley District Supervisor; Michael Sturgill, Chilhowie District Supervisor; Roscoe Call, Saltville District Supervisor (via telephone) (4)

Planning Commission: Joel Pugh, Chairman, Park District, Graham Davidson, Jr., Vice-Chairman Chilhowie District, Hazel Wagoner, Atkins District, Tony Dean, Royal Oak District, Paul Shepherd, Rye Valley District, David Spence, Saltville District; Robert Campbell, North Fork District (7)

**ABSENT:** Board of Supervisors: Charles Atkins, Atkins District Supervisor; Phil Stevenson, North Fork District Supervisor; Kristopher S. Ratliff, Park District Supervisor (3)

**STAFF:** County Administrator Shawn Utt; Assistant County Administrator Lisa Richardson; Building & Zoning Administrator Clegg Williams; Administrative Assistant Sarah Parris; Administrative Assistant Christy Bise; County Attorney Don Martin (6)

**OTHERS PRESENT:** Stephanie Porter Nichols, Smyth County News and Messenger, several citizens

Chair of the Board of Supervisors, Judy Wyant and Joel Pugh, Chairman of the Planning Commission, called the joint public hearing to order.

 11/19/2020 7:19 PM Ms. Wyant read the rules allowing Mr. Call to participate via conference call for this meeting.

 11/19/2020 7:20 PM Ms. Deel made the motion to waive the reading of the rules. Mr. Call seconded the motion and unanimously passed.

Clegg Williams, Building and Zoning Administrator, read the advertisement as placed in the Smyth County News and Messenger for the record:

### **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, November 19, 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 to the Zoning Ordinance of Smyth County, Virginia:


*An application from Freedom Tabernacle Baptist Church for a Special Use Permit for a Group Care Facility. The property is located at 665 Rocky Hollow Road, Atkins Virginia, identified as Tax Map Numbers: 49D-1-10, 49D-1-11, and is zoned Agricultural/Rural.*

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

Copies of 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.  
Shawn Utt, County Administrator  
Joel Pugh, Chairman of the Planning Commission


 11/19/2020 7:21 PM Mr. Williams read the outline of the Special Use Permit. He explained Freedom Tabernacle Baptist Church is negotiating to purchase a home located at 665 Rocky Hollow Road in Atkins. The proposed site will be used as a Group Care Facility.

 11/19/2020 7:22 PM Mr. Williams read letters from the following adjoining property owners:


Diane & Jay Rossell 642 Rocky Hollow Road  
Brenda Breedlove 552 Rocky Hollow Road  
George & Susan Ratcliffe 669 Rocky Hollow Road  
Wendy Ratcliffe 697 Rocky Hollow Road  
Brian Cress 654 Rocky Hollow Road

The issues highlighted in the above letters were: the impact of the additional traffic on an already dangerous, narrow rural road, whether the residents would have 24-hour supervision, the number of residents residing in the home, septic issues including sewage odor and leakage, and the location of the proposal.

 11/19/2020 7:29 PM Mr. Mike Sage, Pastor at Freedom Tabernacle Baptist Church addressed the board and commissioners. He explained this will be a home for no more than eight residents at a time. He has contacted the health department to address the septic issues. This facility will have 24-hour care and supervision.

 11/19/2020 7:41 PM Ms. Debra Parks addressed the board and commissioners. Ms. Parks is a licensed clinical social worker and will be the director of the facility. She explained the facility will be licensed through the Department of Social Services and will be monitored and inspected

twice a year. The residents will not be allowed to stay if they have current drug or alcohol problems. The workers at the facility must pass a background check before employment or volunteering.

 11/19/2020 7:55 PM Mr. Pugh asked Ms. Parks if there will be paid staff. Ms. Parks explained there would be paid personnel consisting of a director available 24-hours, and trained house parents on eight-hour shifts.

Ms. Wagoner asked for the total occupant load of the proposed facility. Ms. Parks indicated that the Health Department would dictate that number once the septic system(s) are evaluated.

Mr. Pugh asked Mr. Sage about the timeline of the project. Mr. Sage explained the licensure approval is through July 1, 2021.

Ms. Deel questioned if the special legislation specifying the facility was to be placed on church property would present a problem. Mr. Sage indicated that he was working with Mr. Todd Pillion on that matter but he was hopeful it would not be an issue considering the church planned to purchase the property.

 11/19/2020 8:05 PM The citizens signed up for citizen's time spoke:


George Ratcliffe: 669 Rocky Hollow Road: Mr. Ratcliffe spoke in opposition to the facility. He explained the home was in a bad location, it is in disrepair, and the septic has issues.

He also asked about the age limit of the children staying. Ms. Parks said the children would not be over 18 years of age.

Mike Ratcliffe: 669 Rocky Hollow Road: Mr. Ratcliffe spoke about concerns for the resident's safety because he has livestock and honey bees on his property. He is concerned about convicted felons due to his job regulations with the Department of Corrections. Sewage concerns need to be addressed. He is concerned about elderly widows living nearby. He spoke about a need for a privacy fence. Mr. Ratcliffe came to this meeting opposed, but is now undecided after hearing Mr. Sage's proposal.

Scott Ratcliffe: 260 Perry Lane: Mr. Ratcliffe asked if the residents would be local citizens.

Michael Burton: Mr. Burton asked about the change of use at a later date, if sold. Mr. Williams read the definition of a Group Home Facility and indicated that if approved, it would be the only additional use allowed on the property, regardless of ownership. Mr. Burton asked if conditions could be placed on the application if it is approved. He suggested the number of residents should be limited, the septic system should be approved by the health department, and the facility should be licensed.

 11/19/2020 8:23 PM Mr. Pugh closed the public hearing and asked for a recess until 8:30 PM

(Board of Supervisors Meeting relocated to the 3<sup>rd</sup> floor School Board Meeting Room)

8:28 PM Royal Oak District Supervisor Judy Wyant called the Board of Supervisors Meeting back to order.

County Administrator Shawn Utt presented information on the Cornerstone Building. He reached out to some local realtors and was able to get a market analysis outlining an anticipated sales price range. *After discussion, Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to move forward with the transfer of the Cornerstone property to the EDA as recommended by the building and grounds committee, with the addition of a minimum negotiable sales price of \$200,000. Saltville District Supervisor Roscoe Call seconded the motion.*

*After consideration, the motion PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel  
Saltville District Supervisor Roscoe D. Call, and  
Chilhowie District Supervisor Michael Sturgill.*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Atkins District Supervisor Charles Atkins  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff.*

Mr. Utt reviewed the Conflict of Interest and Uniform Guidance for Grant Administration policies provided by the auditors that were presented at the November 12<sup>th</sup> Board Meeting. *Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to approve the two financial policies. Chilhowie District Supervisor Mike Sturgill seconded the motion.*

*After consideration, the motion PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel  
Saltville District Supervisor Roscoe D. Call, and  
Chilhowie District Supervisor Michael Sturgill.*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Atkins District Supervisor Charles Atkins  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff.*

Mr. Utt presented the following appropriation requests:

- General County \$9,000.00 (Laurel Springs Farm to be reimbursed from Fund 303 CDBG Food Pantry Grant)
- Fund 4 CARES Act/Smyth Strong \$13,500.00



*After consideration, the motion PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel  
Saltville District Supervisor Roscoe D. Call, and  
Chilhowie District Supervisor Michael Sturgill.*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Atkins District Supervisor Charles Atkins  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff.*

*8:36 PM A motion was made by Vice Chair, Rye Valley District Supervisor Lori Deel, seconded by Saltville District Supervisor Roscoe Call, to adjourn.*

*After consideration, the motion PASSED by the following vote:*

*AYES: Chair, Royal Oak District Supervisor Judy Wyant,  
Vice Chair, Rye Valley District Supervisor Lori Deel  
Saltville District Supervisor Roscoe D. Call, and  
Chilhowie District Supervisor Michael Sturgill.*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Atkins District Supervisor Charles Atkins  
North Fork District Supervisor Phil Stevenson,  
Park District Supervisor Kris Ratliff.*



# **SMYTH COUNTY BOARD OF SUPERVISORS**

## **A RESOLUTION IN RECOGNITION OF RON THOMASON UPON HIS RETIREMENT AS SMYTH COUNTY DIRECTOR OF TOURISM**

**WHEREAS**, Ron Thomason served as the Cabinetry Plant Manager for Merillat Industries, helping recruit, build, and grow two facilities in Smyth County; and

**WHEREAS**, following retirement from Merillat, Ron Thomason stepped back into the workforce to help Smyth County as the first Director of Tourism – a part time role with a full-time commitment to build tourism as a vital industry in Smyth County; and

**WHEREAS**, Ron Thomason was instrumental to many tourism initiatives, including the Fly-Fishing Trail and annual Trout Unlimited fishing event, Smyth County presence at national and regional travel shows, the ongoing operation of the Smyth County Visitor's Center at the Bonham House; and

**WHEREAS**, Ron Thomason's crowning achievement is the development, promotion and growth of "Back of the Dragon" and the new Walker Mountain Overlook, where he secured over \$800,000 in grant funding and land rights to build this unique addition to help propel this attraction to national attention; and

**WHEREAS**, Ron Thomason is an avid golfer, traveler, and a West Virginia Mountaineer.

**NOW, THEREFORE, WE**, the Chief Elected Officers in Chilhowie, Marion, Saltville and Smyth County, in Regular Sessions in December 2020, hereby express our most sincere appreciation for the leadership provided by Ron Thomason through his talents, hard work, stewardship, skill, and love of our towns and county, and wish him well in his retirement.

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Mayor Gary L. Heninger  
Town of Chilhowie

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Mayor David P. Helms, Marion  
Town of Marion

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Mayor C. Todd Young  
Town of Saltville

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Chair Judy O. Wyant  
Smyth County Board of Supervisors



# **SMYTH COUNTY BOARD OF SUPERVISORS**

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**WHEREAS**, Ron Thomason served as the Cabinetry Plant Manager for Merillat Industries, helping recruit, build, and grow two facilities in Smyth County; and

**WHEREAS**, following retirement from Merillat, Ron Thomason stepped back into the workforce to help Smyth County as the first Director of Tourism – a part time role with a full-time commitment to build tourism as a vital industry in Smyth County; and

**WHEREAS**, Ron Thomason was instrumental to many tourism initiatives, including the Fly-Fishing Trail and annual Trout Unlimited fishing event, Smyth County presence at national and regional travel shows, the ongoing operation of the Smyth County Visitor’s Center at the Bonham House; and

**WHEREAS**, Ron Thomason’s crowning achievement is the development, promotion and growth of “Back of the Dragon” and the new Walker Mountain Overlook, where he secured over \$800,000 in grant funding and land rights to build this unique addition to help propel this attraction to national attention; and

**WHEREAS**, Ron Thomason is an avid golfer, traveler, and a West Virginia Mountaineer.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SMYTH COUNTY, VIRGINIA**, that we hereby express our most sincere appreciation for the leadership provided by Ron Thomason through his talents, hard work, stewardship, skill, and love of our towns and county, and wish him well in his retirement.

**Adopted** this the 8<sup>th</sup> day of December, 2020

**ATTEST:**

**SMYTH COUNTY  
BOARD OF SUPERVISORS**

---

Shawn M. Utt, Clerk

---

Judy Wyant, Chair



ROBINSON, FARMER, COX ASSOCIATES, PLLC  
 Certified Public Accountants

November 18, 2020

To the Board of Supervisors  
 County of Smyth, Virginia

We have audited the financial statements of the governmental activities, the business-type activities, the discretely presented component units, each major fund, and the aggregate remaining fund information of the County of Smyth, Virginia for the year ended June 30, 2020. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards* and the Uniform Guidance, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated April 6, 2020. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Matters

*Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the County of Smyth, Virginia are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2020. No restatement was required as a result of this implementation. We noted no transactions entered into by the County of Smyth, Virginia during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting County of Smyth, Virginia's financial statements were:

Management's estimates of depreciable asset lives are based on management's experience. We evaluated the key factors and assumptions used to develop the estimates in determining same are reasonable in relation to the financial statements taken as a whole.

Management's estimate of the allowance for doubtful accounts is based on management's experience. We evaluated the key factors and assumptions used to develop the estimate in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimates of deferred inflows, outflows and liabilities related to the pension and OPEB plans in which the County of Smyth, Virginia and related component units participate are based on actuarial information provided by the Virginia Retirement System and a third-party actuary and include certain long-term assumptions that are disclosed in the notes to the financial statements. We evaluated the key factors and assumptions used to develop these estimates in determining that they are reasonable in relation to the financial statements, taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosure affecting the financial statements was:

The disclosure of actuarial assumptions of the County and School Board retirement and OPEB plans as discussed in Notes 10-13 to the financial statements.

The financial statement disclosures are neutral, consistent, and clear.

#### *Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

#### *Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all material misstatements and adjusting entries can be provided upon request along with a summary of unadjusted differences.

#### *Disagreements with Management*

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

#### *Management Representations*

We have requested certain representations from management that are included in the management representation letter dated November 18, 2020.

#### *Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves the application of an accounting principle to the County of Smyth, Virginia's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

#### *Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the County of Smyth, Virginia's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

#### Other Matters

We applied certain limited procedures to the schedules related to pension and OPEB funding, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI. Our responsibility with respect to the budgetary comparison information, which also supplements the basic financial statements, is to evaluate the presentation of the schedules in relation to the financial statements as a whole and to report on whether it is fairly stated, in all material respects, in relation to the financial statements as a whole.

We were engaged to report on the other supplementary information and the schedule of expenditures of federal awards, which accompany the financial statements but are not RSI. With respect to this information information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled this information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on introductory or statistical information, which accompanies the financial statements but is not RSI. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Restriction on Use

This information is intended solely for the information and use of the Board of Supervisors and management of the County of Smyth, Virginia and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

*Robinson Jarmon, Cox, Associates*

Blacksburg, Virginia  
November 18, 2020



Date: November 18, 2020  
Memorandum to: Shawn Utt, County Administrator  
Smyth County, Virginia  
From: Robinson, Farmer, Cox Associates  
Regarding: Audit Recommendations

In planning and performing our audit of the financial statements of the County of Smyth, Virginia for the year ended June 30, 2020, we considered the County's internal control structure to plan our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide assurance on the internal control structure.

However, during our audit, we noted certain matters involving the internal control structure and other operational matters that are presented for your consideration. Our comments and recommendations, all of which have been discussed with appropriate members of management, are intended to improve the internal control structure or result in other operating efficiencies. We will be pleased to discuss these comments in further detail at your convenience.

**School Board Findings**

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**Cafeteria Account**

The School Board maintains a centralized cafeteria account under the name of the Marion Middle School. Centralized cafeteria accounts should be maintained in the Treasurer's Office and the expenditure of funds from same are subject to appropriations by the Board of Supervisors. We recommend that the School Board transfer this account to the Treasurer's Office and begin preparing an annual budget for centralized cafeteria operations.

**County Findings**

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**Sheriff's Bank Account**

The Sheriff's Department maintains a narcotics bank account. This account has not been registered as a public deposit with the State Treasury Department. We recommend that the Sheriff have the bank report the account as a public deposit per requirements of the *Code of Virginia, 1950 as amended*.

**Cancellation of Invoices**

Per client policies and procedures, invoices should be stamped as paid at the time of payment to ensure that payments are not duplicated. As part of the audit, we tested invoices over individually significant materiality thresholds and noted that nine out of 39 invoices tested were not appropriately marked as paid. Additionally, we were only able to locate documentation for part of the payment to VACORP with check number 57122. Cancellation exceptions noted were after mid-January when there was turnover in staff and the role of accounts payable clerk had not been filled full-time. We did not duplicate payment of invoices based on testing.

**BLACKSBURG OFFICE:**  
108 South Park Drive  
Blacksburg, Virginia 24060  
(540) 552-7322

**CONTACT:**  
Emily Viers, CPA  
Member  
eviers@rfca.com



**RD Compliance**

On April 13, 2018, we received a copy of a letter sent from Rural Development to the County requesting that the County separate the water and sewer systems into separate funds for the audit report. We performed this allocation in the audit process for fiscal year 2020; however, we recommend the County separate the funds in their accounting records.

**Social Services Department**

**Special Welfare Account**

Currently the Social Services Department holds funds in their special welfare fund that are not held for specific children. The *Code of Virginia, 1950 as amended section 63.2-230* specifically allows local agencies to accept and expend certain funds on behalf of children placed by or entrusted to the local board when no guardian is appointed. It appears that the local agency has deposited additional funds, such as general contributions (i.e. Disaster relief, United Way funds, admin account, rides program) to the special welfare fund. In general, we feel that contributions to the Social Services Department are subject to appropriation by the Board of Supervisors prior to expenditure. As such, we recommend that the Department review the sources and uses of these funds and establish a fund for the receipt and expenditure of non-fiduciary monies. The expenditure of such funds would be subject to an appropriation by the Board of Supervisors.

Additionally, the special welfare bank account has more funds on deposit than are reported in the Special Welfare Ledger. We recommend that a transfer of funds be made so that the bank account equal the ledger balance.

**Annual Access Review**

The local security officer should perform an annual review of all employees' access to each application with the employee's supervisor(s) to ensure that the access is properly aligned with job responsibilities. During our testing, we were unable to obtain documentation that reviews were performed within the last year for several employees. We discussed with management while on-site and based on inquiry, there was a system malfunction that resulted in the loss of documentation for the annual review performed for some of the individuals. Management will work to ensure that documentation of review is maintained for audit purposes going forward.

**County and School Board Findings**

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**Written Policies for Federal Programs**

The Uniform Guidance requires that the entity have certain written policies to ensure compliance related to federal programs. We were unable to obtain copies of same during the audit. We recommend that management adopt written policies/procedures as required and provide same for audit purposes.

**Conflicts of Interest Forms**

During our review of completed forms, we noted that several forms were not completed in their entirety. All questions should be marked as "yes" or "no" and we recommend that in the event something is not applicable, same be marked as "n/a" to help ensure that the form has been completed in full. Further, someone should review the forms as they are turned in to help ensure that all questions have been answered to help ensure questions are not overlooked.

**BLACKSBURG OFFICE:**  
108 South Park Drive  
Blacksburg, Virginia 24060  
(540) 552-7322

**CONTACT:**  
Emily Viers, CPA  
Member  
eviers@rfca.com



**Notice of Public Hearing**

The Board of Supervisors of Smyth County, Virginia will conduct a public hearing in the Boardroom of the Board of Supervisors, 121 Bagley Circle, Suite 100, Marion, Virginia, on Tuesday, December 8, 2020 at 5:00 p.m., or soon thereafter, to consider the donation/transfer of the Riverside Community Center from the Smyth County Board of Supervisors to the Riverside Ruritan Club. The purpose of this hearing will be to consider if Smyth County will donate and transfer the real estate and buildings of the old Riverside Elementary School, located at 114 Red Stone Road in the community of Chilhowie, tax map number 65-A-167, in the Chilhowie Voting District, and Rye Valley Magisterial District, with reversion rights to the Smyth County Board of Supervisors if the same is abandoned as a community center, or the community center ceases to operate, and subject to such other conditions as the Board of Supervisors may determine if the transfer is approved by the Board.

All interested persons may express their views by emailing [sutt@smythcounty.org](mailto:sutt@smythcounty.org) prior to the meeting. Written comments may also be mailed to County Administrator, 121 Bagley Circle, Suite 100, Marion, VA 24354; or by fax to (276) 783-9314. All emails, written comments and faxes must be received by 2:00 PM Tuesday, December 8, 2020. Anyone having questions regarding the above may contact the County Administrator's Office at 276-783-3298, Monday through Friday from 8:00 AM to 5:00 PM.

In compliance with the provisions of 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 24 hours prior to the hearing.

BY ORDER OF THE BOARD OF SUPERVISORS  
SMYTH COUNTY, VIRGINIA  
Shawn Utt, County Administrator

**-NOTICE OF PUBLIC HEARING-**

**Smyth County Board of Supervisors  
BUDGET AMENDMENT FOR FISCAL YEAR 2020-2021**

Pursuant to Section 15.2-2507 of the Code of Virginia, notice is hereby given that the Board of Supervisors of Smyth County, Virginia, will hold a public hearing in the Boardroom of the Smyth County Administration Building at 121 Bagley Circle, Marion, Virginia, on Tuesday, December 8, 2020 at 5:00 p.m. or soon thereafter, to receive comments on proposed amendments of the budget for fiscal year 2020-2021.

This amendment will increase the Fiscal Year 2020-2021 adopted budget for additional School Board funds, Emergency Management (VDEM) grant funds, and additional Federal CARES Act funding for broadband. The new total budget amount will be \$99,389,279.

All interested persons may express their views by emailing [sutt@smythcounty.org](mailto:sutt@smythcounty.org) prior to the meeting. Written comments may also be mailed to County Administrator, 121 Bagley Circle, Suite 100, Marion, VA 24354; or by fax to (276) 783-9314. All emails, written comments and faxes must be received by 2:00 PM Tuesday, December 8, 2020. A copy of the proposed budget amendment is available for public review by contacting the County Administrator's Office. Anyone having questions regarding the above may contact the County Administrator's Office at 276-783-3298, Monday through Friday from 8:00 AM to 5:00 PM.

In compliance with the provisions of 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 24 hours prior to the hearing.

**BY ORDER OF THE BOARD OF SUPERVISORS  
SMYTH COUNTY, VIRGINIA  
Shawn Utt, County Administrator**



# **SMYTH COUNTY BOARD OF SUPERVISORS**

## **RESOLUTION SMYTH COUNTY BUDGET FISCAL YEAR 2020-2021 – AMENDMENT #3**

**WHEREAS**, the Smyth County Board of Supervisors, on June 30, 2020 adopted the Fiscal Year 2020-2021 Budget in the original amount of \$94,209,332; and

**WHEREAS**, on September 24, 2020, the Smyth County Board of Supervisors adopted an amended budget (*Budget Amendment #1*) for Fiscal Year 2020-2021 in the amount of \$97,135,790; and,

**WHEREAS**, on October 13, 2020, the Smyth County Board of Supervisors adopted an amended budget (*Budget Amendment #2*) for Fiscal Year 2020-2021 in the amount of \$97,247,331; and,

**WHEREAS**, the aggregate amount of budget amendment #3 is \$2,141,948 which would increase the Fiscal Year 2020-2021 budget to a total of \$99,389,279 as described in greater detail on Exhibit A attached hereto.

**NOW, THEREFORE, BE IT RESOLVED**, the Smyth County Board of Supervisors sets forth and approves the amended Smyth County Budget for the fiscal year 2020-2021 in the amount of \$99,389,279.

**BE IT FURTHER RESOLVED**, due to the timing required to expend the amended funds, the approval of this budget amendment #3 shall indeed constitute an appropriation of the same funds.

**Adopted** this the 8<sup>th</sup> day of December, 2020

**SMYTH COUNTY  
ATTEST:**

**BOARD OF SUPERVISORS**

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Shawn M. Utt, Clerk

---

Judy Wyant, Chair

**Part 1. REVENUES**

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 001	State Grant Money	001-021100-0016	VDEM LEMPG-S Grant	\$ -	\$ (49,804.00)	\$ (49,804.00)	COVID-19 related grant funding
Fund 009	State School Funds	009-021010-____	Gov. Emer. Education Relief Fund (GEER)	-	\$ (227,625.00)	\$ (227,625.00)	COVID-19 related grant funding
Fund 009	State School Funds	009-021010-____	Coronavirus Relief Funds (CRF)	-	\$ (709,170.00)	\$ (709,170.00)	COVID-19 related grant funding
Fund 009	Local Funds Transfer	009-022000-0003	Local Funds Transfer - CARES Act	\$ -	\$ (776,157.00)	\$ (776,157.00)	CARES Act Allocation from Smyth County
Fund 775	CARES Act Funding	775-010000-0001	Broadband Grant Funding	\$ -	\$ (379,192.00)	\$ (379,192.00)	Governor's Broadband Initiative
<b>Total Revenues With Amendment</b>				<b>\$ (97,247,331.00)</b>	<b>\$ (2,141,948.00)</b>	<b>\$ (99,389,279.00)</b>	

**Part 2. EXPENDITURES**

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget Amount	Notes
Fund 001	Emergency Management	001-035050-7013	VDEM LEMPG-S Grant	\$ -	\$ 49,804.00	\$ 49,804.00	COVID-19 related grant funding
Fund 009	County School Operations	009-099990-5801	Instruction	\$ 35,686,768.00	\$ 824,044.54	\$ 36,510,812.54	COVID-19 related grant funding
Fund 009	County School Operations	009-099990-5802	Administration/Attendance	\$ 1,468,814.00	\$ 38,487.96	\$ 1,507,301.96	COVID-19 related grant funding
Fund 009	County School Operations	009-099990-5803	Transportation	\$ 2,546,120.00	\$ 342,642.82	\$ 2,888,762.82	COVID-19 related grant funding
Fund 009	County School Operations	009-099990-5804	Facilities	\$ 4,578,099.00	\$ 129,235.00	\$ 4,707,334.00	COVID-19 related grant funding
Fund 009	County School Operations	009-099990-5805	Food Service	\$ 3,773,795.00	\$ 37,514.00	\$ 3,811,309.00	COVID-19 related grant funding
Fund 009	County School Operations	009-099990-5806	Technology	\$ 1,432,661.00	\$ 341,027.68	\$ 1,773,688.68	COVID-19 related grant funding
Fund 775	CARES Act Funding	775-010000-0024	Broadband Grant Initiative	\$ -	\$ 379,192.00	\$ 379,192.00	Partnership with Point Broadband & SmythNet
<b>Total Expenditures With Amendment</b>				<b>\$ 97,247,331.00</b>	<b>\$ 2,141,948.00</b>	<b>\$ 99,389,279.00</b>	

	Current Budget Amt.	Amendment Amt.	Revised Budget Amt.
Revenues	\$ (97,247,331.00)	\$ (2,141,948.00)	\$ (99,389,279.00)
Expenditures	\$ 97,247,331.00	\$ 2,141,948.00	\$ 99,389,279.00
Difference	\$ -	\$ -	\$ -



Smyth County, Virginia  
121 Bagley Circle, Suite 100  
Marion, VA 24354  
Office (276) 706-8311  
Cell (276)  
Email [emergencymgt@smythcounty.org](mailto:emergencymgt@smythcounty.org)

## Smyth County Department of Public Safety

Curtis W. Crawford, Emergency Services Coordinator

# MEMO

**Date:** October 16, 2020

**To:** Smyth County Board of Supervisors



**From:** Curtis W. Crawford, Emergency Services Coordinator

**Subject:** FY 2020 Emergency Management Performance Grant-Supplemental

Smyth County was selected to receive a grant on October 9, 2020 from the Virginia Department of Emergency Management Services. We were selected for this grant based on criteria of our citizens' social, economic, and health risk. Smyth County scored the in 50<sup>th</sup> percentile in the state and for our size we qualify for a project of \$99,608.00. This grant is a matching grant with \$49,804.00 coming from the Commonwealth and the other match of \$49,804.00 to come from Smyth County.

This grant is to be used to help bridge the gap for equality in our county. Our goal is to improve communication between government and citizens in emergent and non-emergent situations, develop an outreach plan, build partnerships between community-based organizations and the government, develop training for the citizens, build infrastructure to better respond to future emergencies, and purchase COVID-19 needed supplies.

I request that the Board will accept this grant and appropriate \$49,804.00 to 001-03505-7011 for the grant as well as agree to utilize \$49,804.00 from COVID CARES Act Funding as our local match the Commonwealth's contribution.



**COMMONWEALTH of VIRGINIA**  
*Office of the Governor*

Secretary of Commerce and Trade

11/5/2020

Shawn Utt  
County Administrator  
Smyth County  
121 Bagley Circle, Suite 100  
Marion, VA 24354

Dear Mr. Utt,

On behalf of Governor Northam, it gives me great pleasure to inform you that Smyth County has been awarded broadband funding pursuant to the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) in the amount of \$379,192 for the Point Broadband and SmythNet Projects.

As stated in the program guidelines, these funds must be expended and service must be available by December 25, 2020. Similar to previous CARES Act allocations to localities, this award amount will be transmitted to Smyth County by the Department of Accounts. Once the project is complete, the Governor's Broadband Team and the Department of Accounts will follow up regarding project outcomes and compliance. I want to reiterate that it is incumbent on Smyth County to ensure project expenses are documented and verified in case of audit.

Congratulations on your award and we look forward to working with you now and in the future to achieve universal broadband coverage in Smyth County.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Feinman".

Evan Feinman  
Chief Broadband Advisor  
Office of Governor Ralph S. Northam



# 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  
Robert Campbell, 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: Shawn Utt  
From: Clegg Williams *cw*  
Date: November 30, 2020  
Subject: Recommendations from Planning Commission

At the joint public hearing on Thursday, November 19, 2020, the following motion was rendered:

**Recommendation on the request of Freedom Tabernacle Baptist Church Special Use Permit:**

Commissioner Tony Dean made a motion to recommend approval of Freedom Tabernacle Baptist Church Special Use Permit request for a group home facility, with the following stimulations:

- The entrance be approved by VDOT;
- The Health Department issues a safe adequate and proper permit on the existing septic systems(s), and;
- Two 100' privacy fences be constructed with each one centered on the adjoining property owner's homes.

Ms. Wagoner seconded the motion.

After consideration, the motion PASSED by the following vote:

<b>AYES:</b>	Pugh, Spence, Wagoner, Shepherd, Davidson, Jr., Dean, Campbell
<b>NAYS:</b>	None.
<b>ABSTAINERS:</b>	None.
<b>ABSENT:</b>	None



# SMYTH COUNTY BOARD OF SUPERVISORS

## RESOLUTION IN SUPPORT OF THE CONSTITUTIONAL RIGHT OF UNITY AND EQUALITY

**WHEREAS**, over 240 years ago, the forefathers of our nation had the vision to declare that “all men are created equal” as well as the “unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”; and

**WHEREAS**, the Board of Supervisors of Smyth County condemns events of hatred, racism, discrimination, and inequality that exist in our community, our nation, and our world; and

**WHEREAS**, the Board of Supervisors of Smyth County embraces the truths that all citizens have been created equal and deserve equal opportunities and fair treatment; and

**WHEREAS**, the Board of Supervisors of Smyth County believe all people, regardless of age, gender, race, color, religion, creed, political affiliation, economic stature or any other should be free of discrimination and adverse prejudices; and

**WHEREAS**, Smyth County's collective prosperity depends upon the equitable access to opportunity for every resident regardless of differences in the spirit of *The Golden Rule* of treating others as you wish to be treated; and

**WHEREAS**, the Board of Supervisors of Smyth County pledge to achieve the ideals of equality for all our citizens.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SMYTH COUNTY, VIRGINIA**, that we acknowledge that hatred, racism and discrimination affects our entire country, and will continue to work to progress as an equitable and justice-oriented organization, promoting just, equal and fair treatment through all policies approved by the Board, will support community efforts to address issues of hatred, racism and discrimination in any and every form where it exists, and to engage actively and authentically with every citizen to ensure equal treatment and justice for all.

**BE IT FURTHER RESOLVED**, that the Board of Supervisors of Smyth County denounces racism, sexism, xenophobia and/or discrimination of any kind for any reason, and hereby officially voices our continuing support of efforts to address hatred, racism and discrimination in Smyth County, the Commonwealth of Virginia, and our Nation.

**Adopted** this the 8<sup>th</sup> day of December, 2020

**ATTEST:**

**SMYTH COUNTY  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Shawn M. Utt, Clerk

\_\_\_\_\_  
Judy Wyant, Chair



**SMYTH COUNTY  
BOARD OF SUPERVISORS**



**RULES OF PROCEDURES  
ADOPTED SEPTEMBER 9, 2003**

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**Amended January 9, 2018**

## **SMYTH COUNTY BOARD OF SUPERVISORS - RULES OF PROCEDURE**

Be It Resolved, the Smyth County Board of Supervisors does hereby accept and adopt these Rules of Procedure in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Code of Virginia 1950, as amended. The official title of the governing body is "Smyth County Board of Supervisors" (Board).

### **ARTICLE 1 - Members**

**1.1 Members.** The Smyth County Board of Supervisors consists of seven (7) members, one elected from each of the seven (7) election districts. Each member is elected for a term of four (4) years. Terms of office of the members run concurrently with the calendar year.

**2.1 Chairperson.** A Chairperson of the Board shall be elected from its members, by a plurality vote, at the first meeting of each calendar year. The Chairperson shall preside over all meetings, represent the Board at official functions and ceremonial events, and make such appointments as are not required by law to be made by the Board as a body.

**2.2 Vice Chairperson.** A Vice Chairperson of the Board shall be elected from its members, by a plurality vote, at the first meeting of each calendar year. The Vice Chairperson shall preside in the absence of the Chairperson, and perform such other duties as may be assigned by the Board.

**2.3 Chairperson Pro-Tem.** A Chairperson Pro-Tem may be appointed by the Chairperson or Vice Chairperson in the absence of both, before he/she leaves the room. In the event no Chairperson Pro-Tem has been appointed, one shall be selected by the members remaining. This person shall preside in the absence of the Chairperson and Vice Chairperson.

**2.4** Term of Office. The Chairperson and Vice Chairperson shall each be elected for a one (1) year term. Either, or both, may be re-elected for one or more additional one year terms.

**2.5** Clerk and Deputy Clerks. The County Administrator shall serve as Clerk to the Board. The Board may, at its first meeting of each calendar year, or as needed, designate one or more deputy clerks, who shall serve at the pleasure of the Board. Their duties shall be those set forth in Section 15.2-1538 and 15.2-1539, Title 15.2, Code of Virginia 1950, as amended, and by resolution of the Board adopted from time to time.

### ARTICLE III - Meetings

**3.1** Annual Meeting. The first meeting held after the newly elected members of the Board have qualified, and the first meeting held of each succeeding year shall be known as the annual meeting. At such annual meeting, the Board shall establish the days, times, and places for the regular meeting of the Board for the next twelve months. (§15.2-1416, Code of Virginia of 1950)

**3.2** Regular Meetings. The Board shall meet in regular session at least once each month upon such day or days as have been established. The Board may subsequently establish different days, times, or places for such regular meetings by passing a resolution to that effect and providing the notice required by § 15.2-1416. However, when the day established as a regular meeting day falls on a legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the Board. (Section 15.2-1416, Code of Virginia 1950, as amended)

**3.3** Special Meetings. A special meeting of the Board may be called by the Chairperson, and shall be called at the request of two or more members, which request shall be in writing addressed to the Clerk of the Board, specifying the time and place of the proposed special meeting and the matter to be discussed. Upon receipt of the request, the Clerk shall immediately notify in writing each member of the Board, the County Administrator, the Sheriff, and the County Attorney to

attend the special meeting at the given time and place and for the given purpose. Such notice shall be sent by first class or served by the Sheriff, or both, at least five (5) days before the date of the special meeting, except in a declared emergency, in which instance the notice may conform to the necessity of the emergency. No matter other than those specified in the notice shall be considered at such meeting unless all members are present and agree to such action by unanimous vote. (Sections 15.2-1417 and 15.2-1418, et al, of the Code of Virginia of 1950, as amended.)

**3.4** Notices to Public. The Clerk shall notify the general news media of the time and place of all such meetings, and the matters to be considered.

**3.5** Public Hearings. Public hearings shall be held after proper notice has been given. (§ 15.2-2204, § 15.2-2506, etc., or special provisions or the Code of Virginia of 1950, as amended)

**3.6** Adjourned Meetings. Any regular or special meeting may be adjourned by a majority of the members of the Board present to a date and time certain prior to the next meeting.

**3.7** Place of Meetings. All meetings shall be held in the Smyth County Board of Supervisors' Board Room, 121 Bagley Circle, Suite 100, Marion, Virginia, unless a different meeting place shall have been established and notice given and published as required by the Code of Virginia of 1950, as amended.

**3.8** Open Meetings. All meetings shall be open to the public, provided that the Board may, for the purpose provided for in the Virginia Freedom of Information Act, upon motion made, seconded, and duly adopted, meet in executive session. No resolution, ordinance, rule, contract, regulation, or motion adopted, passed, or agreed to in executive or closed meeting shall become effective unless following such meeting the Board reconvenes in open meeting and, by affirmative vote of the members, such action, ordinance, rule, contract, regulation, or motion is approved in open session.

ARTICLE IV - Quorum and Actions

4.1 Quorum. A majority of all the members of the Board shall constitute a quorum. The Chairperson shall be included and counted in determining the presence or absence of a quorum.

4.2 Required Absence. No action shall be taken by the Board unless there shall be present at least a quorum, provided, however, that the temporary absence from the meeting room of members sufficient to constitute a quorum shall not be deemed to prevent the hearing of presentations of the discussion of matters submitted to the Board. The Clerk, County Administrator, or Deputy Clerk, shall suggest the absence of a quorum prior to taking of any action by the Board. Failure of the Clerk, County Administrator, or Deputy Clerk, or any other member to suggest the absence of a quorum shall not be deemed to alter the effect of this rule requiring a quorum as a prerequisite to any action.

4.3 Actions of the Board. Actions of the Board shall be taken in one of the following ways:

- 1) Ordinances. Where required by law, action shall be by the adoption of ordinances. Ordinances shall be proposed for adoption, notice given, and adoption accomplished as provided for by general law.
- 2) Resolutions. Where it is not required by law, or it is desired by the Board to act without the adoption of an ordinance, action may be taken by the adoption of a resolution.
- 3) Contracts. In certain instances, action may be required by contracts. Contracts shall be proposed in writing and a copy shall be delivered to the Clerk and all members of the Board, or a duly appointed committee of the Board, prior to proposing adoption by the Board. The County Attorney shall advise the Board on the legality of each contract prior to approval by the Board.
- 4) Motions. Where action of the Board is required on a matter simply stated, action may be taken by oral motion only.

**4.4**    Voting.    Votes shall be taken on all motions made and seconded. However, a vote shall be taken if the question is called, unless a member objects, even if a motion to call the question has not been seconded.

**4.5**    Roll Call Vote. A voice roll call vote shall be taken at the request of any two or more members when such a request is made prior to the taking up of any other business, on any ordinance, or when required by law. A roll call vote by the recorded hand count of each member shall be taken on all other votes and contracts. \*

*\*This section amended on March 8, 2016 regular Board of Supervisors meeting.*

**4.6**    Restating the Question; Amending the Motion. If requested by one or more Board members, the Chairperson shall restate the question prior to the taking of a vote, provided, however, that the Chairperson may request that another member restate the question if in his or her opinion that will expedite the decision thereof. Upon the second of a motion, a member may move for an amendment or substitution of the motion for either clarification or substantive change of the motion. A vote shall be taken on the amended or substituted motion. The approved motion shall then be put up for a vote.\*

*\*This section amended on April 14, 2015 at the Annual Board of Supervisors Meeting.*

**4.7**    Unanimous Consent.    Where no formal action is required, and no objection is heard, a request of a member shall be deemed a request of the Board without further action, when such a request is made at a meeting with a quorum present, and the Chairperson states that such a request shall be deemed a request of the Board.

**4.8**    Tie Votes.    When a tie vote occurs:

- 1)    If one or more Supervisors are absent, the question shall be passed by until the next meeting, regular or special, at which time it must be put to a vote again (even though all members

may not be present). If the tie remains unbroken, the Clerk must record the vote and the question shall be recorded as failing to carry.

2) If all Supervisors are present when the tie vote first occurs, even if a Supervisor abstains, the Clerk must record the vote and the question shall be recorded as failing to carry.

**4.9 Reconsideration.** If all members are present for a meeting, action may be reconsidered only upon a motion of a member voting with the prevailing side on the original vote, which motion must be made on the same or immediate subsequent regular meeting. A motion to reconsider may be seconded by any member. If a member was absent for the entire meeting when such action was taken, the absent member may make a motion to reconsider at the immediate subsequent regular meeting or a continuation of the present meeting, whichever next occurs. Action on a question pending reconsideration at the next meeting shall be taken only following notice to all members of the Board given prior to the action being reconsidered, unless such action is taken at the same meeting as the original action. In instances involving the reconsideration of the adoption of an ordinance, notice of the proposed option of a new ordinance shall be given in accordance with law prior to action on the reconsidered question.

**4.10 Request for funds not budgeted:** Request for funds not budgeted must be submitted in writing by filing the appropriate form, completely explaining the request for funds. This form can be obtained in the County Administrator's Office and is to be submitted to the County Administrator for review. The County Administrator will then forward the request to the Budget Committee which will make a recommendation to the Board.\*

*\* This section amended June 26, 2008, continued Board of Supervisors meeting.*

*\* This section amended April 14, 2015 at the Annual Board of Supervisors meeting.*

#### ARTICLE V - Order of Business

**5.1 Commencement of Meeting.** At 4:00 p.m. to hold closed session and return to open session at 5:00 p.m. for public meeting and at the specified hour for continued or special meetings,

the presiding officer shall call the meeting to order, provide for the invocation, and direct the Clerk to note the presence or absence of members. A Quorum shall be required to commence the meeting at the appointed hour.\*

*\*This section amended January 10, 2012, regular Board of Supervisors meeting.*

**5.2 Agenda.** The Chairperson, with the County Administrator, shall prepare an agenda for each meeting. Any member having matters he or she desires to have considered at the next meeting shall submit these items to the County Administrator for inclusion in the agenda. After the invocation, the first order of business shall be the adoption by the Board of the agenda for the meeting. Any member may request an item added to the agenda, but if two members object to consideration at the meeting it shall be retained on the agenda until the next meeting of the Board.

The agenda may contain matters carried over from previous meetings, under continued Board matters. These items shall be considered at the conclusion of the agenda for the particular meeting day, except at the direction of the Chairman, or at the request of two members.

**5.3 Citizens' Time.** There shall be an agenda item known as "Citizens' Time", which shall be scheduled from 5:15 p.m. to 5:30 p.m. to allow citizens to address the Board regarding any matter that is not an agenda item previously considered in an advertised public hearing. This shall consist of a fifteen (15) minute period and shall be divided among the citizens who desire to speak.

*\*This section amended January 10, 2012, regular Board of Supervisors meeting.*

*\*This section amended April 14, 2015 at the Annual Board of Supervisors meeting.*

**5.4 Order on Agenda.** After adoption of the agenda for the meeting, without requirement of suspension of the Rules or motion, the Chairperson may call items in the order of business in a different order than the order of business set forth on the agenda, provided that the Board may by adopted motion overrule such a decision by the Chairperson. The Chairperson shall make every reasonable effort not to change the designated time for citizen's time as set forth on the agenda. All public hearings shall be held at the designed time as provided in required notices, or as soon thereafter as may be heard. \*



*\*This section amended October 11, 2011, regular Board of Supervisor meeting.*

**5.5** Minutes. The Clerk shall keep the minutes of the meetings of the Board. At the request of any member, made at the time of said presentation of discussion, the minutes shall include a summary of the substance of the presentation or debate. The Clerk may also maintain one recording by means of an electronic device of the proceedings of all Board meetings except for Executive Sessions. A copy of the minutes of the transcribed proceedings shall be kept on file in the County Administrator's Office for the general public. Copies of documents or discs of recordings may be purchased under Smyth County's fee schedule pertaining to the Freedom of Information Act.\*

*\* This section amended on April 14, 2015 at the Annual Board of Supervisors meeting.*

**5.6** Approval of Minutes. The Clerk or Deputy Clerk shall promptly transcribe the minutes following completion of the meeting and shall submit copies to the County Administrator for distribution on or before the Friday preceding the meeting at which their approval will be on the agenda. Approval of the minutes shall be the next item on each agenda following the invocation and approval of the agenda, and shall be approved, or corrected and approved without reading.

**5.7** Matters having to do with Agencies. Matters involving agencies which are not under the administrative supervision of the County Administrator shall not be placed on the agenda or considered by the Board until the affected agency shall have been given a reasonable opportunity to furnish the members of the Board with background information or data on issues which involve these agencies. Such information shall be delivered to the Clerk at least seven (7) days prior to a regular, special, or continued meeting date.

#### ARTICLE VI - Order in Conduct of Business

**6.1** Persons Addressing the Board. These persons shall limit their presentation to the

time allotted by the Chairperson on the agenda, unless the Board, by majority consent, shall extend such time. The Chairperson, in fixing such time, shall take into account the complexity of the matter, its importance in relation to other business of the Board, and time available on the meeting date sought. Insofar as is practicable, persons addressing the Board shall furnish the Clerk and members of the Board with a written copy of their remarks.

**6.2**    Public Hearings.        In instances in which persons address the Board, through the Chairperson, without having first been allotted a specific time on the agenda, they shall limit their remarks as follows, except in extraordinary circumstances:

- 1) Person speaking for himself or his immediate neighborhood - three (3) minutes.
- 2) Person speaking for an organization whose membership is representative of an entire district - five (5) minutes.
- 3) Person speaking for an organization whose membership is representative of the entire county - ten (10) minutes.
- 4) Except in emergency circumstances, no action shall be taken by the Board following a public hearing, and the issue shall be continued until the next regular meeting.

**6.3**    Recognition.    Recognition shall be given only by the presiding officer. No person shall address the Board without having first been recognized. When all public testimony has concluded, and the Board is considering and discussing the matter, no person shall thereafter be recognized to address the Board.

**6.4**    Cumulative or Repetitive Testimony. Cumulative or repetitive testimony shall not be permitted on any matter, and persons of the same position as a previous speaker shall state their name and the positions with which they agree.

**6.5** Questions. Questions by Board Members shall be reserved, insofar as possible, for the end of a presentation to avoid interrupting the speaker, disrupting the timekeeping process, and duplicating ground the speaker may cover.

**6.6** Oaths and Affirmations. Oaths and Affirmations may be administered and taken by the Chairperson or person presiding in his stead, when a majority of the Board deems it appropriate to take sworn testimony. Such action may be taken by the adoption of a motion to place a specific individual under oath, or to place all of those who will speak to a given item of business under oath. The Chair may place an individual under oath at any time before or during his presentation. Any such person shall be deemed to remain under oath as to the matter with respect to which he was sworn, for the remainder of the duration of the meeting.

**6.7** Discussion and Debate by the Board. Except at the conclusion of a public hearing, discussion and debate by the Board shall be conducted following the presentation of testimony on the item of business pending. Members shall not speak to the item until recognized by the Chair. A member who has spoken to the item shall not again be recognized until each other member desiring to speak shall have an opportunity to speak. Except in matters considered at a public hearing, after the Board shall have acted, any member shall have the right to state a protest against the action, and his reasons therefore, for a time not to exceed two (2) minutes.

***ARTICLE VII - Decorum***

**7.1** By Board Members. Decorum shall be maintained in order to expedite disposition of the business before the Board. Questions and remarks shall be limited to those relevant to the pending business. Members shall not converse with other members or with other persons in any manner having a disturbing effect on the conduct of business. Members shall address all remarks to the Chairperson as presiding officer.

**7.2** By Other Persons. Decorum shall be maintained by the Chair, who may request such assistance as to the Chairperson appears necessary.

1) Persons addressing the Board shall limit their remarks to those relevant to the pending items, and to answering questions. They shall address the Board as a whole, unless answering an individual member's questions. The presiding officer shall call the speaker to order, if out-of-order remarks, or other indecorous conduct persists, the presiding officer shall order the speaker from the lectern. The order with gavel, if not heeded, will then cause the Sheriff or his designee to carry out the order.

2) Persons whose allotted time to speak has expired shall be warned by the presiding officer to conclude in one minute, after which such person shall leave the lectern, unless he is asked by Chairperson to remain to answer questions from the Board.

3) No persons in attendance shall be allowed to voice remarks except as recognized by the presiding officer after audibly stating their name and who they represent. Groups in the audience creating an atmosphere detrimental or disturbing the conduct of the meeting will be asked to leave by the presiding officer.

4) No person shall bring into the Board Room any firearm, sign, banner, or other such item; provided, that models, photos, maps, charts, drawings, and other such demonstrative materials intended for use in a presentation by a specific person shall be permitted.

#### ARTICLE VIII - Miscellaneous

**8.1** Roberts Rules of Order. The newly revised Roberts Rules of Order shall govern the conduct of all meetings of the Board to the extent that they are not inconsistent with these rules and the laws of the Commonwealth of Virginia. The Clerk shall make available at all meetings a copy of the newly revised Roberts Rules of Order. The failure of the Board to strictly comply with Roberts Rules of Order shall not invalidate any action of the Board.\*

*\*Amended on April 14, 2015 at the Annual Board of Supervisors meeting.*

**8.2** Amendment of the Rules. An amendment of the Rules may be accomplished by a majority vote of the entire membership, provided that such amendment may not be voted upon at any meeting unless the text of the proposed amendment has been presented to at least one previous meeting to which the date for a vote has also been established. Any proposed amendment shall be subject to further amendment at the meeting at which the vote is taken.

**8.3** Suspension of the Rules. Suspension of the Rules may occur whenever the Board shall by a majority vote adopt a motion to suspend the rules. In such event, the rules shall be deemed suspended only with respect to the specific matter of question not then in accordance with the rules.

**8.4** Electronic Participation. The Board of Supervisors of Smyth County hereby adopts the following policy to govern when Board of Supervisors members may electronically participate in a Board of Supervisors meeting remotely:

1. An emergency or personal matter:

- a. On or before the day of a meeting, the Member shall notify the Chair of the Board of Supervisors that such Member is unable to attend the meeting due to an emergency or personal matter. The Member must identify with specificity the nature of the emergency or personal matter. A Member may also notify the Chair of the Board of Supervisors that such Member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the Member's physical attendance.

2. A temporary or permanent disability:

- b. On or before the day of a meeting, the Member shall notify the Chair of the Board of Supervisors that such Member is unable to attend the meeting due a temporary or permanent disability or other medical condition that prevents the Member's physical presence.

3. A quorum of the Board of Supervisors must be physically assembled at the primary or central meeting location. The Board of Supervisors members physically present must approve the absent Member's participation by a majority vote. The decision shall be made based solely on the criteria in this Resolution, without regard to the identity of the Member or the matters which will be considered or voted on during the meeting.
4. The Clerk shall record in the Board of Supervisors' minutes the specific nature of the emergency, personal matter, or disability; and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes.
5. Participation by the absent member due to an emergency, personal matter, or disability shall be limited in each calendar year to two (2) meetings or twenty-five (25) percent of the meetings of the Board of Supervisors, whichever is fewer.
6. For any remote participation, the Board of Supervisors shall make arrangements for the voice of the remote participant(s) to be heard by all persons in attendance at the primary or central meeting location.
7. If any provision of this Policy is deemed inconsistent with the provisions of Section 2.2-3708.1 of the Code of Virginia, 1950, as amended, or other applicable law, that provision shall be deemed stricken and the provisions of Section 2.2-3708.1 of the Code of Virginia, 1950, as amended, or other applicable law shall apply.

**BE IT RESOLVED BY THE SMYTH COUNTY BOARD OF SUPERVISORS:**

That the Rules of Procedure for the County of Smyth, Virginia, adopted by Resolution on September 9, 2003, is and are hereby amended and adopted as set forth in this resolution. These amendments shall be effective immediately.

Presented on January, 9, 2018 amendments were duly considered and adopted by the Smyth County Board of Supervisors on January 9, 2018 the members voting:

AYES: 7

NAYS: 0

ABSENT: 0