

# BOARD OF SUPERVISORS



**TUESDAY, JULY 13, 2021**  
**5:00 P.M.**



**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**

**MEETING AGENDA**  
**SMYTH COUNTY BOARD OF SUPERVISORS**  
**Tuesday, July 13, 2021**  
**5:00 PM**

- 1) **CALL MEETING TO ORDER** Chairman  
*Pledge of Allegiance & Invocation*
- 2) **AMENDMENTS TO AGENDA / ADOPTION OF AGENDA** Chairman
- 3) **SPECIAL RECOGNITIONS** Chairman  
*None scheduled*
- 4) **MINUTES OF PREVIOUS MEETINGS (Pg 6-74)** Chairman  
*Minutes of June 8, 2021, June 24, 2021 and June 30, 2021 meetings*
- 5) **PUBLIC HEARINGS** Chairman  
*None scheduled*
- 6) **PRESENTATIONS (Pg 75-81)** Chairman  
a. VDOT Quarterly Report, Rachael Brown and Matthew Lewis
- 7) **FINANCIAL STATUS REPORT** Lisa Richardson,  
Asst. Co. Admin.
- 8) **PAYMENT OF INVOICES/ACCOUNTS PAYABLE** Chairman
- 9) **CITIZENS TIME** Chairman  
*The Board welcomes your input. You may address the Board using the sign-in sheet located in the rear of the room. At this time, you may address the Board on items that may or may not be on the agenda. Time limit is three (3) minutes.*
- 10) **OLD BUSINESS** Chairman  
a. Committee Reports / Recommendations
  - i. Appointments Committee (Pg 82)
  - ii. Broadband Committee
  - iii. Public Safety Committee
  - iv. Water/Sewer Committee (Pg 83-84)

*Agenda continued on back*

- b. Request for Public Hearing for Nuisance Declaration for property at 151 Rolling Hills Drive; Marion, VA (Pg 85-150)
- c. Meal's Tax Public Input

- 11) **NEW BUSINESS** Chairman
  - a. Virginia Enterprise Zone request from Commissioner of Revenue (Pg 151)
- 12) **REPORT FROM COUNTY ATTORNEY** Scot Farthing, County Att'y
- 13) **REPORT FROM COUNTY ADMINISTRATOR / STAFF** Shawn Utt, County Admin.
- 14) **SUPERVISOR COMMENT TIME** Board Members
- 15) **CLOSED SESSION – 3 items total**

*Code of Virginia Section 2.2-3711(a)7 – Opioid Litigation matters (2 items) and  
Adwolfe Sewer Litigation (1 item)*



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*County Administrator  
Assistant County Administrator*

*Shawn M. Utt  
Alicia Richardson*

July 8, 2021

To: Members, Smyth County Board of Supervisors

CC: Smyth County Leadership Team

From: Shawn M. Utt, Smyth County Administrator

RE: Packet summary – July 13, 2021 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:

1. **Call to Order, Pledge of Allegiance & Invocation** – The pledge of allegiance will be led by Heather Street with the I.T. Department. The invocation will be provided by Pastor David Fugatt of Mt. Carmel UMC (Marion) & Davis Memorial UMC (Atkins).
2. **Amendments to Agenda** – if any are necessary, they will be presented at the meeting.
3. **Special Recognitions** (*None scheduled*)
4. **Minutes of Previous Meeting(s)** – the minutes of the June 8, 2021 (*Att. 1*), June 24, 2021 (*Att. 2*) and June 30, 2021 (*Att. 3*) meetings are **enclosed** for the Board's review and approval.
5. **Public Hearing** (*None Scheduled*)
6. **Financial Status Report** – Lisa Richardson will provide the most recent financials for the Board's review.
7. **Payment of Invoices/Accounts Payable** – Accounts payable items to be provided with the supplemental agenda.
8. **Citizen's Time** – Time has been set aside for citizens to provide comments to the Board on general items of interest or concern.
9. **Presentations:**
  - a. **VDOT Quarterly Update** – Matthew Lewis and Rachael Brown will be at the meeting to provide an update to the Board and give the Board an opportunity to bring up issues or concerns they may have. For your information, **enclosed** (*Att. 4*) is a copy of their monthly report for June.

## 10. Old Business Items:

### a. Committee Reports/Recommendations:

- i. Appointments Committee – minutes of the meeting are **enclosed** for your information (**Att. 5**).
  - ii. Broadband & Telecommunications Committee – minutes of the meeting will be provided at the Board meeting on July 13<sup>th</sup> due to the need to reschedule the original committee meeting from July 6<sup>th</sup> to July 12<sup>th</sup>.
  - iii. Public Safety Committee – minutes of the meeting will be provided at the Board meeting on July 13<sup>th</sup> due to the need to reschedule the original committee meeting from July 6<sup>th</sup> to July 12<sup>th</sup>.
  - iv. Water/Sewer Committee - minutes of the meeting are **enclosed** for your information (**Att. 6**). In addition, items related to committee recommendations are also **enclosed** for your review.
- b. Request for Public Hearings for Nuisance Declarations – Enclosed (Att. 7) is a memo from Clegg Williams, Building Official/Zoning Administrator, providing additional information for a nuisance property located at 151 Rolling Hills Drive, Marion and another at 409 Flatridge Road, Sugar Grove. We would like to request the Board schedule the requisite public hearings for the nuisance complaints for the August 10<sup>th</sup> Board meeting at 5:00p or shortly thereafter.
- c. Meal's Tax Public Input – following up on the conversations and actions from the June 24<sup>th</sup> Board meeting, I have been working on options related to the Meal's Tax, currently proposed to be implemented on October 1<sup>st</sup> as well as any potential effects it will have on the County's overall budget.

Considering the budget effects first, if the tax is indeed implemented on October 1<sup>st</sup>, I don't anticipate any negative effects. When the revenue projections were put together, they were extremely conservative (\$250,000) when in reality, I would expect the revenues to be \$40,000 to \$50,000 on average each month (equating to \$480,000 to \$600,000 for the full fiscal year). By pushing the implementation date back by three months, we will likely be closer to the \$360,000 to \$450,000 range.

In thinking about the options we should consider to better educate those impacted by the Meal's Tax as well as the citizenry as a whole, I would suggest two avenues to be taken:

- 1) Schedule a community meeting/public input and education session for the 2<sup>nd</sup> week of August where we can ensure full public transparency of the issues at hand. We can plan on a different meeting location, such as one of the schools, if the Board believes it to be necessary.

- 2) Prior to the community meeting, Jeff Richardson (Commissioner of Revenue) and I will plan to visit each of the 20+ businesses to talk to them about the tax and answer any questions/concerns they may have. We will also make sure to let them know about the community meeting to help ensure we have as many of them present as possible.

I would like to discuss these thoughts in greater detail at the Board meeting and set a path forward with the Board.

**11. New Business Items:**

- a. **Virginia Enterprise Zone Request from Commissioner of Revenue – enclosed (Att. 8)** is a letter from the Commissioner of Revenue regarding the properties that have qualified for the Enterprise Zone Program and related incentives. As has been the practice in the past, the COR is requesting the Board's consideration to approve the exoneration in the amounts listed below:

- Richards Commercial Properties - \$262.85
- Royal Oak Real Estate LLC - \$8,867.69

The recommendation would be to approve the exoneration as requested for the two properties.

12. **Report from County Attorney:** Scot Farthing will provide any updates he may have on various projects he has been working on, including the Water Mill Road/Route 693 issue that Charles Wassum brought forth at the June 24<sup>th</sup> meeting.
13. **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.
14. **Supervisor Comment Time:** Roundtable discussion for individual Board members.
15. **Closed Session under Code of Virginia Section 2.2-3711(a)**

*Code of Virginia Section 2.2-3711(a)7 – Opioid Litigation matters (2 items) and Adwolfe Sewer Litigation*

The Smyth County Board of Supervisors held its regular meeting on Tuesday, June 8, 2021 at 5:00 p.m. 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 Atkins District Supervisor Charles Atkins; Vice Chair Rye Valley District Supervisor Lori H. Deel, Park District Supervisor Kris Ratliff; Chilhowie District Supervisor Michael Sturgill; Saltville District Supervisor Roscoe Call; North Fork District Supervisor Phil Stevenson; Royal Oak District Supervisor Judy Wyant


**ABSENT:** None

**STAFF:** County Administrator Shawn Utt; Assistant County Administrator Lisa Richardson; Administrative Assistant Paula Harvey, Emergency Services Coordinator Curtis Crawford, Maintenance Superintendent Dennis Greer

**OTHERS:** Smyth County Sheriff's Deputy, Smyth County News and Messenger, and citizens

 6/8/2021 5:05 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

 6/8/2021 5:07 PM Dennis Greer, Maintenance Superintendent, led the Pledge of Allegiance. Pastor Mike Sage, Freedom Tabernacle Baptist Church, gave the invocation.

 6/8/2021 5:07 PM A motion was made by Saltville District Supervisor Roscoe Call to adopt the agenda. Chilhowie District Supervisor Michael Sturgill seconded the motion.


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

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

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: None.*

 6/8/2021 5:08 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the minutes from the May 11, 2021 meeting. Chilhowie District Supervisor Michael Sturgill seconded the motion.

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

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

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: None.*

 6/8/2021 5:08 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the minutes from the May 27, 2021 meeting. Chilhowie District Supervisor Michael Sturgill seconded the motion.


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

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


*NAYS: None.*

*ABSTAINERS: Vice Chair, Rye Valley District Supervisor Lori Deel*

*ABSENT: None.*


 6/8/2021 5:09 PM Ms. Janice Orr from the Museum of the Middle Appalachians spoke on her concerns regarding the Tourism efforts in Smyth County. Ms. Orr indicated that the relocation of the Smyth County Tourism office from the Bonham House in Chilhowie will have a definite impact on the museum and the County if that included the closure of the Bonham House tourism center itself. She said her understanding is that the Tourism Director would have three different offices and she is concerned that it will make it difficult to handle visitors coming into Smyth County. Ms. Orr advised she would like to see the Chamber and Tourism work together to try and make things work by putting both organizations in the same location in the Bonham House.



 6/8/2021 5:23 PM Mr. John Clark, Chilhowie Town Manager addressed the Board with his concerns with the removal of the Tourism Center located in the Bonham House in Chilhowie, Virginia. Mr. Clark noted that he received notice that the lease had been terminated with no explanation.

Atkins District Supervisor, Charles Atkins, who also serves as the Chairman of the Smyth County Tourism Board, provided feedback stating that when the Director of Tourism was hired, the Tourism Board felt they needed to not put all efforts into one location and that they felt they could make better use of the money than to keep the Bonham House going. He said with decreased visitors at the center they felt it was more beneficial to emphasize marketing the County as a whole rather than to keep the Bonham House tourism center operating. Mr. Atkins said that Ms. Amanda Livingston, Director of Tourism would have one office located in the County Office Building.

 6/8/2021 5:47 PM Assistant County Administrator, Lisa Richardson, reviewed the County financial information.

 6/8/2021 5:51 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following appropriations and payment of invoices:

General County	
Accounts Payable Listing	\$1,134,132.54
Payroll	\$829,000.00
Auto Draft Rural Development	\$15,515.00
Utilities/Misc	\$30,000.00
County Administration Fund	\$5,000.00
Total County Appropriation (including carryover):	\$1,995,000.00

North Fork District Supervisor Phil Stevenson seconded the motion.


After consideration, the motion PASSED by the following vote:

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

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

 6/8/2021 5:51 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following Social Services appropriations:

<b>Social Services</b>	
(June 9 – 30, 2021)	\$425,000.00
(July 1 – 13, 2021)	\$60,000.00
<b>Total Social Services:</b>	<b>\$485,000.00</b>

North Fork District Supervisor Phil Stevenson seconded the motion.


After consideration, the motion PASSED by the following vote:

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

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

 6/8/2021 5:52 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following School Board appropriations:

<b>Schools-Operating Fund</b>	
Instruction	\$6,540,668.00
Administration, Attendance, & Health	\$158,814.00
Transportation	\$591,120.00
Facilities	\$64,531.00
School Food Service	\$413,795.00
Technology	(\$247,339.00)
<b>Total School Operating Fund:</b>	<b>\$7,521,589.00</b>

North Fork District Supervisor Phil Stevenson seconded the motion.


After consideration, the motion PASSED by the following vote:

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

**NAYS:** None.

**ABSTAINERS:** Chilhowie District Supervisor Michael Sturgill

**ABSENT:** None.

 6/8/2021 5:52 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following School Board appropriation:

School Debt and Capital Outlay	\$2,655.00
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North Fork District Supervisor Phil Stevenson seconded the motion.


After consideration, the motion PASSED by the following vote:

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

**NAYS:** None.

**ABSTAINERS:** Chilhowie District Supervisor Michael Sturgill

**ABSENT:** None.

 6/8/2021 5:52 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following EDA Fund 4 appropriation:

EDA Fund 4	\$5,657.84
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North Fork District Supervisor Phil Stevenson seconded the motion.

After consideration, the motion PASSED by the following vote:

**AYES:** Chair, Atkins District Supervisor Charles Atkins  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Chilhowie District Supervisor Michael Sturgill  
Park District Supervisor Kris Ratliff,  
Royal Oak District Supervisor Judy Wyant,

*North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.



6/8/2021 5:53 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following Sheriff Fund 748 appropriation:

<b>Sheriff Fund 748</b>	<b>\$415.00</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, Atkins District Supervisor Charles Atkins  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Chilhowie District Supervisor Michael Sturgill  
Park District Supervisor Kris Ratliff,  
Royal Oak District Supervisor Judy Wyant,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.



6/8/2021 5:53 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following Recovery Court Fund 749 appropriation:

<b>Recovery Court Fund 749</b>	<b>\$1,318.48</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, Atkins District Supervisor Charles Atkins  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Chilhowie District Supervisor Michael Sturgill  
Park District Supervisor Kris Ratliff,  
Royal Oak District Supervisor Judy Wyant,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

 6/8/2021 5:54 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.

 6/8/2021 5:54 PM With no one wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen's time.

 6/8/2021 5:54 Mr. Utt presented the following information from the Planning Commission concerning the James Craig Harper Special Use Permit for a Service Business.

**Recommendation on James Craig Harper's Special Use Permit for a Service Business**

Commissioner Wagoner made the motion to recommend approval to the Board of Supervisors with the following stipulations:

1. No more than eight vehicles be stored on the property and they be kept in a 100'x100' area which is surrounded by a 7' tall, screened chain link fence,
2. The entrance to the property be located on Highway 107,
3. A 30'x50' steel post building be allowed to house towing equipment, and;
4. Until the fence is built, the Special Use Permit will not be issued.

Mr. Davidson seconded the motion and the following vote was recorded.

Vote:	3 yeas	Davidson, Jr, Wagoner, Dean
	3 nays	Pugh, Shepherd, Spence
	0 absent	
	1 abstain	Campbell

The motion failed.

**Second Recommendation on James Craig Harper's Special Use Permit for a Service Business**

Commissioner Spence made the motion to recommend denial to the Board of Supervisors and the following vote recorded.

Vote:	3 yeas	Pugh, Shepherd, Spence
	3 nays	Davidson, Jr, Wagoner, Dean
	0 absent	
	1 abstain	Campbell

The motion failed.

Mr. Stevenson advised that the property is in his district and that he and neighboring property owners had met today on this issue. Mr. Stevenson also shared a picture showing trash that was already piled up on the property. Mr. Stevenson noted that he felt that junk cars will have a negative affect on the property value of the surrounding area.

*A motion was made by North Fork District Supervisor Phil Stevenson to deny the James Craig Harper Special Use Permit for a Service Business. Park District Supervisor Kris Ratliff seconded the motion.*

Discussion continued regarding the Special Use Permit. Ms. Deel addressed her concerns with the Planning Commissions split vote and felt it may need to go back to the Planning Commission again to work out an agreement feasible for both parties. Mr. Atkins noted that he did not think sending it back to the Planning Commission at this time would do any good and that the Board needs to make a decision. Ms. Deel said she felt there was not enough information and it needed further discussion. Mr. Stevenson said Mr. Harper did not come to the Planning Commission with a clear plan. The Board discussed and agreed that there is a need to review current ordinances in place.


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

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

**NAYS:** *None.*

**ABSTAINERS:** *None.*

**ABSENT:** *None*

 6/8/2021 6:12 PM Chair, Atkins District Supervisor Charles Atkins read the minutes from the Budget Committee and presented the following Budget Amendment recommendation from the meeting held on May 18, 2021.



## **SMYTH COUNTY BOARD OF SUPERVISORS**

### **RESOLUTION**

#### **SMYTH COUNTY BUDGET FISCAL YEAR 2020-2021 – AMENDMENT #9**

**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**, on December 8, 2020, the Smyth County Board of Supervisors adopted an amended budget (*Budget Amendment #3*) for Fiscal Year 2020-2021 in the amount of \$99,389,279; and

**WHEREAS**, on January 12, 2021, the Smyth County Board of Supervisors adopted an amended budget (*Budget Amendment #4*) for Fiscal Year 2020-2021 in the amount of \$99,521,936.95; and

**WHEREAS**, on February 9, 2021, the Smyth County Board of Supervisors adopted an amended budget (*Budget Amendment #5*) for Fiscal Year 2020-2021 in the amount of \$100,465,910.95; and

**WHEREAS**, on March 9, 2021, the Smyth County Board of Supervisors adopted an amended budget (*Budget Amendment #6*) for Fiscal Year 2020-2021 in the amount of \$100,480,886.95; and

**WHEREAS**, on April 13, 2021, the Smyth County Board of Supervisors adopted an amended budget (*Budget Amendment #7*) for Fiscal Year 2020-2021 in the amount of \$100,809,767.10; and

**WHEREAS**, on May 11, 2021, the Smyth County Board of Supervisors adopted an amended budget (*Budget Amendment #8*) for Fiscal Year 2020-2021 in the amount of \$101,277,869.79; and

**WHEREAS**, the aggregate amount of budget amendment #9 is \$727,685 which would increase the Fiscal Year 2020-2021 budget to a total of \$102,005,554.79 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 \$102,005,554.79.

Adopted this, the 8<sup>th</sup> day of June, 2021

ATTEST:

  
Shawn M. Utt, Clerk

**SMYTH COUNTY  
BOARD OF SUPERVISORS**

  
Charles Atkins, Chair


*After consideration, the Budget Committee recommendation PASSED by the following vote:*

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

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

 6/8/2021 6:15 PM Chilhowie District Supervisor Michael Sturgill read the minutes from the Personnel Committee meeting held on June 1, 2021 and presented the following committee recommendation:

- *Atkins District Supervisor Charles Atkins made a motion to recommend an agreement for the County to serve as personnel fiscal agent and authority the County Attorney and County Administrator to finalize a Memorandum of Understanding with the Chamber of Commerce with the expectations that there will be no cost for the County. Chilhowie District Supervisor Michael Sturgill seconded the motion and it was unanimously approved by the committee.*

Ms. Wyant and Mr. Stevenson requested a financial statement from the Chamber. Mr. Farthing indicated that the Chamber is essentially buying the insurance but with the intentions of the County running the fiscal portion versus them purchasing on their own. Mr. Farthing advised that the Chamber would be reimbursing the County for their portion.

- *After discussion, a motion was made by North Fork District Supervisor Phil Stevenson to table this matter until more financial information can be obtained from the Chamber and Tourism Board. Royal Oak District Supervisor Judy Wyant seconded the motion.*

*After consideration, the Personnel Committee recommendation PASSED by the following vote:*

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

**NAYS:** Chair, Atkins District Supervisor Charles Atkins

**ABSTAINERS:** None.

**ABSENT:** None.





6/8/2021 6:22 PM Chair, Rye Valley District Supervisor Lori Deel read the minutes from the Public Safety Committee Meeting held on June 1, 2021 and presented the following recommendations:

- *Chilhowie District Supervisor Michael Sturgill made a motion to change the 550 ESN (Konnarock area) to reflect Chilhowie as being the primary responder with Mount Rogers being secondary responder. Rye Valley District Supervisor Lori Deel seconded the motion and it was unanimously approved by the committee.*

*After consideration, the Public Safety Committee recommendation PASSED by the following vote:*

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

**NAYS:** *None.*

**ABSTAINERS:** *None.*

**ABSENT:** *None.*

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to allow Grayson County public safety agencies use of Smyth County's communication shelter on Whitetop Mountain with the understanding that Smyth County will seek reimbursement for utilities and request a percentage of capital improvement project costs that will be later determined, seconded by Rye Valley District Supervisor Lori Deel and it was unanimously approved by the committee.*

*After consideration, the Public Safety Committee recommendation PASSED by the following vote:*

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

**NAYS:** *None.*

**ABSTAINERS:** *None.*

**ABSENT:** *None.*



6/8/2021 6:31 PM Chair, Saltville District Supervisor Roscoe Call read the minutes from the Redistricting Committee meeting held on May 18, 2021 and presented the following information that was presented by the County Registrar:

*Each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city. In each year ending in one, the governing body of each county shall establish the precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, and local election district that was adopted by the appropriate authority by June 15 of that year. If congressional districts, Senate districts, House of Delegates districts, or local election districts have not been adopted by the appropriate authority by June 15 of a year ending in one, the governing body may use the congressional districts, Senate districts, House of Delegates districts, or local election districts as such districts existed on June 15 of that year as the basis for establishing the precinct boundaries to be used for the elections to be held in November of that year. Such governing body shall establish precinct boundaries to be consistent with any subsequent changes to the congressional districts, Senate districts, House of Delegates districts, or local election districts. If a governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it shall apply to the State Board for a waiver to administer a split precinct. The State Board may grant the waiver or direct the governing body to establish a precinct with fewer than the minimum number of registered voters as permitted by § 24.2-309. A governing body granted a waiver to administer a split precinct or directed to establish a precinct with fewer than the minimum number of registered voters may use such a precinct for any election held that year. Given the delay in redistricting activities due to delayed Census data, the state will be granting waivers for the curing of the split precincts, as detailed above. Under the provisions of 24.2-307, Smyth County has the following split precincts in need of a waiver.*

*Saltville -Town Boundary  
Chilhowie -Town Boundary  
East Park -Town Boundary  
West Park -Town Boundary  
Wassona -Town Boundary  
Royal Oak East -Town Boundary  
Seven Mile Ford -House District Boundary*

- *A motion was made by Royal Oak District Supervisor Judy Wyant to request waivers for the seven listed split precincts, seconded by Saltville District Supervisor Roscoe Call and it was unanimously approved by the committee.*

*After consideration, the Redistricting Committee recommendation PASSED by the following vote:*


**AYES:** *Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Chilhowie District Supervisor Michael Sturgill,*

*Park District Supervisor Kris Ratliff,  
Royal Oak District Supervisor Judy Wyant,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

 6/8/2021 6:35 PM Chair, Rye Valley District Supervisor Lori Deel read the minutes from the Water & Sewer Committee meeting held on June 1, 2021 and presented the following recommendation:

- *North Fork District Supervisor Phil Stevenson made a motion to deny the request to share in the costs for paving from Owen "Rusty" Cox and Rye Valley District Supervisor Lori Deel seconded the motion and it was unanimously approved by the committee.*


*After consideration, the Water & Sewer Committee recommendation PASSED by the following vote:*

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

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

 6/8/2021 6:14 PM Mr. Utt presented the following Cigarette Tax Ordinance from the May 11, 2021 Public Hearing for the Board's consideration:

**ORDINANCE NO. 2021-02  
To Enact the CIGARETTE TAX ORDINANCE OF SMYTH COUNTY, VIRGINIA**

**ARTICLE I - Cigarette Tax.**

**Section 1.1 - Short title.**

This Article shall be known and may be cited as the Cigarette Tax Ordinance of Smyth County, Virginia.

**Section 1.2 - Definitions.**

For the purposes of this Article, the following words and phrases have the meanings respectively ascribed to them by this Section, except in those instances where the context clearly indicates a different meaning:

- (a) *Administrator* means the individual employed by the Board to administer the enforcement of this ordinance, or

his designated agents or appointees.

- (b) *Board* or *MRCTB* means the Mount Rogers Cigarette Tax Board.
- (c) *Carton* means any container, regardless of material used in its construction, in which packages of cigarettes are placed.
- (d) *Cigarette* means and includes any roll of any size or shape for smoking, whether filtered or unfiltered, with or without a mouthpiece, made wholly or partly of cut, shredded or crimped tobacco or other plant or substitute for tobacco, whether the same is flavored, adulterated or mixed with another ingredient, if the wrapper or cover is made of any material other than leaf tobacco or homogenized leaf tobacco, regardless of whether the roll is labeled or sold as a cigarette or by any other name.
- (e) *Cigarette Machine Operator* means any individual, partnership or corporation engaged in the sale of packages of cigarettes from vending machines.
- (f) *County* means Smyth County, Virginia.
- (g) *Dealer* means and includes every manufacturer's representative,, wholesaler, retailer, cigarette machine operator, public warehouseman or other person who shall sell, receive, store, possess, distribute or transport cigarettes within or into the County.
- (h) *Package* means and includes any container, regardless of the material used in its construction, in which separate cigarettes are placed without such cigarettes being placed into any container within the package. Packages are those containers of cigarettes from which they are consumed by their ultimate user. Ordinarily a package contains twenty cigarettes; however, "package" includes those containers in which fewer or more than twenty cigarettes are placed.
- (i) *Person* means and includes any individual, firm, unincorporated association, company, corporation, joint stock company, group, agency, syndicate, trust or trustee, receiver, fiduciary, partnership and conservator. The word "person" as applied to a partnership, unincorporated association or other joint venture means the partners or members thereof, and as applied to a corporation, includes all the officers and directors thereof.
- (j) *Place of business* means and includes any place where cigarettes are sold, placed, stored, offered for sale or displayed for sale or where cigarettes are brought or kept for the purpose of sale, consumption or distribution, including vending machines, by a dealer within the County.
- (k) *Registered agent* means and includes every dealer and other person who shall be required to report and collect the tax on cigarettes under the provisions of this Article.
- (l) *Retail dealer* means and includes every person who, in the usual course of business, purchases or receives cigarettes from any source whatsoever for the purpose of sale within the County to the ultimate consumer; or any person who, in the usual course of business, owns, leases or otherwise operates within his own place of business, one or more cigarette vending machines for the purpose of sale within the County of cigarettes to the ultimate consumer; or any person who, in any manner, buys, sells, stores, transfers or deals in cigarettes for the purpose of sale within the County to the ultimate consumer, who is not licensed as a wholesaler or vending machine operator.
- (m) *Sale or sell* means and includes every act or transaction, regardless of the method or means employed, including barter, exchange or the use of vending machines or other mechanical devices or a criminal or tortious act whereby either ownership or possession, or both, of any cigarettes shall be transferred within the County from a dealer as herein defined to any other person for a consideration.

- (n) *Stamp* means a small gummed piece of paper or decal used to evidence provision for payment of the tax as authorized by the Mount Rogers Cigarette Tax Board, required to be affixed to every package of cigarettes sold, distributed, or used within the County.
- (o) *Store or storage* means and includes the keeping or retention of cigarettes in this County for any purpose except sale in the regular course of business.
- (p) *Tobacco Revenue Agent* means persons authorized by MRCTB to act on its behalf in enforcement of this ordinance.
- (q) *Use* means and includes the exercise of any right or power over any cigarettes or packages of cigarettes incident to the ownership or possession of those cigarettes or packages of cigarettes including any transaction where possession is given or received or otherwise transferred, other than a sale.
- (r) *User* means any person who exercises any right or power over any cigarettes or packages of cigarettes subject to the provisions of this Article incident to the ownership or possession of those cigarettes or packages of cigarettes or any transaction where possession is given or received or otherwise transferred, other than a sale.
- (s) *Wholesale Dealers* means any individual, partnership or corporation engaged in the sale of packages of cigarettes for resale into or within the County.

### **Section 1.3 - Levy and rate.**

In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby levied and imposed by the County upon every person who sells or uses cigarettes within the County an excise tax at a rate of forty cents (\$0.40) for each package containing twenty cigarettes and two cents (\$0.02) for each cigarette contained in packages of fewer or more than twenty cigarettes sold or used within the County. The tax shall be paid and collected in the manner and at the time hereinafter prescribed; provided, that the tax payable for each cigarette or cigarette package sold or used within the County shall be paid but once.

### **Section 1.4 - Methods of collection.**

- (a) The tax imposed by this section shall be evidenced by the use of a tax stamp and shall be paid by each dealer or other person liable for the tax. The stamps shall be affixed in such a manner that their removal will require continued application of water or steam. Each dealer or other person liable for the tax is hereby required, and it shall be his duty, to collect, pay the tax and report on a monthly basis all packages of cigarettes on forms prescribed for this purpose by the Board, including the following:
  - (1) The quantity of MRCTB-stamped cigarettes sold or delivered to:
    - (A) Each registered agent appointed by the Board for which no tax was collected;
    - (B) Each manufacturer's representative; and
    - (C) Each separate person and place of business during the preceding calendar or fiscal month; and
  - (2) The quantity of MRCTB stamps on hand, both affixed and unaffixed on the first and the last day of the preceding calendar month and the quantity of MRCTB stamps or MRCTB stamped cigarettes received during the preceding calendar month; and
  - (3) The quantity of cigarettes on hand to which the MRCTB stamp had not been affixed on the first and last day of the preceding calendar or fiscal month and the quantity of cigarettes received during the preceding calendar or fiscal month to which the MRCTB stamp had not been affixed; and
  - (4) Such further information as the Administrator for the board may require for the proper administration and enforcement of this article for the determination of the exact number of cigarettes in the possession of each dealer or user.
- (b) Each dealer or other person liable for the tax shall file such reports with the Board and pay the tax due to the Board prior to the monthly due date to be established by the Board, and shall furnish copies of all cigarette

- tax reports submitted to the Virginia Department of Taxation.
- (c) When, upon examination and audit of any invoices, records, books, cancelled checks or other memoranda touching on the purchase, sale, receipt, storage or possession of tobacco products taxed herein, any dealer or other person liable for the tax is unable to furnish evidence to the Board of sufficient tax payments and stamp purchases to cover cigarettes which were sold, used, stored, received, purchased or possessed by such person, the prima facie presumption shall arise that such cigarettes were received, sold, used, stored, purchased or possessed by such person without the proper tax having been paid. The Board shall, from the results of such examination and audit based upon such direct or indirect information available, assess the tax due, impose a penalty of ten per cent and may impose interest of three-quarters per cent per month of the gross tax due.
  - (d) When any dealer or other person liable for the tax files a false or fraudulent report or fails to file a report or fails to perform any act or performs any act to evade payment of the tax, the board shall administratively assess the tax due and impose a penalty not to exceed fifty per cent of the tax due and interest of three-quarters per cent per month of the gross tax due.
  - (e) The dealer or other person liable for the tax shall be notified by certified mail of such deficiency and such tax, penalty and interest assessed shall be due and payable within ten days after notice of such deficiency has been issued. Every dealer or other person liable for the tax shall examine each package of cigarettes to ensure that the MRCTB stamp has been affixed thereto prior to offering them for sale.
  - (f) Any dealer or other person liable for the tax who shall receive cigarettes not bearing the MRCTB stamp shall, within one hour of receipt of such cigarettes, commence and with all reasonable diligence continue to affix the MRCTB stamp to each and every package of cigarettes until all unstamped packages of cigarettes have been stamped and before offering such cigarettes for sale. Any dealer or other person liable for the tax who has notified the Board that he is engaged in interstate or intrastate business shall be permitted to set aside such part of his stock as may be legally kept for the conduct of such interstate or intrastate business (that is, cigarettes held for sale outside the jurisdiction of the Board) without affixing the stamps required by this Article. Any such interstate or intrastate stock shall be kept entirely separate and apart from the MRCTB-stamped stock, in such a manner as to prevent the commingling of the interstate or intrastate stock with the MRCTB stock. Any dealer or other person liable for the tax found to have had untaxed cigarettes which have been lost, whether by negligence, theft or any other unaccountable loss, shall be liable for and shall pay the tax due thereon.
  - (g) It shall also be the duty of each dealer or other person liable for the tax to maintain and keep for a period of three years, not including the current calendar year, records of all cigarettes received, sold, stored, possessed, transferred or handled by such person in any manner whatsoever, whether the same were stamped or unstamped, to make all such records available for audit, inspection and examination at all reasonable times, as well as the means, facilities and opportunity for making such audit, inspection or examination upon demand of the Board.

#### **Section 1.5 - Registered agents.**

- (a) Any dealer or other person liable for the tax who shall sell, use, store, possess, distribute or transport cigarettes within or into the County shall first make application to the Board to qualify as a registered agent. The application form shall require such information as the Board deems necessary for the administration and enforcement of this article. Applications are shall be subject to yearly Registration Fees for all Wholesale Dealers [and] all Cigarette Machine Operators. Applicants shall provide a surety bond to the Board in the amount of 150 percent of the applicant's average monthly tax liability. Such bonds shall be issued by a surety company authorized to do business in the Commonwealth of Virginia. Such bond shall be so written that, on timely payment of the premium thereon, it shall continue in force from year to year. Any applicant whose place of business is outside the area subject to enforcement by the Board shall automatically, by filing virtue of filing of the application, be deemed to submit to the Board's legal jurisdiction and appoint the Administrator for the Board as agent for any service of lawful process, unless the applicant designates an attorney with offices within the County upon which lawful process is to be served.

Upon receipt of properly completed application forms and the required surety bond, the Board shall

determine whether the applicant qualifies to be a registered agent. The Board will issue to qualified applicants a yearly registered agent permit to enable such agent to purchase, sell, use, store, possess, distribute or transport within or into the County, MRCTB- stamped cigarettes.

- (b) By submitting an application, registered agents obligate themselves to the reporting and payment requirements placed upon them by this Article and the rules and regulations as from time to time may be promulgated by the Board.
- (c) When any registered agent's monthly report and payment of the tax is not received within the dates prescribed, the Board shall impose a late reporting penalty of ten per cent of the gross tax due or ten dollars whichever is greater, but in no event more than \$1,000.
- (d) The Board also may require such registered agent to provide proof that he has complied with all applicable laws of the Commonwealth of Virginia to legally conduct such business and to file financial statements showing all assets and liabilities.
- (e) The Board may revoke or suspend any registered agent's permit due to failure to file tax reports in a timely manner, non-payment of taxes due, or if the cigarette tax surety bond should become impaired for any reason.
- (f) All money collected as cigarette taxes under this ordinance shall be deemed to be held in trust by the dealer collecting the same until remitted to the Board.
- (g) Registered agents must account for all MRCTB authorized tax stamps purchased. Periodic audits may be conducted to determine any unaccounted variance between the number of stamps purchased and the number of stamps reported and an assessment will be made for all unaccounted stamps. Any assessment of registered agents located outside the jurisdictions of the Board will be based upon the average sales of packages of cigarettes by jurisdiction during the audit period. For registered agents located within the jurisdictions of the Board, any assessment will be based upon the tax rate of the jurisdiction in which they are located. In addition, there will be a penalty for non-reporting of ten per cent of the gross tax due.

#### **Section 1.6 - Requirements for retail dealers.**

- (a) Retail dealers who shall sell, offer for sale, store, possess, distribute, purchase, receive or transport cigarettes for the purpose of sale within the County shall purchase cigarettes only from registered agents. Retail dealers shall provide the registered agent with the business trade name and physical address where the cigarettes will be placed for sale to the public. Cigarettes purchased for personal use cannot be brought into a business for resale. Only properly registered and licensed retail stores may sell cigarettes to the public. To be properly registered and licensed, a retail store must first have a valid Virginia state sales and use tax certificate and valid retail business license. Cigarettes must be purchased and stored separately for each business location. All copies of cigarette purchase invoices/receipts must be retained by the retailer for a period of three years and shall be made available to Agents of the MRCTB upon request for use in conducting audits and investigations. All copies of cigarette purchase invoices/receipts must be stored at the business retail location for a period of one year from date of purchase. Failure to provide cigarette invoices/receipts may result in confiscation of cigarettes until receipts can be reviewed by the Board to verify the proper tax has been paid. It is the responsibility of each retail location to ensure that all cigarettes placed for sale or stored at that location be properly taxed and stamped. Cigarettes found without the MRCTB stamp or the proper jurisdictional tax paid will be seized by the Agents of the Board.
- (b) Retail dealers must make their place of business available for inspection by MRCTB Tobacco Revenue Agents to ensure that all cigarettes are properly tax-stamped and all cigarette taxes are properly paid.

#### **Section 1.7 - Presumption of illegality; seizure of contraband goods, sealing/seizing of machines.**

- (a) If any cigarette machine operator or other person liable for the tax imposed by this Article is found to possess any cigarettes without the jurisdictional tax paid or the proper tax stamp affixed, there shall be a rebuttable presumption that any such operator or other person shall be in possession of untaxed cigarettes in violation of this section.

- (b) If any cigarettes are placed in any vending machines within the County, then there shall be a rebuttable presumption that such cigarettes were placed in that machine for sale within the County. If [a]ny vending machine located within the County contains cigarettes upon which the MRCTB tax stamp has not been affixed or on which the jurisdictional tax has not been paid or containing cigarettes placed so as to not allow visual inspection of the MRCTB tax stamp through viewing area as provided for by the vending machine manufacturer, then there shall be a rebuttable presumption that the machine contains untaxed cigarettes in violation of this Article.
- (c) Any cigarettes, vending machines, cigarette tax stamps or other property found in violation of this Article shall be declared contraband goods and may be seized by the Board. In addition to any tax due, the dealer or other person liable for the tax possessing such untaxed cigarettes or tax stamps shall be subject to civil and criminal penalties herein provided.
- (d) In lieu of seizure, the Board may seal such vending machines to prevent continued illegal sale or removal of such cigarettes. The removal of such seal from a vending machine by any unauthorized person shall be a violation of this Article. Nothing in this Article shall prevent the seizure of any vending machine at any time after it is sealed.
- (e) All cigarette vending machines shall be plainly marked with the name, address and telephone number of the owner of said machine.

#### **Section 1.8 - Illegal acts.**

- (a) It shall be unlawful and a violation of the Article for any dealer or other person liable for the tax:
  - (1) To perform any act or fail to perform any act for the purpose of evading the payment of any tax imposed by this Article or of any part thereof, or to fail or refuse to perform any of the duties imposed upon such person under the provisions of this Article or to fail or refuse to obey any lawful order which may be issued under this Article; or
  - (2) To falsely or fraudulently make, or cause to be made, any invoices or reports, or to falsely or fraudulently forge, alter or counterfeit any stamp, or to procure or cause to be made, forged, altered or counterfeited any such stamp, or knowingly and willfully to alter, publish, pass or tender as true any false, altered, forged or counterfeited stamp or stamps; or
  - (3) To sell, offer for sale, or distribute any cigarettes upon which the MRCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid; or
  - (4) To possess, store, use, authorize or approve the possession, storage or use of any cigarette packages upon which the MRCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid; or
  - (5) To transport, authorize or approve the transportation of any cigarette packages in quantities of more than six cartons (sixty packages) into or within the county upon which the MRCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid, if they are:
    - (A) Not accompanied by a receipt/bill of lading or other document indicating the true name and address of the consignor or seller and the consignee or purchaser and the brands and quantity of cigarettes transported; or
    - (B) Accompanied by a receipt/bill of lading or other document which is false or fraudulent in whole or part; or
    - (C) Accompanied by a receipt/bill of lading or other document indicating:
      - (i) A consignee or purchaser in another state or the District of Columbia who is not authorized by the law of such other jurisdiction to receive or possess such tobacco products on which the taxes imposed by such other jurisdiction have not been paid unless the tax on the jurisdiction of destination has been paid and said cigarettes bear the tax stamps of that jurisdiction; or
      - (ii) A consignee or purchaser in the Commonwealth of Virginia but outside the taxing jurisdiction who does not possess a Virginia Sales and Use Tax Certificate and, where applicable, any licenses issued by the Commonwealth or local jurisdiction of destination;



or

- (6) To reuse or refill with cigarettes any package from which cigarettes have been removed, for which the tax imposed has been theretofore paid; or
  - (7) To remove from any package any stamp with intent to use or cause the same to be used after same has already been used or to buy, sell, or offer for sale or give away any used, removed, altered or restored stamps to any person, or to reuse any stamp which had theretofore been used for evidence of the payment of any tax prescribed by this Article or to sell, or offer to sell, any stamp provided for herein; or
  - (8) To sell, offer for sale or distribute any loose or single cigarettes; or
  - (9) To perform any act that violates the resolutions promulgated by the Board.
- (b) It shall be unlawful and a violation of the Article for any person or individual to transport, possess, store, use, authorize or approve the possession, storage or use of any cigarette in quantities of more than six cartons (sixty packages) upon which the MRCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid.

#### **Section 1.9 - Establishment of the Mount Rogers Cigarette Tax Board.**

- (a) The ordinance adopted by the County Board of Supervisors, dated April 13, 2021, pertaining to the establishment of the Mount Rogers Cigarette Tax Board is hereby continued in effect and made a part of this Article by reference.
- (b) Any direct conflict between the powers granted to the Board in the ordinance adopted by the County Board, dated April 13, 2021 and herein incorporated by reference and the powers granted to the Board in this Article shall be resolved in favor of this Article, however, the powers granted herein and in said ordinance shall be read cumulatively.
- (c) The Board's fiscal year shall be from July 1 through June 30.

#### **Section 1.10 - Powers of the Mount Rogers Cigarette Tax Board.**

The board may delegate any of its powers to its Administrator or employees and may adopt regulations regarding the administration and enforcement of the provisions of this Article.

- (a) In addition to those powers enumerated in the Ordinance of the County Board dated April 13, 2021, the Board shall be granted the following additional powers:
  - (1) To sue and be sued in its own name;
  - (2) To prescribe the design of a stamp(s) and to issue and sell said stamps to authorized dealers;
  - (3) To establish different classes of taxpayers;
  - (4) To promulgate resolutions for the assessment and collection of cigarette taxes and the enforcement of this ordinance; and
  - (5) To conduct inspections of any place of business in order to enforce the provisions of this ordinance and all resolutions of the Board.
- (b) The Board may employ legal counsel, bring appropriate court action in its own name to enforce payment of the cigarette tax or penalties owed and file tax liens against property of taxpayers hereunder.
- (c) The Board is authorized to enter into an agreement with the Virginia Department of Taxation under which a registered agent with the MRCTB who is also qualified to purchase Virginia Revenue Stamps, may qualify to purchase Dual Virginia - MRCTB stamps from the Virginia Department of Taxation. Authority to purchase dual Virginia - MRCTB stamps is granted solely by the Board and may be revoked or suspended for violations of this ordinance or resolutions adopted by the Board.
- (d) The Board may appoint certain employees as Tobacco Revenue Agents, who shall be required to carry proper identification while performing their duties. Tobacco Revenue Agents are further authorized to conduct inspections of any place of business and shall have the power to seize or seal any vending machines, seize any cigarettes, counterfeit stamps or other property found in violation of this Article and shall have the power of arrest upon reasonable and probable cause that a violation of this Article has been committed. The Board is authorized to provide its tobacco revenue agents with (1) firearms for their

protection; (2) emergency equipped vehicles while on duty; and (3) other equipment deemed necessary and proper.

- (e) The Board may exchange information relative to the sale, use, transportation or shipment of cigarettes with an official of any other jurisdiction entrusted with the enforcement of the cigarette tax laws of said other jurisdiction.

#### **Section 1.11 - Jeopardy assessment.**

If the Administrator of the Board determines that the collection of any tax or any amount of tax required to be collected and paid under this Article will be jeopardized by delay, the Administrator shall make an assessment of the tax or amount of tax required to be collected and shall mail or issue a notice of such assessment to the taxpayer together with a demand for immediate payment of the tax or of the deficiency in tax declared to be in jeopardy including penalties and interest. In the case of a current period, for which the tax is in jeopardy, the Administrator may declare the taxable period of the taxpayer immediately terminated and shall cause notice of such finding and declaration to be mailed or issued to the taxpayer together with a demand for immediate payment of the tax based on the period declared terminated and such tax shall be immediately due and payable, whether or not the terms otherwise allowed by this Article for filing a return and paying the tax has expired.

#### **Section 1.12 - Erroneous assessment: notices and hearings in event of sealing of vending machines or seizure of contraband property.**

- (a) Any person assessed by the Board with a cigarettes tax, penalties and interest or any person whose cigarettes, vending machines and other property have been sealed or seized under processes of this Article, who has been aggrieved by such assessment, seizure or sealing may file a request for a hearing before the Administrator for the Board for a correction of such assessment and the return of such property seized or sealed.
- (b) Where holders of property interest in cigarettes, vending machines or other property are known at time of seizure or sealing, notice of seizure or sealing shall be sent to them by certified mail within twenty-four hours. Where such holders of property interests are unknown at time of seizure or sealing, it shall be sufficient notice to such unknown interest holders to post such notice to a door or wall of the room or building which contained such seized or sealed property. Any such notice of seizure or sealing shall include procedures for an administrative hearing for return of such property seized or sealed and an opportunity to assert affirmative defenses.
- (c) Such hearing shall be requested in writing within ten days of the notice of such assessment, seizure or sealing and the hearing request shall set forth the reasons why said tax, penalties and interest, cigarettes, vending machines or other property should be returned or released. Within five days after receipt of such hearing request the Administrator shall notify the petitioner by certified mail of a date and time for the informal presentation of evidence at a hearing to be held within fifteen days of the date notification is mailed. Any such request for hearing shall be denied if the assessed tax, penalties and interest has not been paid as required or if the request is received more than ten days from first notice to the petitioner of such seizure or sealing. Within five days after the hearing, the Administrator shall notify the petitioner, by registered mail, whether his request for a correction has been granted or refused.
- (d) Appropriate relief shall be given by the Administrator if he is convinced by the preponderance of the evidence that said seized cigarettes were in the possession of a person other than the petitioner without the petitioner's consent at the time said cigarettes, vending machines or other property were seized or sealed or that petitioner was authorized to possess such untaxed cigarettes. If the Administrator is satisfied that the tax was erroneously assessed, the Administrator shall refund the amount erroneously assessed together with any interest and penalties paid thereon and shall return any cigarettes, vending machines or other property seized or sealed to the petitioner. Any petitioner who is dissatisfied with the written decision of the Board may within thirty days of the date of such decision, appeal such decision to the appropriate Court in the jurisdiction where the seizure or sealing occurred.

**Section 1.13 - Disposal of seized property.**

Any seized and confiscated cigarettes, vending machines or other property used in the furtherance of any illegal evasion of the tax may be disposed of by sale or other method deemed appropriate by the Board after any petitioner has exhausted all administrative appeal procedures. No credit from any sale of cigarettes, vending machines, or other property seized shall be allowed toward any tax and penalties assessed.

**Section 1.14 - Extensions.**

The Administrator, upon a finding of good cause may grant an extension of time to file a tax report upon written application for a period not exceeding thirty days. Except as hereinafter provided, no interest or penalty shall be charged, assessed or collected by reason of the granting of such an extension.

**Section 1.15 - Penalty for violation of article.**

Any person violating any of the provisions of this Article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$2,500.00 or imprisonment for not more than twelve months or by both such fine and imprisonment. Such fine and/or imprisonment shall not relieve any such person from the payment of any tax, penalty or interest imposed by this Article.

**Section 1.16 - Each violation a separate offense.**

The sale of any quantity, the use, possession, storage or transportation of more than six cartons (sixty packages) of cigarettes upon which the MRCTB tax stamp has not been affixed or the proper jurisdictional tax has not been paid shall be and constitute a separate violation. Each continuing day of violation shall be deemed to constitute a separate offense.

**Section 1.17 - Severability.**

If any section, phrase, or part of this Article should for any reason be held invalid by a Court of competent jurisdiction, such decision shall not affect the remainder of the Article; and every remaining section, clause, phrase or part thereof shall continue in full force and effect.

**Section 1.18 - Application Within Towns.**

The provisions of this Article shall apply throughout the geographical limits of the County, including towns located therein, provided that if any town located within the County adopts an ordinance imposing a town cigarette tax this Article shall not apply unless the ordinance adopted by such town provides for the application of both the town and County cigarette taxes within the town's corporate limits.

**Section 1.19 - Effective date.**

This Ordinance was duly considered following the required public hearing held on May 11, 2021 and was adopted by the Board of Supervisors of Smyth County, Virginia, at its regular meeting held on June 8, 2021, the members voting as follows:

Member	Vote
Charles E. Atkins	<u>Yes</u>
Roscoe D. Call	<u>No</u>
Lori H. Deel	<u>Yes</u>
Kristopher S. Ratliff, DPh	<u>Yes</u>
Charles P. Stevenson	<u>No</u>
Michael L. Sturgill	<u>Yes</u>
Judy Wyant	<u>Yes</u>

Adopted this the 8th day of June, 2021.

Attest:

  
 Clerk of the Smyth County Board of Supervisors

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the Cigarette Tax Ordinance No. 2021-02. Vice Chair, Rye Valley District Supervisor Lori Deel seconded the motion.*


*After discussion, the motion PASSED by the following roll-call vote:*

**AYES:** *Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Chilhowie District Supervisor Michael Sturgill,  
Park District Supervisor Kris Ratliff, and  
Royal Oak District Supervisor Judy Wyant*

**NAYS:** *North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

**ABSTAINERS:** *None.*

**ABSENT:** *None.*

 6/8/2021 6:14 PM Mr. Utt presented the following Meals Tax Ordinance from the May 11, 2021 Public Hearing for the Board's consideration:

**ORDINANCE NO. 2021-03**

**To Enact the MEALS TAX ORDINANCE OF SMYTH COUNTY, VIRGINIA**

**ARTICLE I - Title, Authority and Jurisdiction**

- 1.1 **Title.** This Ordinance shall be known as the "Meals Tax Ordinance of Smyth County, Virginia", Ordinance No. 2021-03.
- 1.2 **Authority.** This Ordinance is adopted pursuant to Chapter 38, Article 7.1, Sections 58.1- 3833, Code of Virginia, 1950, as amended.
- 1.3 **Jurisdiction.** The provisions of this Ordinance shall apply to all land within Smyth County, Virginia, except where a town has enacted a similar ordinance.

**ARTICLE II - Purpose**

- 2.1 This Ordinance is enacted to impose a tax on prepared food and drink held out or offered for sale which when sold is ready for immediate consumption, and to enlarge the County's tax base.

**ARTICLE III - Rules**

- 3.1 In the construction of this Ordinance, the rules contained in this section shall apply, except where the context clearly indicates otherwise.
- 3.2 Words in the present tense shall include the future, and words in the singular shall also include the plural.

- 3.3 The word "shall" is mandatory and not permissive.
- 3.4 The word "may" is permissive.
- 3.5 The word "approve" shall be considered to be followed by the words "or disapprove."
- 3.6 The masculine gender includes both the feminine and other.
- 3.7 Any reference to this Ordinance includes all ordinances amending and supplementing the same.

#### ARTICLE IV - Definitions

- 4.1 For the purpose of this Ordinance, certain words or terms used herein shall be defined as follows:
  - 4.1-1 **Administrator.** The official designated by the governing body to serve as its agent to administer the Ordinance.
  - 4.1-2 **Beverage.** As used herein, the term beverage shall mean alcoholic beverage as defined in Virginia Code §4.1-100 and nonalcoholic beverages served as a part of a meal and purchased in and from a food establishment.
  - 4.1-3 **Cater.** The furnishing of food, beverages, or both on the premises of another, for compensation.
  - 4.1-4 **Collector.** The Commissioner of Revenue of Smyth County, or any of his or her duly authorized agents.
  - 4.1-5 **Food.** All food purchased in or from a food establishment, whether prepared in such food establishment or not, and whether consumed on the premises or not, and without regard to the manner, time or place of service.
  - 4.1-6 **Food establishment.** Any place where food is prepared for service to the public on or off the premises, or any place where food is served, including but not limited to, lunch rooms, short-order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private corporations, dining accommodations of public and private schools and colleges, mobile points of food service, such as push-cart operations, hot dog stands and similar operations, and grocery stores and convenience stores selling prepared food ready for human consumption at a delicatessen counter.
  - 4.1-7 **Meal.** Meal shall mean any prepared food and beverage as defined herein offered or held out for sale by a food establishment for the purpose of being consumed by any person to satisfy the appetite and which is ready for immediate consumption. All such food and beverage, unless otherwise specifically exempted or excluded herein shall be included, whether intended to be consumed on the seller's premises or elsewhere, whether designated as breakfast, lunch, snack, dinner, supper or by some other name, and without regard to the manner, time or place of service.
  - 4.1-8 **Prepared.** The application of labor to food to make it ready or available for immediate consumption.
  - 4.1-9 **Purchaser.** Any person who purchases a meal.
  - 4.1-10 **Restaurant.** A food establishment as defined in Virginia Code Section 35.1-1.
  - 4.1-11 **Seller.** Any person or caterer who sells meals.

#### **ARTICLE V - Tax**

- 5.1 In addition to all other taxes and fees of any kind now imposed or hereafter imposed by law, there is hereby imposed and levied by the County of Smyth on each person at the rate of Six Percent (6%) of the gross amount paid for food and beverages purchased from any food establishment, whether prepared in such food establishment or not, and whether consumed on the premises or not.

#### **ARTICLE VI - Collection of Tax by Seller**

- 6.1 Every person receiving any payment for food and beverages with respect to which a tax is imposed and levied hereunder shall collect and remit the amount of tax imposed by this Ordinance from the person on whom the same is levied or from the person paying for such food and beverages at the time payment for such food is made.
- 6.2 All amounts collected as taxes under this Ordinance shall be deemed to be held in trust by the collector, until remitted to the County of Smyth as required by this Ordinance.

#### **ARTICLE VII - Gratuities and Service Charges**

- 7.1 When a purchaser provides a gratuity for an employee of a seller, and the amount of the gratuity is wholly in the discretion of the purchaser, the gratuity is not subject to the tax imposed by this Ordinance, whether paid in cash to the employee or added to the bill and charged to the purchaser's account, provided that in the latter case, the full amount of the gratuity is turned over to the employee by the seller.
- 7.2 Except as provided in Section 7.1, an amount or percent, whether designated as a gratuity, tip or service charge, that is added to the price of the food and beverages by the seller, and required to be paid by the purchaser as a part of the selling price of the food and beverages is subject to the tax imposed by this Ordinance.

#### **ARTICLE VIII - Reports and Remittance by Seller**

- 8.1 It shall be the duty of every person required by this Ordinance to pay to the County of Smyth the taxes imposed by this Ordinance to make a report thereof, setting forth such information as the Commissioner of Revenue may prescribe and require, including all purchases taxable under this Ordinance, the amount charged the purchaser for each such purchase, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this Ordinance.
- 8.2 Every seller shall make the required report to the Commissioner of Revenue for each calendar month, on forms as prescribed by the Commissioner of Revenue, and shall be signed by the seller. Monthly reports shall be delivered to the Commissioner of Revenue on or before the twentieth (20th) day of the calendar month following the month being reported.
- 8.3 Each report shall be accompanied by a remittance of the amount of tax due, made payable to the Treasurer of the County of Smyth.

#### **ARTICLE IX - Discount**

- 9.1 For the purpose of compensating sellers for the collection of the tax imposed by this Ordinance, every seller shall be allowed Three Percent (3%) of the amount of tax due and accounted for in the form of a deduction on his or her monthly report; provided the amount due is not delinquent at the time of payment.

#### **ARTICLE X - Violations and Penalties**

- 10.1 Any person willfully failing or refusing to file a return as required under this Ordinance shall upon conviction thereof, be guilty of a Class 1 misdemeanor, except that any person failing to file such a return shall be guilty of a Class 3 misdemeanor if the amount of tax lawfully assessed in connection with the return is less than \$1,000.00. Any person violating or failing to comply with any other provision of this Ordinance shall be guilty of a Class 1 misdemeanor.
- 10.2 Except as provided in Section 9.1 above, any corporate or partnership officer, as defined in Virginia Code Section 58.1-3906, or any other person required to collect, account for, or pay over the meals tax imposed under this Ordinance, who willfully fails to collect or truthfully account for or pay over such tax, or who willfully evades or attempts to evade such tax or payment thereof, shall, in addition to any other penalties imposed by law, be guilty of a Class 1 misdemeanor.
- 10.3 Each violation of or failure to comply with this Ordinance shall constitute a separate offense. Conviction of any such violation shall not relieve any person from the payment, collection or remittance of the tax as provided in this Ordinance.
- 10.4 If any person shall fail to pay the tax required by this Ordinance within the time and in the amount required, there shall be added by the Commissioner of Revenue to the amount of tax due, a penalty in the amount of Ten Percent (10%) of the tax, plus interest thereon at the judgment rate of interest, which shall be computed upon the tax and penalty from the date such were due and payable.

#### **ARTICLE XI - Failure to Collect Tax**

- 11.1 If any person whose duty it is to do so, shall fail or refuse to collect the tax imposed by this Ordinance or to make timely report and remittance thereof, the Commissioner of Revenue shall proceed in such manner as is practicable to obtain facts and information on which to base an estimate of the tax due. The amount of such estimate may then be determined and assessed against the person, together with penalty and interest as provided herein, and the Commissioner of Revenue shall notify the person by certified or registered mail sent to his or her last known address of the amount of the tax, penalty and interest. The entire amount shall be due and payable Ten (10) days after the date of mailing of such notice.

#### **ARTICLE XII - Preservation of Records**

- 12.1 Every person liable for the collection and remittance of the tax imposed by this Ordinance shall keep and preserve the records required for a period of Five (5) years.
- 12.2 The Commissioner of Revenue or his or her duly authorized agent shall have the power to examine such records at reasonable times and without unreasonable interference with the business of such person, for the purpose of administering and enforcing the provisions of this Ordinance, and to make transcripts of all or any part thereof.
- 12.3 If any person liable for the collection and remittance of the tax imposed by this Ordinance shall maintain or store his or her records at a location other than within Smyth County, Virginia, he or she shall, upon demand by the Commissioner of Revenue and within Ten (10) days thereafter, make the same available at an agreed location within Smyth County, Virginia, and respond to proper inquiries from the Commissioner of Revenue.

#### **ARTICLE XIII - Duty of Persons Going out of Business**

- 13.1 Whenever any person required to collect and remit to the County of Smyth any tax imposed by this Ordinance shall cease to operate or otherwise dispose of his or her business, the tax shall immediately become due and payable, and such person shall make a report and remittance thereof to the Commissioner of Revenue by the first day of the month following the month in which such business was terminated or disposition made thereof.



#### **ARTICLE XIV - Prohibited Advertising**

- 14.1 No seller shall advertise or hold out to the public in any manner, directly or indirectly, that all or any part of the tax imposed by this Ordinance will be paid or absorbed by the seller or by anyone else, or that the seller or anyone else will relieve the purchaser of the payment of all or any part of the tax.

#### **ARTICLE XV - Exceptions**

- 15.1 The tax imposed by this Ordinance shall not be levied on the following items when served exclusively for off-premises consumption:
- 15.1-1 Factory pre-packaged candy, gum, nuts and other items of essentially the same nature.
  - 15.1-2 Factory pre-packaged donuts, ice cream, crackers, nabs, chips, cookies and items essentially of the same nature.
  - 15.1-3 Food sold in bulk. For the purposes of this provision, a bulk sale shall mean the sale of any item that would exceed the normal, customary and usual portion sold for on-premises consumption (e.g., a whole cake, a gallon of ice cream); a bulk sale shall not include any food or beverage that is catered or delivered by a food establishment for off-premises consumption.
  - 15.1-4 Alcoholic and non-alcoholic beverages sold in factory sealed containers.
  - 15.1-5 Any food or food product purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp program, or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants and Children.
  - 15.1-6 Any food or food product purchased for home consumption as defined in the Federal Food Stamp Act of 1977, 7 U.S.C. §2012, as amended, except hot food or hot food products ready for immediate consumption. For the purposes of administering the tax levied hereunder, the following items, whether or not purchased for immediate consumption, are excluded from the definition of food in the Federal Food Stamp Act: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and non- factory sealed beverages. This subsection shall not affect provisions set forth in subparagraphs 15.3-3, 15.3-4, 15.3-5 herein below.
- 15.2 A grocery store, supermarket or convenience store shall not be subject to the tax except for any portion or section therein designated as a delicatessen or designated for the sale of prepared food and beverages.
- 15.3 The tax imposed hereunder shall not be levied on the following purchases of food and beverages:
- 15.3-1 Food and beverages furnished by food establishments to employees as part of their compensation when no charge is made to the employee.
  - 15.3-2 Food and beverages sold by day-care centers, public or private elementary or secondary schools or food sold by any college or university to its students or employees.
  - 15.3-3 Food and beverages for use or consumption and which are paid for directly by the Commonwealth, any political subdivision of the Commonwealth or the United States.
  - 15.3-4 Food and beverages furnished by a hospital, medical clinic, convalescent home, nursing home, for the aged, infirm,



handicapped, battered women, narcotic addicts or alcoholics, or other extended care facility to patients or residents thereof.

- 15.3-5 Food and beverages furnished by a public or private non-profit charitable organization or establishment or a private establishment that contracts with the appropriate agency of the Commonwealth to offer meals at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.
- 15.3-6 Food and beverages sold on an occasional basis by a non-profit educational, charitable or benevolent organization, church or religious body as a fund-raising activity, the gross proceeds of which are to be used by such organization exclusively for non-profit educational, charitable, benevolent or religious purposes.
- 15.3-7 Food and beverages sold through vending machines.

#### **ARTICLE XVI - Enforcement**

- 16.1 It shall be the duty of the Commissioner of Revenue to ascertain the name of every seller in the County of Smyth who is liable for the collection of the tax imposed by this Ordinance, or who fails, refuses or neglects to collect such tax or to make the reports and remittances required by this Ordinance. The Commissioner of Revenue may have a summons issued for such person, and the summons may be served by the Sheriff in the manner provided by law, seeking a conviction in the General District Court of Smyth County, or demanding a civil remedy, including an injunction, against such person.
- 16.2 In the event a purchaser of a meal refuses to pay the tax imposed by this Ordinance, the seller may call upon the Sheriff for assistance, who may, when probable cause exists, issue a summons to the purchaser for such violation returnable to the General District Court of Smyth County.
- 16.3 The Treasurer of Smyth County shall receive all receipts from the tax imposed by this Ordinance and shall cause the same to be deposited in the general fund of the County.

#### **ARTICLE XVII - Administration**

- 17.1 The Commissioner of Revenue and Treasurer may issue regulations for the administration and enforcement of this Ordinance.

#### **ARTICLE XVIII - Legal Status Provisions**

- 18.1 Should any article, section, subsection or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional.
- 18.2 Certified copies of this Ordinance and all amendments thereto shall be filed in the offices of the County Administrator, Commission of Revenue and the Clerk of the Circuit Court of Smyth County, Virginia.
- 18.3 **Effective date.** This Ordinance was duly considered following the required public hearing held on May 11, 2021 and was adopted by the Board of Supervisors of Smyth County, Virginia, at its regular meeting held on \_ and shall be effective July 1, 2021, the members voting as follows:

Member	Vote
Charles E. Atkins	Yes
Roscoe D. Call	No
Lori H. Deel	Yes
Kristopher S. Ratliff, DPh	Yes
Charles P. Stevenson	No
Michael L. Sturgill	Yes
Judy Wyant	Yes

Adopted this the 8th day of June, 2021.

Attest:

  
Clerk of the Smyth County Board of Supervisors

- A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the Meals Tax Ordinance No. 2021-03. Park District Supervisor Kris Ratliff seconded the motion.

After discussion, the motion PASSED by the following roll-call vote:

**AYES:** Chair, Atkins District Supervisor Charles Atkins, Vice Chair, Rye Valley District Supervisor Lori Deel, Chilhowie District Supervisor Michael Sturgill, Park District Supervisor Kris Ratliff, and Royal Oak District Supervisor Judy Wyant

**NAYS:** North Fork District Supervisor Phil Stevenson, and Saltville District Supervisor Roscoe Call

**ABSTAINERS:** None.

**ABSENT:** None.

 6/8/2021 6:43 PM Mr. Utt presented the following Water and Sewer Service Ordinance from the May 11, 2021 Public Hearing for the Board's consideration:

#### ORDINANCE NO. 2021-04

#### Ordinance Setting Fixed Charges and Volume Charges for Water and Sewer Service

**WHEREAS**, the Board of Supervisors for Smyth County, Virginia has studied the rates for water and sewer utility services throughout the County with assistance from Davenport & Company; and,

**WHEREAS**, the study resulted in the recommendation for the Board of Supervisors to consider a long-term approach to ensuring the necessary funding available to operate the County's water and sewer utility system as efficiently and effectively as possible; and,

**WHEREAS**, the recommendation for the fiscal year set to begin July 1, 2021 is to provide for an across-the-board increase of 5% in water and sewer utility rates; and,

**WHEREAS**, the Board of Supervisors conducted a duly noticed public hearing on May 11, 2021 to received comments from the public on the proposed increases in the water and sewer utility rates, wherein the comments from the public could be heard; and,

**NOW, THEREFORE**, be it **ORDAINED** by the Board of Supervisors of Smyth County, Virginia, sitting in regular session this 8<sup>th</sup> day of June, 2021, that the utility service charges for both water and sewer services are hereby amended as set forth in **Appendix A** attached hereto and expressly made a part hereof as if set forth herein; and,

**FURTHER ORDAINED**, that this ordinance shall render null and void all previous ordinances setting fixed charges and volume charges for water and sewer utility service.

This Ordinance was duly considered following the required public hearing held on May 11, 2021 and was adopted by the Board of Supervisors of Smyth County, Virginia, at its regular meeting held on June 8, 2021 and shall be effective July 1, 2021, the members voting as follows:

**Member**

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

**Vote**

Yes  
Yes  
Yes  
Yes  
No  
Yes  
Yes

Adopted this the 8th day of June, 2021.

Attest:



Clerk of the Smyth County Board of Supervisors

## **Appendix A**

### **Water & Sewer Utility Rate Schedule (FY2021/22)**

#### ***Water Rates – Residential***

0 – 1,000 gallons	\$22.50 minimum bill
1,001 – 6,000 gallons	\$9.75 per 1,000 gallons
6,001 and over	\$12.00 per 1,000 gallons

#### ***Water Rates – Commercial***

0 – 4,000 gallons	\$52.48 minimum bill
Each additional 1,000 gallons	\$12.00 per 1,000 gallons

#### ***Water Rates –Industrial***

0 – 25,000 gallons	\$243.68 minimum bill
Each additional 1,000 gallons	\$12.00 per 1,000 gallons

#### ***Sewer Rates – Residential***

0 – 1,000 gallons	\$22.50 minimum bill
1,001 – 6,000 gallons	\$9.75 per 1,000 gallons
6,001 and over	\$12.00 per 1,000 gallons

Residential Flat Rate	\$49.80 per month
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#### ***Sewer Rates – Commercial***

0 – 4,000 gallons	\$52.48 minimum bill
Each additional 1,000 gallons	\$12.00 per 1,000 gallons

#### ***Sewer Rates –Industrial and Industrial Enterprise Zone***

0 – 3,000 gallons	\$74.98 minimum bill
Each additional 1,000 gallons	\$12.50 per 1,000 gallons

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the Water and Sewer Service Ordinance No. 2021-04. Park District Supervisor Kris Ratliff seconded the motion.*

*After discussion, the motion PASSED by the following roll-call vote:*

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

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

**ABSTAINERS:** *None.*

**ABSENT:** *None.*

- 📎 6/8/2021 6:50 PM Mr. Utt presented the following 2021 Property Tax Resolution for the Board's consideration:



## **SMYTH COUNTY BOARD OF SUPERVISORS**

### **A RESOLUTION SETTING 2021 PROPERTY TAX RATES FOR THE PERIOD OF JULY 1, 2021 THROUGH JUNE 30, 2022**

**WHEREAS**, the Smyth County Board of Supervisors hereby adopts a budget for the fiscal year ending June 30, 2022; and

**WHEREAS**, the Board of Supervisors has established tax rates and set a levy sufficient to meet the expenditure requirements of the budget; and

**THEREFORE, BE IT RESOLVED** that the Board of Supervisors make the following property tax rates for July 1, 2021 through June 30, 2022.

Real Estate	\$0.74 per hundred dollars of assessed valuation
Tangible Personal Property	\$2.30 per hundred dollars of assessed valuation
Machinery and Tools	\$1.55 per hundred dollars of assessed valuation

Adopted this the 8<sup>th</sup> day of JUNE, 2021

ATTEST:

  
Shawn M. Utt, Clerk

**SMYTH COUNTY  
BOARD OF SUPERVISORS**

  
Charles E. Atkins, Chair

- A motion was made by North Fork District Supervisor Phil Stevenson to approve the resolution setting 2021 Property Taxes FY21/22. Saltville District Supervisor Roscoe Call seconded the motion.


After discussion, the motion **PASSED** by the following roll-call vote:

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

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

 6/8/2021 6:53 PM Mr. Utt presented the following Resolution for Adoption of the County's Budget for Fiscal Year 21/22 from the May 11, 2021 Public Hearing for the Board's consideration:



## **SMYTH COUNTY BOARD OF SUPERVISORS**

### **A RESOLUTION ADOPTING THE BUDGET FOR THE COUNTY OF SMYTH, VIRGINIA FOR THE FISCAL YEAR OF JULY 1, 2021 THROUGH JUNE 30, 2022**

**WHEREAS**, pursuant to Chapter 25 of Title 15.2 of the Code of Virginia, The Smyth County Board of Supervisors has prepared a budget for this county setting forth the contemplated expenditures and the aggregate amount to be appropriated for the upcoming fiscal year; and,

**WHEREAS**, notice and publication and synopsis to the same were published in the newspaper of general circulation in Smyth County, Virginia, and a public hearing was held more than seven days prior to the approval of the budget as provided by Section 15.2-2506 of the Code of Virginia.

**NOW, THEREFORE, BE IT RESOLVED AND ENACTED** by the Board, after due notice, public hearing and mature consideration of said budget, that the budget, attached hereto as Appendix A be and is hereby adopted as the budget of the County of Smyth for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022;

**NOW, THEREFORE, BE IT FURTHER RESOLVED AND ENACTED** that there is hereby levied a tax of \$0.74 on each \$100.00 of assessed value of real estate and improvements situated thereon in the County; a tax of \$2.30 per \$100.00 on assessed value of tangible personal property assessed by the County and segregated pursuant to Title 15.2, Chapter 25 of the Code of Virginia, and amendments thereto including tangible personal property of public utilities located and doing business with the County and upon all other properties subject to taxation by the County and herein otherwise provided for; a tax of \$1.55 per \$100.00 of assessed value on machinery and tools; and a tax of \$0.40 per \$100.00 of assessed value on Merchant's Capital;

**NOW, THEREFORE, BE IT LASTLY RESOLVED AND ENACTED** by the Smyth County Board of Supervisors that all other assessments, taxes and fees previously imposed by the County unless repeated are again levied, assessed and imposed as set forth previously by the Board and shall remain in full force and effect until otherwise changed by the Board.

**THIS RESOLUTION** is hereby adopted this 8<sup>th</sup> day of June, 2021, in the County of Smyth, Virginia, by the Smyth County Board of Supervisors and shall be effective July 1, 2021.

**ATTEST:**

  
Shawn M. Utt, Clerk

**SMYTH COUNTY  
BOARD OF SUPERVISORS**

  
Charles E. Atkins, Chair



*Appendix A:*

<b>REVENUE SUMMARY</b>	<b>2021/2022</b>
<b>FUND 001 - General Fund</b>	
Real Property Taxes	11,314,297
Public Services	1,535,949
Minerals	5,902
Personal Property	3,736,125
Machinery & Tools	1,933,192
Merchants Capital	295,064
Lodging Tax	60,000
Meals Tax	250,000
Cigarette Tax	150,000
Penalties & Interest	552,678
Franchise License Taxes	-
Motor Vehicle License	480,669
Rolling Stock	32,235
Utility Licenses Tax	98,431
Consumer Utility Taxes	1,032,444
Permits & Other License	92,687
Fine & Forfeitures	169,677
Interest on Investments	127,095
Use of Property	174,628
Court Cost	9,172
Charges for Commonwealth Atty	3,295
Charges for Sanitation & Waste	852,894
Expenditure Refunds	1,536,024
Miscellaneous	5,124,870
State Grant Money	1,008,964
Revenue from the Commonwealth	279,545
PPTRA	1,804,316
Comprehensive Services Act	1,367,626
Commonwealth Attorney (Comp. Board)	749,680
Sheriff (Comp. Board)	2,121,203
Commissioner of Revenue (Comp. Board)	133,454
Treasurer (Comp. Board)	120,478
Registrar/Electoral Board	73,697
Clerk & Employee (Comp. Board)	375,000
Transfer from Local Sales	2,283,110
Categorical Aid - Other	137,000



Payment in lieu of Taxes	213,332
Special Assessments	4,910
Transfer to Other Funds	(13,204,659)
Animal License (Fund 003)	11,900
EDA Funds (Fund 004)	810,000
Court Reimbursements to Towns (Fund 006)	5,600
State/Federal School Funds (Fund 009)	43,794,170
Local Funds Transfer (Fund 009)	10,661,617
State/Federal Social Service Funds (Fund 013)	4,823,384
Local Social Service Funds (Fund 013)	1,170,734
School Text Book Revenue (Fund 037)	700,000
911 Wireless Revenue (Fund 038)	143,285
COVID Grant Money (Fund 040)	-
Revenue from Bonds (Fund 301)	187,106
CDBG Grant (Fund 303)	-
Water / Sewer Revenues (Fund 501)	2,405,400
Transfer from General Fund (Fund 502)	1,411,400
Grant Revenues (Fund 502)	30,000
Special Welfare SSI Revenues (Fund 734)	2,500
Special Welfare Collections (Fund 735)	70,610
Comm. Atty. Drug Asset (Fund 737)	50,000
Sheriff Restitution (Fund 738)	10,000
DARE Revenue (Fund 739)	10,000
DMV Highway Safety Revenue (Fund 740)	25,000
Courthouse Security (Fund 742)	303,234
Asset Forfeiture (Fund 743)	125,000
Police Activity Revenue (Fund 744)	786,168
Sheriff Federal Drug Asset Revenue (Fund 746)	60,000
Sheriff State Drug Asset Revenue (Fund 747)	30,000
Courthouse Misc. Equipment (Fund 748)	60,000
Recovery Court (Fund 749)	169,685
Commonwealth Atty Federal Funds (Fund 760)	20,000
Collections from Circuit Court (Fund 770)	5,000
CARES Act/COVID Funding (Fund 775)	-
	<b>94,916,778</b>

**EXPENDITURE SUMMARY****2021/2022****FUND 001 - General Fund**

Board of Supervisors	1,008,155
County Administration	389,911
County Attorney	70,000
Commission of Revenue	310,448
Assessor	-
Treasurer	426,193
Accounting Department	182,019
Information Systems	516,463
Registrar	242,990
Circuit Court	196,132
General District Court	14,930
Juvenile & Domestic Relations	153,976
Clerk of the Court	640,793
Sheriff	4,067,125
Law Library	1,000
Sheriff School Resource Officer Grant	203,980
Commonwealth Attorney's Office	782,136
Victim Witness Assistance Program	103,403
Central Dispatch	4,000
Smyth County Basic 911	299,962
Volunteer Fire Departments	451,500
Ambulance & Rescue Services	436,300
Forestry (Fire Service)	8,750
Southwest Virginia Regional Jail	2,518,084
Building & Zoning	369,556
Animal Control	492,080
Medical Examiner - Coroner	500
Emergency Management Coordinator	113,213
Collection & Disposal	1,391,232
Convenience Stations	401,868
Rye Valley Water Co.	25,922
Smyth County Tourism Assoc.	69,244
Courthouse Maintenance	278,699
Health Department Building Maintenance	100,991
County Office Building Maintenance	376,769
Cornerstone Building Maintenance	3,700
Local Health Department (Contribution)	370,025
Mental Health (Contribution)	195,982
Welfare & Social Services	4,200
Contributions - Other	325,239
Community College	72,899
Recreation	43,438
Library Administration	720,000
Planning Commission	3,750
Community Development	91,347

County Engineer	-
Economic Development Authority	551,742
Soil & Water Conservation	30,000
Cooperative Extension Program	109,568
Comprehensive Services Act	1,817,098
Animal Control (Fund 003)	11,900
General EDA Expenses (Fund 004)	810,000
Court Reimbursements to Towns (Fund 006)	5,600
County School Op's & Capital - Non-Local Funds (Fund 009)	43,794,170
County School Op's & Capital - Local Funds (Fund 009)	8,489,511
County School Debt Service - Local Funds (Fund 009)	2,172,106
Dept. of Social Services (Fund 013)	5,994,118
School Textbook Fund (Fund 037)	700,000
Emergency Dispatch Supp. (Fund 038)	143,285
COVID Grant Money (Fund 040)	-
Courthouse Maintenance Fund (Fund 301)	187,106
CDBG Grant (Fund 303)	-
Water/Sewer Operational Expense (Fund 501)	1,412,881
Water/Sewer Debt Retirement (Fund 501)	945,359
County Funded Projects (Fund 501)	47,160
Capital Projects (Fund 502)	1,441,400
Social Security Funds (Fund 734/735)	73,110
Drug Asset Expense (Fund 737)	50,000
Sheriff Restitution (Fund 738)	10,000
Sheriff DARE Program (Fund 739)	10,000
Sheriff DMW Safety Grant (Fund 740)	25,000
Courthouse Security (Fund 742)	303,234
Asset Forfeiture (Fund 743)	125,000
Police Activity Expenses (Fund 744)	786,168
Sheriff Drug Asset Expenses (Fund 746/747)	90,000
Purchase of Equipment (Fund 748)	60,000
Recovery Court (Fund 749)	169,685
Commonwealth Atty Federal Funds (Fund 760)	20,000
Expenses Circuit Court (Fund 770)	5,000
CARES Act/COVID Funding (Fund 775)	-
<b>TOTAL - COUNTY OPERATING EXPENDITURES</b>	<b>88,869,103</b>
<b><u>DEBT SERVICE</u></b>	
Line of Credit	5,000,000
Courthouse Debt Service	1,047,675
Debt Financed Capital Projects	-
	<b>6,047,675</b>
<b>TOTAL COUNTY EXPENDITURES</b>	<b>94,916,778</b>


*After discussion, the motion PASSED by the following roll-call vote:*

**AYES:** *Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Chilhowie District Supervisor Michael Sturgill,  
Park District Supervisor Kris Ratliff, and  
Royal Oak District Supervisor Judy Wyant*

**NAYS:** *Saltville District Supervisor Roscoe Call  
North Fork District Supervisor Phil Stevenson*

**ABSTAINERS:** *None.*

**ABSENT:** *None.*

 6/8/2021 7:08 PM Mr. Utt presented the following Resolution approving the Smyth County School Board Budget for Fiscal Year 21/22 from the May 11, 2021 Public Hearing for the Board's consideration:



## **SMYTH COUNTY BOARD OF SUPERVISORS**

### **A RESOLUTION APPROVING THE SMYTH COUNTY SCHOOL BOARD BUDGET FOR THE FISCAL YEAR OF JULY 1, 2021 THROUGH JUNE 30, 2022 BY EXPENDITURE CLASSIFICATION/CATEGORY**

**WHEREAS**, the Smyth County School Board has approved and presented to the Board of Supervisors a budget for FY 2021-22 totaling \$54,455,787; and,

**WHEREAS**, §22.1-1-115 of the Code of Virginia establishes expenditure classifications or categories; and,

**WHEREAS**, the Smyth County School Board presented the budget in seven (7) categories; and,

**WHEREAS**, the Board of Supervisors has the legal authority and ability to approve the Smyth County School Board budget by category (§§ 22.1-94 and 95); and,

**WHEREAS**, given the magnitude of the County (Local Funds) contribution to the Schools' budget and to provide increase accountability for the expenditure of such funds, it is appropriate to approve the overall spending plan for the Smyth County School Board on a categorical basis.

**NOW, THEREFORE, BE IT RESOLVED** by the Smyth County Board of Supervisors duly assembled this 8<sup>th</sup> day of June, 2021 the Smyth County School Board FY2021-22 budget is hereby approved as follows:

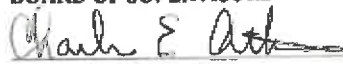
<b><u>EXPENDITURES / EDUCATION CATEGORY</u></b>	<b><u>2021-22</u></b>
Instruction	\$37,809,472
Administration, Attendance & Health	\$ 1,599,805
Transportation	\$ 2,615,943
Facilities	\$ 4,788,627
Food Service	\$ 3,948,438
Technology	\$ 1,521,396
Debt and Fund Transfers	\$ 2,172,106
<b>TOTAL FUNDS BUDGETED</b>	<b>\$54,455,787</b>

**THIS RESOLUTION** is hereby adopted this 8<sup>th</sup> day of June, 2021, in the County of Smyth, Virginia, by the Smyth County Board of Supervisors.

**ATTEST:**

  
Shawn M. Utt, Clerk

**SMYTH COUNTY  
BOARD OF SUPERVISORS**

  
Charles E. Atkins, Chair

*After discussion, the motion PASSED by the following roll-call vote:*

**AYES:** Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Park District Supervisor Kris Ratliff, and  
Royal Oak District Supervisor Judy Wyant


**NAYS:** Saltville District Supervisor Roscoe Call  
North Fork District Supervisor Phil Stevenson


**ABSTAINERS:** Chilhowie District Supervisor Michael Sturgill

**ABSENT:** None.

 6/8/2021 7:12 PM Chair, Atkins District Supervisor Charles Atkins called for a five-minute recess.

 6/8/2021 7:23 PM Chair, Atkins District Supervisor Charles Atkins called the meeting back to order.

 6/8/2021 7:24 PM Mr. Utt discussed the recommendation of quarterly appropriations rather than doing them on a meeting-by-meeting basis. Dr. Carter advised that quarterly does work for the School Board but added he may need some flexibility. Mr. Atkins said that he was in favor of trying the quarterly appropriations on a trial basis. Mr. Utt noted he would prepare the necessary documents for the Board's consideration at their June 24<sup>th</sup> meeting.

 6/8/2021 7:28 PM Mr. Utt requested the Board's consideration to set a Public Hearing for the 2021 Rich Valley Fair Festival Permit request on June 24, 2021 to be held at 5:00 p.m. or shortly thereafter.

- *A motion was made by North Fork District Supervisor Phil Stevenson to set the Public Hearing for the 2021 Rich Valley Fair on June 24, 2021 at 5:00 p.m. or shortly thereafter. Saltville District Supervisor Roscoe Call seconded the motion.*

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

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

**NAYS:** None.



**ABSTAINERS:** None.

**ABSENT:** None.



6/8/2021 7:29 PM County Attorney, Scot Farthing reported he is currently working on a list of items that will require action of the Board in the near future. Mr. Farthing advised he and Mr. Utt are working together to prioritize the legal needs of the County and will provide a summary in the coming weeks.



6/8/2021 7:30 PM County Administrator, Shawn Utt requested the Rules and Procedures of the Board be amended to reflect the time change of the fourth Thursday monthly Board meeting to begin at 5:00 p.m. with the understanding that the Joint Public Hearing with the Planning Commission would continue to begin at 7:00 p.m.

- *On a motion made by Chilhowie District Supervisor Michael Sturgill, seconded by Saltville District Supervisor Roscoe Call, the committee unanimously agreed to amend the Rules and Procedures to reflect the time change of the fourth Thursday monthly Board meeting to begin at 5:00 p.m. with the understanding that the Joint Public Hearing with the Planning Commission would continue to begin at 7:00 p.m. (as needed).*

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

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

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

Mr. Utt discussed the 2021 VACO conference scheduled for August 19<sup>th</sup> and 20<sup>th</sup>, 2021 and asked any Board member to let him know if they were interested in attending. He also informed the Board of the planned flyovers set for the gypsy moth aerial treatment to occur from Monday June 14<sup>th</sup> through June 16<sup>th</sup> 2021.



6/8/2021 7:33 PM Supervisor Comment Time

Park District Supervisor Kris Ratliff thanked Mr. Utt for the coordination with VDOT to resolve paving and signage issues in his district. Dr. Ratliff noted that with the legalization of

marijuana in Virginia, the County might want to consider a marijuana tax to generate revenue. Dr. Ratliff thanked the members of the Board for their continued diligence.

Royal Oak District Supervisor Judy Wyant said she felt the Board has made progress in order to fund services needed. Ms. Wyant appreciates the Board working together as a group.


Chilhowie District Supervisor Michael Sturgill thanked the Board for all their hard work and appreciates all the different concerns and opinions. Mr. Sturgill hopes to continue to work together and move forward to figure out how to increase revenue for traffic going up and down Interstate 81. Mr. Sturgill also advised that he is happy to see the progress of the Broadband project continue.

Vice Chair, Rye Valley District Supervisor Lori Deel noted that there were hard decisions to be made. Ms. Deel advised that it is alarming to her that only 20% of the County was carrying 80% of the load for real estate taxes. Ms. Deel advised she does not base where she visits on the tax and doesn't think the meals or cigarette taxes will affect or hurt small businesses. Ms. Deel said she feels there is a good team in place and appreciates the staff and for everyone to continue to be safe.

Saltville District Supervisor Roscoe Call thanked the committee for all their hard work and advised for everyone to stay safe and healthy.

North Fork District Supervisor Phil Stevenson noted that with seven Board members that some will win and some will lose and that he votes on how he feels. Mr. Stevenson thanked the Budget Committee on their hard work and advised he is here for the people and to do what is best for them. Mr. Stevenson thanked the newspaper, Mr. Crawford and the County Attorney for being here as well.

Chair, Atkins District Supervisor Charles Atkins thanked everyone for their continued patience. Mr. Atkins mentioned that the Casino set to open in the Fall of 2021 in Bristol, VA could generate some funding for the future. Mr. Atkins advised that this was not an easy budget but that it has closed some funding gaps. Mr. Atkins also mentioned that the local news had reported that Bristol, Virginia was thinking about joining our regional jail and if that happens there could be revenue generated from cost sharing or a buy-in fee. Mr. Atkins noted that he would like to see an increase on collecting revenue for the County's forest land. Mr. Atkins thanked everyone for their efforts and hard work.

 6/8/2021 7:51 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.1 Personnel Matters; Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body regarding the County Administrator's



*contract requirements, and under Code of Virginia Section 2.2-3711-A.3 Discussion or consideration of the acquisition of real property for public purpose, or of the disposition of publicly held real property regarding the Cornerstone Building. Chilhowie District Supervisor Michael Sturgill seconded the motion.*


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

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

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

 6/8/2021 8:03 PM A motion was made by Vice Chair Rye Valley District Supervisor Lori Deel, seconded by Saltville District Supervisor Roscoe Call 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, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Chilhowie District Supervisor Michael Sturgill,  
Park District Supervisor Kris Ratliff,  
Royal Oak District Supervisor Judy Wyant,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

- A motion was made by Chilhowie District Supervisor Michael Sturgill to amend the County Administrator's contract to extend residency requirements an additional six months until January 13, 2022. Saltville District Supervisor Roscoe Call seconded the motion.


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

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

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** None.

 6/8/2021 8:00 PM With no further business to discuss, the meeting was adjourned until the next meeting scheduled for June 24, 2021 at 5:00 PM.

The Smyth County Board of Supervisors held its regular meeting on Thursday, June 24, 2021 at 5:00 p.m. 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 Atkins District Supervisor Charles Atkins; Vice Chair Rye Valley District Supervisor Lori H. Deel; Chilhowie District Supervisor Michael Sturgill (electronically); Saltville District Supervisor Roscoe Call; North Fork District Supervisor Phil Stevenson; Royal Oak District Supervisor Judy Wyant

**ABSENT:** Park District Supervisor Kris Ratliff

**STAFF:** County Administrator Shawn Utt; Assistant County Administrator Lisa Richardson; Administrative Assistant Paula Harvey, Emergency Services Coordinator Curtis Crawford; County Attorney Don Martin

**OTHERS:** Smyth County News and Messenger, and citizens

 6/24/2021 5:02 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone. Mr. Atkins noted that he would like the Pledge of Allegiance and Invocation added to the second monthly Board meeting.

 6/24/2021 5:02 PM A motion was made Saltville District Supervisor Roscoe Call to amend the agenda to include two items for closed session under Code of Virginia, Section 2.2-3711 A.5 Discussion concerning a business or industry considering expansion for which no previous announcements have been made concerning Project Cardinal and under Code of Virginia, Section 2.2-3711 A.7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation concerning the Adwolfe Sewer Project and Jericho. North Fork District Supervisor Phil Stevenson seconded the motion.


*After consideration, the motion PASSED by the following roll-call vote:*

**AYES:** Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Chilhowie District Supervisor Michael Sturgill,  
Royal Oak District Supervisor Judy Wyant,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call

**NAYS:** None.

**ABSTAINERS:** None.

*ABSENT: Park District Supervisor Kris Ratliff*

 6/24/2021 5:03 PM A motion was made by Saltville District Supervisor Roscoe Call to adopt the agenda as amended. North Fork District Supervisor Phil Stevenson seconded the motion.

*After consideration, the motion PASSED by the following roll-call vote:*

*AYES: Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Chilhowie District Supervisor Michael Sturgill,  
Royal Oak District Supervisor Judy Wyant,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Park District Supervisor Kris Ratliff*

 6/24/2021 5:10 PM Chair, Atkins District Supervisor Charles Atkins opened the Rich Valley Fair Association Festival Permit public hearing. County Administrator, Shawn Utt read the public hearing notice for the record as follows:

## PUBLIC HEARING NOTICE

The Smyth County Board of Supervisors will conduct a public hearing on Thursday, June 24, 2021 at 5:00 p.m., or soon thereafter, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application for an Annual Musical or Entertainment Festival permit under the Code of Smyth County, Virginia:

*The Rich Valley Agricultural and Fair Association has submitted a festival application for an eight-day event to be held at the Rich Valley Fairgrounds, 325 Long Hollow Road, Saltville, Virginia, 24370 during the following dates/times:*

Friday, July 23, 2021 - 6:00 p.m. to midnight, except music events which will end by midnight per the Smyth County Code Section 5-98  
Saturday, July 24, 2021 - 10:00 a.m. to completion, except music events which will end by midnight per Smyth County Code Section 5-98  
Friday, July 30, 2021 - 6:00 p.m. to 11:30 p.m., except music events which will end by midnight per Smyth County Code Section 5-98  
Saturday, July 31, 2021 - 5:00 p.m. to 11:00 p.m., except music events which will end by midnight per Smyth County Code Section 5-98  
Sunday, August 1, 2021 - 11:00 a.m. to midnight, except music events which will end by midnight per Smyth County Code Section 5-98  
Thursday, August 5, 2021 - 6:00 p.m. to midnight, except music events which will end by midnight per Smyth County Code Section 5-98  
Friday, August 6, 2021 - 6:00 p.m. to completion, except music events which will end by midnight per Smyth County Code Section 5-98  
Saturday, August 7, 2021 - 5:00 p.m. to 11:00 p.m., except music events which will end by midnight per Smyth County Code Section 5-98

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

A copy of this application along with their maps and plans are on file in the Office of the County Administrator of Smyth County at the address given above, and may be viewed Monday through Friday, 8:00 a.m. to 5:00 p.m.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in the public hearing should contact Clegg Williams, Smyth County ADA Coordinator, at (276) 783-3298 x8315 at least (48) hours prior to the public hearing.

Done by the order of the Board of Supervisors  
Shawn Utt, County Administrator

- *A motion was made by North Fork District Supervisor Phil Stevenson to waive the rules for public hearings. Saltville District Supervisor Roscoe Call seconded the motion.*

*After consideration, the motion PASSED by the following roll-call vote:*


*AYES: Chair, Atkins District Supervisor Charles Atkins,*

*Vice Chair, Rye Valley District Supervisor Lori Deel,  
Chilhowie District Supervisor Michael Sturgill,  
Royal Oak District Supervisor Judy Wyant,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Park District Supervisor Kris Ratliff*

 6/24/2021 5:06 PM With no one wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing.

- A motion was made by North Fork District Supervisor Phil Stevenson to approve the Festival application for an eight-day event to be held at the Rich Valley Fairgrounds. Saltville District Supervisor Roscoe Call seconded the motion.*


*After consideration, the motion PASSED by the following roll-call vote:*

*AYES: Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Chilhowie District Supervisor Michael Sturgill,  
Royal Oak District Supervisor Judy Wyant,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Park District Supervisor Kris Ratliff*

 6/24/2021 5:07 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following appropriation and payment of invoices:

General County	
- Accounts Payable Listing	\$356,542.90

*North Fork District Supervisor Phil Stevenson seconded the motion.*

*After consideration, the motion PASSED by the following roll-call vote:*

*AYES: Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Chilhowie District Supervisor Michael Sturgill,  
Royal Oak District Supervisor Judy Wyant,*




*North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Park District Supervisor Kris Ratliff*

 6/24/2021 5:07 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following Sheriff's Department Fund 747 appropriation:

Sheriff Fund 747	\$9,975.35
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*North Fork District Supervisor Phil Stevenson seconded the motion.*


*After consideration, the motion PASSED by the following roll-call vote:*

*AYES: Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Chilhowie District Supervisor Michael Sturgill,  
Royal Oak District Supervisor Judy Wyant,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Park District Supervisor Kris Ratliff*

 6/24/2021 5:07 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following Recovery Court Fund 749 appropriation:

Recovery Court Fund 749	\$2,601.00
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*North Fork District Supervisor Phil Stevenson seconded the motion.*

*After consideration, the motion PASSED by the following roll-call vote:*


*AYES: Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Chilhowie District Supervisor Michael Sturgill,  
Royal Oak District Supervisor Judy Wyant,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Park District Supervisor Kris Ratliff*

 6/24/2021 5:08 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.

 6/24/2021 5:09 PM Grant & Pam Hall, 152 Old Mill Road, Chilhowie, co-owners of the Dip Dog Stand in Marion, spoke regarding their concerns with the newly imposed Meal's Tax. Mr. Hall noted that he doesn't want the burden of this tax on his customers. Mr. Hall also added that he would like an update on the McMullin Bridge in the Hall addition and that he feels the incoming roundabout at Copenhaver Crossing will create more problems than solving any. Mrs. Hall spoke regarding her opposition of the Meal's Tax and feels the public should be able to vote on this tax. Mrs. Hall noted that the Dip Dog Stand has suffered through the COVID-19 pandemic, the minimum wage increases and a future *Go-Green Initiative* and that this is just too much on small businesses. Mrs. Hall asked the Board to reconsider and to take the vote back to the people. Royal Oak District Supervisor Judy Wyant thanked the Hall's for coming to speak and said that they made some valid points that opened her eyes. Ms. Wyant noted that she doesn't want the burden to fall on our citizens and that the Board needs to support the community better. North Fork District Supervisor Phil Stevenson advised that he voted against the Meal's Tax and he feels at this time it is simply not a good time to impose this tax on small businesses. Mr. Stevenson added that he feels that the roundabout will be good and will help to keep traffic flowing. County Administrator, Shawn Utt added that funding for the new bridge has been set aside and that he believed that the construction was estimated to occur in 2024. Chair, Atkins District Supervisor Charles Atkins added that he feels the roundabout will take some time to get used to but feels it will be beneficial as well.

Mrs. Hall read the following note from Rita Terry concerning the Meal's Tax:



Smyth County Virginia Board of Supervisors

My name is Rita Terry and I own a small convenience store with a deli in Saltville.

It has been a struggle to keep my store operating through this pandemic with shortages, erratic deliveries employees who quit because they were afraid, and people who will not work because of all the government hand outs, not to mention a significant increase in minimum wage.


A tax increase of 6 % will certainly do nothing to help small businesses like mine stay in business. This, along with the other proposed taxes levied will create a hardship on everyone who lives in this area, particularly Saltville which may arguably be the poorer part of the county. In Saltville the majority of our customers are on fixed incomes, for some of them it's a treat to afford a hamburger once a month. These are not the people who eat at places that charge \$8.00 for a burger . They don't drive to exit 7 to eat. These are your constituents who voted for you because you were the person they believed would help them. Some of you should remember that.

I do not believe that the brunt of these taxes will be paid by people passing through since a number of stores out of the corporate limits do not have tourists or other people stopping by. We rely on local repeat customers to keep our businesses open.

Smyth County will receive 5.84 million dollars under President Biden's 1.9 trillion Dollar American Rescue Plan stimulus law. This should eliminate the need to assess any new taxes on businesses and residents. I urge you to please reconsider your thinking on this matter. Thank you for the opportunity to voice my opinion through Ms Hall.

Sincerely,

Rita Terry

 6/24/2021 5:29 PM Charles Wassum, 321 Wassona Drive, Marion spoke regarding his concern with a County map road name. Mr. Wassum noted that Water Mill Road is labeled on the County map as Route 693 and that it needs to be updated because it is a private owned road. North Fork District Supervisor Phil Stevenson asked Mr. Wassum who is currently

maintaining the road and Mr. Wassum replied that currently the state is maintaining it. Chair, Atkins District Supervisor Charles Atkins noted that he understood Mr. Wassum's concern and that they would get with Manuel Street with GIS to get it straightened out. Royal Oak District Supervisor Judy Wyant said that it is clear what needs to be done and to turn it over to the appropriate department and let them take care of it. Mr. Wassum said that he has talked with Shannon Williams in the past regarding this issue and that at this time it is still unresolved.

- *A motion was made by North Fork District Supervisor Phil Stevenson to direct the County Attorney to review naming options for Route 693 and to provide a report of the finding at the July 13, 2021 Board meeting.*

*Saltville District Supervisor Roscoe Call seconded the motion.*

*After consideration, the motion PASSED by the following roll-call vote:*


*AYES: Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Chilhowie District Supervisor Michael Sturgill,  
Royal Oak District Supervisor Judy Wyant,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Park District Supervisor Kris Ratliff*

 6/24/2021 5:49 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen's time.

 6/24/2021 5:49 PM Chair, Atkins District Supervisor Charles Atkins read the minutes from the Budget Committee meeting held on June 17, 2021.

- *Royal Oak District Supervisor Judy Wyant Judy Wyant made a motion to approve the revision for Budget Amendment #9. Atkins District Supervisor Charles Atkins seconded the motion and it was unanimously approved.*



## **SMYTH COUNTY BOARD OF SUPERVISORS**

### **RESOLUTION SMYTH COUNTY BUDGET FISCAL YEAR 2020-2021 – AMENDMENT #9 (REVISED)**

**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**, on December 8, 2020, the Smyth County Board of Supervisors adopted an amended budget (*Budget Amendment #3*) for Fiscal Year 2020-2021 in the amount of \$99,389,279; and

**WHEREAS**, on January 12, 2021, the Smyth County Board of Supervisors adopted an amended budget (*Budget Amendment #4*) for Fiscal Year 2020-2021 in the amount of \$99,521,936.95; and

**WHEREAS**, on February 9, 2021, the Smyth County Board of Supervisors adopted an amended budget (*Budget Amendment #5*) for Fiscal Year 2020-2021 in the amount of \$100,465,910.95; and

**WHEREAS**, on March 9, 2021, the Smyth County Board of Supervisors adopted an amended budget (*Budget Amendment #6*) for Fiscal Year 2020-2021 in the amount of \$100,480,886.95; and

**WHEREAS**, on April 13, 2021, the Smyth County Board of Supervisors adopted an amended budget (*Budget Amendment #7*) for Fiscal Year 2020-2021 in the amount of \$100,809,767.10; and

**WHEREAS**, on May 11, 2021, the Smyth County Board of Supervisors adopted an amended budget (*Budget Amendment #8*) for Fiscal Year 2020-2021 in the amount of \$101,277,869.79; and

**WHEREAS**, the aggregate amount of budget amendment #9 is \$727,685 which would increase the Fiscal Year 2020-2021 budget to a total of \$102,005,554.79 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 \$102,005,554.79.

Adopted this, the 24<sup>th</sup> day of June, 2021

ATTEST:

A handwritten signature in blue ink, appearing to read "S. Utt", is written over a horizontal line.

Shawn M. Utt, Clerk

**SMYTH COUNTY  
BOARD OF SUPERVISORS**

A handwritten signature in blue ink, appearing to read "Charles E. Atkins", is written over a horizontal line.

Charles Atkins, Chair

Exhibit A  
FY 2020-21  
Proposed Budget Amendment #9

Part 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 009	Smyth County Schools	009-021030-0006	State Basic Aid	\$ (28,807,106.00)	\$ (727,685.00)	\$ (29,534,791.00)	Additional funding from General Assembly
Total Revenues With Amendment				\$ (101,277,869.79)	\$ (727,685.00)	\$ (102,005,554.79)	

Part 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget Amount	Notes
Fund 009	Smyth County Schools	009-099990-5801	Instruction	\$ 36,510,812.00	\$ 150,000.00	\$ 36,660,812.00	
Fund 009	Smyth County Schools	009-099990-5802	Administration/Attendance	\$ 1,507,302.00	\$ 35,000.00	\$ 1,542,302.00	
Fund 009	Smyth County Schools	009-099990-5803	Transportation	\$ 2,888,765.00	\$ -	\$ 2,888,765.00	
Fund 009	Smyth County Schools	009-099990-5804	Facilities	\$ 5,172,545.00	\$ 493,685.00	\$ 5,666,230.00	
Fund 009	Smyth County Schools	009-099990-5805	Food Service	\$ 3,811,309.00	\$ -	\$ 3,811,309.00	
Fund 009	Smyth County Schools	009-099990-5806	Technology	\$ 1,773,689.00	\$ 50,000.00	\$ 1,823,689.00	
Total Expenditures With Amendment				\$ 101,277,869.79	\$ 727,685.00	\$ 102,005,554.79	

	Current Budget Amt.	Amendment Amt.	Revised Budget Amt.
Revenues	\$ (101,277,869.79)	\$ (727,685.00)	\$ (102,005,554.79)
Expenditures	\$ 101,277,869.79	\$ 727,685.00	\$ 102,005,554.79
Difference	\$ -	\$ -	\$ -

After consideration, the Budget Committee recommendation PASSED by the following roll-call vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Royal Oak District Supervisor Judy Wyant,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call

NAYS: None.

ABSTAINERS: Chilhowie District Supervisor Michael Sturgill

ABSENT: Park District Supervisor Kris Ratliff

- Recommendation for Smyth County School Board categorical transfer in Fund 009 – Motion was made by Royal Oak District Supervisor Judy Wyant to approve the categorical transfer of \$300,000.00 from Transportation to Facilities for the School Board. Atkins District Supervisor Charles Atkins seconded the motion and it was unanimously approved.

After consideration, the Budget Committee recommendation PASSED by the following roll-call vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Royal Oak District Supervisor Judy Wyant,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call

*NAYS: None.*

*ABSTAINERS: Chilhowie District Supervisor Michael Sturgill*

*ABSENT: Park District Supervisor Kris Ratliff*

*The committee discussed the Personal Property Tax Relief Act (PPTRA) rate recommendation from the Commissioner of Revenue's Office for FY21-22 to set it at 44%.*

- *Royal Oak District Supervisor Judy Wyant made the motion to set the Personal Property Tax Relief Act (PPTRA) rate at 44% for the FY21/22 year. Atkins District Supervisor Charles Atkins seconded the motion and it was unanimously approved.*

*After consideration, the Budget Committee recommendation PASSED by the following roll-call vote:*

*AYES: Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Royal Oak District Supervisor Judy Wyant,  
Chilhowie District Supervisor Michael Sturgill,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Park District Supervisor Kris Ratliff*

- *Royal Oak District Supervisor Judy Wyant made the motion to recommend the Meal's Tax Implementation be moved to October 1, 2021. Atkins District Supervisor Charles Atkins seconded the motion and it was unanimously approved.*

*North Fork District Supervisor Phil Stevenson noted that this was a bad year for everyone and he thinks the County needs to hold off on hiring for new positions for at least another year.*

*Royal Oak District Supervisor Judy Wyant agreed with Mr. Stevenson and thanked the Hall's for coming to speak. Ms. Wyant also added that she feels this is not the year to add new higher paying positions.*

*Vice Chair, Rye Valley District Supervisor Lori Deel added that one of the biggest complaints she receives from constituents in her district are personal property and real estate taxes being higher than those of neighboring counties. Mrs. Deel also added that she values small businesses.*

*After discussion, the Board agreed to hold a community meeting regarding the Meal's Tax in the coming weeks and directed the County Administrator to work out the logistics.*

*After consideration, the Budget Committee recommendation PASSED by the following roll-call vote:*

*AYES: Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Royal Oak District Supervisor Judy Wyant,  
Chilhowie District Supervisor Michael Sturgill,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Park District Supervisor Kris Ratliff*

*After further discussion a motion was made by North Fork District Supervisor Phil Stevenson to refer the Meal's Tax Implementation back to the Budget Committee for further review.*

*Saltville District Supervisor Roscoe Call seconded the motion.*

*After consideration, the motion PASSED by the following roll-call vote:*

*AYES: Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Royal Oak District Supervisor Judy Wyant,  
Chilhowie District Supervisor Michael Sturgill,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Park District Supervisor Kris Ratliff*

- Royal Oak District Supervisor Judy Wyant made a motion to allow Mr. Utt to execute the letter of agreement with Hicok, Brown & Company to provide CPA services to prepare for the full audit. Atkins District Supervisor Charles Atkins seconded the motion and it was unanimously approved.*

*After consideration, the Budget Committee recommendation PASSED by the following roll-call vote:*


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

*Chilhowie District Supervisor Michael Sturgill,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Park District Supervisor Kris Ratliff*

 6/24/2021 6:15 PM Chair, Atkins District Supervisor Charles Atkins read the minutes and presented the following recommendation from the Water & Sewer Committee meeting held on June 17, 2021.

- *North Fork District Supervisor Phil Stevenson made a motion to allow Mr. Utt to authorize and execute a work order with Draper Aden & Associates to allow them to move forward with the Sewer Inflow/Infiltration Study grant application through the Department of Environmental Quality. Atkins District Supervisor Charles Atkins seconded the motion and it was unanimously approved.*


*After consideration, the Water & Sewer Committee recommendation PASSED by the following roll-call vote:*

*AYES: Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Royal Oak District Supervisor Judy Wyant,  
Chilhowie District Supervisor Michael Sturgill,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Park District Supervisor Kris Ratliff*

 6/24/2021 6:17 PM Chair, Atkins District Supervisor Charles Atkins presented the following Resolution to Rescind the Locally Declared State of Emergency for Smyth County, Virginia:





## **SMYTH COUNTY BOARD OF SUPERVISORS**

### **RESOLUTION TO RESCIND THE LOCALLY DECLARED STATE OF EMERGENCY FOR SMYTH COUNTY, VIRGINIA**

**WHEREAS**, on the 15<sup>th</sup> day of April 2020, the Board of Supervisors of Smyth County made a declaration of emergency due to the COVID-19 pandemic; and,

**WHEREAS**, during the fourteen months that followed, the effects of the pandemic on the citizens of Smyth County included 96 deaths and nearly 3,000 confirmed cases; and,

**WHEREAS**, Smyth County as a community pulled together in these unprecedented times to combat all aspects of the pandemic, including the initial shortages of Personal Protective Equipment (PPE), recommended social distancing, increases in COVID-19 testing and tracing, and the County-wide vaccination effort developed to protect our neighbors, friends, and family; and,

**WHEREAS**, Smyth County would like to thank all of the partners that assisted the County in working to overcome the negative effects of the COVID-19 pandemic on its citizens, including but not limited to the Mount Rogers Health District/Virginia Department of Health, Virginia Department of Emergency Management, Ballad Health/Smyth County Community Hospital, Southwest Virginia Community Health, the emergency services community throughout Smyth County, and the Towns of Marion, Chilhowie, and Saltville and finally the numerous local civic groups and churches; and,

**WHEREAS**, Smyth County's overall pandemic cases have decreased while our return to a new normal has resulted in economic and social recovery throughout the community; and,

**WHEREAS**, the state of emergency originally declared by the Governor of Virginia on March 12, 2020 for the entire Commonwealth is set to expire on June 30, 2021.

**NOW THEREFORE BE IT RESOLVED**, that on the 30<sup>th</sup> day of June 2021, the Smyth County Board of Supervisors effectively rescinds the declaration of emergency for the COVID-19 pandemic; and,

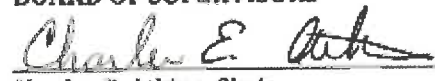
**BE IT FURTHER RESOLVED**, that Smyth County Board of Supervisors will always remember the lives lost due to this pandemic and cultivate a culture of safety and fellowship to strengthen our communities for years to come.

**Adopted** this the 24<sup>th</sup> day of June, 2021.

**ATTEST:**

  
Shawn M. Utt, Clerk

**SMYTH COUNTY  
BOARD OF SUPERVISORS**

  
Charles E. Atkins, Chair




*After consideration, the motion PASSED by the following roll-call vote:*

*AYES: Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Royal Oak District Supervisor Judy Wyant,  
Chilhowie District Supervisor Michael Sturgill,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Park District Supervisor Kris Ratliff*

 6/24/2021 6:19 PM County Administrator, Shawn Utt reviewed the Board's goals from the Retreat. Mr. Utt noted that, while a lot of the goals have been accomplished, there are still a lot that needs to be done. Mr. Utt added that he had a good meeting with the Economic Development Team to put together a work plan for Economic Development for Smyth County for the next fiscal year. Mr. Utt said he has been focusing a lot of his time on the partnerships with the schools and the towns to help with needs and to make sure the line of communication is open. Mr. Utt added that they have been working on engineering studies for the water loss in County and working to put a cost to the monthly water loss. Mr. Utt noted that he is working on getting the Comprehensive Plan updated with the goal of a December, 2022 adoption date.

Chair, Atkins District Supervisor Charles Atkins asked for an update on the Broadband expansion project. Mr. Utt noted that the County was awarded a Broadband grant from the State but has been delayed due to the COVID-19 pandemic. Mr. Utt also noted that the County now has an RFP for the Consultants drafted and expected to be advertised soon to put together the Broadband Plan.


Royal Oak District Supervisor Judy Wyant noted that she would like to a plan to see an actual measurement of the accomplishments of the goals in more detail. Ms. Wyant expressed her concern with the vision and mission of the Board goals from the Retreat and understands that they are the desire but added that is not what she is hearing from the general public.

Chair, Atkins District Supervisor Charles Atkins noted that no action needs to be taken at this time but that the Board would like a measurement of the accomplishments of the Board Retreat goals.

Ms. Wyant also added that she would like to do surveys to allow the input of the citizens of County.

Saltville District Supervisor Roscoe Call spoke regarding a \$30,000.00 grant from Mount Rogers for Watson's Gap and North Holston Sewer Project in Saltville about two or three years

ago for an engineering study but doesn't think one was ever completed. Mr. Utt advised that he would look into that and see if a report was ever completed for that project.

 6/24/2021 6:35 PM County Administrator, Shawn Utt presented the FY21/22 Budget Appropriations for 1<sup>st</sup> quarter:

In total, the 1<sup>st</sup> quarter appropriation is **\$26,839,381.00** as shown below following the categories that the County has used in the past and recommended by the County Treasurer to continue using:

The County Attorney noted for the record to make it known that Chilhowie District Supervisor Michael Sturgill has a personal interest in the Smyth County School Board but by voting on the entire appropriation, a conflict of interest did not exist.

→ General County.....	8,566,902
→ EDA Fund .....	202,500
→ Schools – Operating Fund.....	13,701,923
→ Schools – Debt and Capital Outlay.....	2,172,106
→ Schools – Textbook Fund.....	700,000
→ Social Services.....	1,438,529
→ Sheriff Fund .....	15,000
→ Recovery Court Fund.....	42,421
<b>TOTAL APPROPRIATION – 1<sup>st</sup> Quarter</b>	<b>26,839,381</b>

- *A motion was made by Vice Chair Rye Valley District Supervisor Lori Deel to approve the FY 21/22 Budget Appropriations for the 1<sup>st</sup> Quarter in the amount of \$26,839,381.00.*

*Saltville District Supervisor Roscoe Call seconded the motion.*


*After consideration, the motion PASSED by the following roll-call vote:*

*AYES: Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Royal Oak District Supervisor Judy Wyant,  
Chilhowie District Supervisor Michael Sturgill,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Park District Supervisor Kris Ratliff*

 6/24/2021 6:40 PM County Administrator, Shawn Utt presented information on the Regional Housing Study CDBG Grant. Mr. Utt is asking for the Board's consideration to serve as the fiscal agent for the Virginia Department of Housing and Community Development (DHCD) grant with the understanding that there will be no costs to the County but will provide benefits to the entire Mount Rogers region.

- *A motion was made by Saltville District Supervisor Roscoe Call to authorize County Administrator Shawn Utt to execute the necessary documents to apply for the CDBG housing study grant and for the County to serve as fiscal agent for the regional grant.*

*North Fork District Supervisor Phil Stevenson seconded the motion.*


*After consideration, the motion PASSED by the following roll-call vote:*

*AYES: Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Royal Oak District Supervisor Judy Wyant,  
Chilhowie District Supervisor Michael Sturgill,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

*NAYS: None.*

*ABSTAINERS: None.*

*ABSENT: Park District Supervisor Kris Ratliff*

 6/24/2021 6:42 PM County Administrator, Shawn Utt reviewed the American Rescue Plan Funding Implementation. Mr. Utt noted that the County has received the first part of the funding with the second part expected in May of 2022. Mr. Utt added that the guidelines and requirements for the funding are still being worked out at this time. Mr. Utt stated that whatever is done with the funding that it should make a lasting impact for the citizens of the County and would be here for many years to come. Mr. Utt requested guidance from the Board on putting together a committee that would vet projects that come in.

Vice Chair, Rye Valley District Supervisor Lori Deel noted that she would like to see the Board, citizens and staff on the committee to have a broader perspective.


North Fork District Supervisor Phil Stevenson added the public should have an input on it as well as the Board. Mr. Stevenson noted that the County should advertise in the newspaper regarding the committee to see if it brings interest and Mr. Utt agreed.


Chair, Atkins District Supervisor Charles Atkins said the County definitely needs to promote this committee whether it be in the newspaper or radio commercials to gain public input.

Mr. Stevenson added that he would like to see the County bring in recreation options for the children. Mr. Atkins added that the travel ball recreation area would bring in tremendous tourism for the County. Mr. Atkins asked Mr. Utt to schedule a community input session. Mrs. Deel noted that the Board has a responsibility to the citizens to get their input and bring back before the full Board.

Saltville District Supervisor Roscoe Call added that Saltville is in need of a community center.

 6/24/2021 6:55 PM North Fork District Supervisor Phil Stevenson left the meeting due to other engagements.

 6/24/2021 6:56 PM Assistant County Attorney, Don Martin reported they are continuing to work on two litigation matters that are ongoing and will provide more information on those during closed session. Mr. Martin added that there are several other matters that they are continuing to work on as well.

 6/24/2021 6:56 PM County Administrator Report – Mr. Utt presented information on the Resolution Regarding Designated Emergency Response Agencies of Smyth County (DERA) that was previously approved in May 11, 2021 Board meeting. Mr. Utt requested a grammatical error for the Town of Saltville name that was specified in the DERA as “Saltville Rescue” be updated to reflect the correct name of the “Town of Saltville EMS”. Mr. Utt asked the Board for a motion to change the name from Saltville Rescue to Saltville EMS.





## ***SMYTH COUNTY BOARD OF SUPERVISORS***

### **A RESOLUTION REGARDING DESIGNATED EMERGENCY RESPONSE AGENCIES OF SMYTH COUNTY**

**WHEREAS**, the Code of Virginia § 15.2-955 provides that each locality shall seek to ensure that emergency medical services are maintained throughout the entire locality.

**WHEREAS**, "Emergency medical services" or "EMS" means health care, public health, and public safety services used in the medical response to the real or perceived need for immediate medical assessment, care, or transportation and preventive care or transportation in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

**WHEREAS**, The Virginia Administrative Code 12VAC5-31-10 defines "Designated emergency response agency" as an EMS agency recognized by an ordinance or a resolution of the governing body of any county, city or town as an integral part of the official public safety program of the county, city or town with a responsibility for providing emergency medical response.

**WHEREAS**, Smyth County may from time-to-time review the status of already recognized and approved EMS agencies operating within its boundaries through resolutions, Smyth County standards operating procedures, and mutual aid agreements.

**WHEREAS**, Smyth County wants to cultivate the upmost and most effective medical care during emergencies of its residents and individuals that inhabit the county for leisure, pleasure, work, or business.

**NOW, THEREFORE, BE IT RESOLVED** that the Smyth County Board of Supervisors hereby recognizes the following EMS agencies as Designated Emergency Response Agencies:


- The Town of Marion Fire and EMS (Stations 1&2)
- The Town of Chilhowie Fire Department (Station 3)
- Sugar Grove Rescue Squad (Station 5)
- Nebo Volunteer Fire Department (Stations 7&8)
- The Town of Saltville EMS / Saltville Rescue Squad, Inc. (Station 10)

**Adopted** this the 24<sup>th</sup> day of June, 2021

**ATTEST:**

  
Shawn M. Utt, Clerk

**SMYTH COUNTY  
BOARD OF SUPERVISORS**

  
Charles E. Atkins, Chair

- *Saltville District Supervisor Roscoe Call made a motion to update the Resolution Regarding Designated Emergency Response Agencies of Smyth County (DERA) to reflect the correct name to the Town of Saltville EMS.*

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

*After consideration, the motion PASSED by the following roll-call vote:*

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

**NAYS:** *None.*

**ABSTAINERS:** *None.*

**ABSENT:** *Park District Supervisor Kris Ratliff, and  
North Fork District Supervisor Phil Stevenson*

 6/24/2021 6:58 PM Chair, Atkins District Supervisor Charles Atkins opened supervisor comment time.


Saltville District Supervisor Roscoe Call said that he was glad to see everyone and noted that they are here to do the best they can and for everyone to stay safe.

Vice Chair, Rye Valley District Supervisor Lori Deel said she appreciated the guest input and everyone working together.

Royal Oak District Supervisor Judy Wyant had no comment.

Chilhowie District Supervisor Michael Sturgill stated that he agrees with Mr. Stevenson regarding the travel ball park and that it brings in a lot of revenue and feels it would be beneficial to the County.

Chair, Atkins District Supervisor Charles Atkins thanked everyone for being here tonight and spoke in regards to the 2021 Rich Valley Fair and wishes them a successful fair and for everyone to continue to stay safe.

 6/24/2021 7:01 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.5 Discussion concerning a business or industry considering expansion for which no previous announcements have been made concerning Project Cardinal and under Code of Virginia, Section 2.2-3711 A.7 Consultation with legal counsel and briefings by staff members or consultants pertaining to

*actual or probable litigation concerning the Adwolfe Sewer Project and Jericho. Saltville District Supervisor Roscoe Call seconded the motion.*


*After consideration, the motion PASSED by the following roll-call vote:*

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

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Park District Supervisor Kris Ratliff, and  
North Fork District Supervisor Phil Stevenson

 6/24/2021 7:16 PM A motion was made by Vice Chair Rye Valley District Supervisor Lori Deel, seconded by Saltville District Supervisor Roscoe Call 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 roll-call vote:*


**AYES:** Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,

*Chilhowie District Supervisor Michael Sturgill,  
Royal Oak District Supervisor Judy Wyant, and  
Saltville District Supervisor Roscoe Call*

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Park District Supervisor Kris Ratliff, and  
North Fork District Supervisor Phil Stevenson

 6/24/2021 7:18 PM Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to adopt the Resolution for Local Support of the Utilization of Industrial Access Railroad Track Funds.

*Saltville District Supervisor Roscoe Call seconded the motion*

*After consideration, the motion PASSED by the following roll-call vote:*

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

**NAYS:** None.

**ABSTAINERS:** None.

**ABSENT:** Park District Supervisor Kris Ratliff, and  
North Fork District Supervisor Phil Stevenson





## ***SMYTH COUNTY BOARD OF SUPERVISORS***

### **RESOLUTION FOR LOCAL SUPPORT OF THE UTILIZATION OF INDUSTRIAL ACCESS RAILROAD TRACK FUNDS**

**WHEREAS**, the Smyth County EDA has expressed its intent and desire to the Smyth County Board of Supervisors to help Project Cardinal locate its commercial, business, or industrial operations in Smyth County; and,

**WHEREAS**, Project Cardinal and its operation will require rail access; and,

**WHEREAS**, the Smyth County EDA has reported to Smyth County their intent to apply for Industrial Access Railroad Track Funds from the Commonwealth of Virginia's Department of Rail and Public Transportation in the amount of \$450,000; and,

**WHEREAS**, the Smyth County EDA has requested that the Smyth County Board of Supervisors provide a Resolution supporting its application for said funds which are administered by the Virginia Department of Rail and Public Transportation.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Supervisors of Smyth County hereby endorses and supports the application of the Smyth County EDA for \$450,000 in Industrial Access Railroad Track Funds; and,

**BE IT FURTHER RESOLVED**, that Smyth County Board of Supervisors hereby makes known its desire and intent to support the Commonwealth Transportation Board in providing the maximum financial assistance to the Smyth County EDA for the purpose of assisting Project Cardinal in locating its facility in Smyth County.

**Adopted** this the 24th day of June, 2021.

ATTEST:

A handwritten signature in blue ink, appearing to read "S. M. Utt", is written over a horizontal line.

Shawn M. Utt, Clerk

**SMYTH COUNTY  
BOARD OF SUPERVISORS**

A handwritten signature in black ink, appearing to read "Charles E. Atkins", is written over a horizontal line.

Charles E. Atkins, Chair

6/24/2021 7:20 PM With no further business to discuss, the meeting was adjourned until the next meeting scheduled for July 13<sup>th</sup>, 2021 at 5:00 PM.


The Smyth County Board of Supervisors held a special called meeting on Wednesday, June 30, 2021 at 11:45 a.m. 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 Atkins District Supervisor Charles Atkins; Vice Chair Rye Valley District Supervisor Lori H. Deel (electronically); Chilhowie District Supervisor Michael Sturgill (electronically); Saltville District Supervisor Roscoe Call (electronically); North Fork District Supervisor Phil Stevenson; Park District Supervisor Kris Ratliff

**ABSENT:** Royal Oak District Supervisor Judy Wyant

**STAFF:** County Administrator Shawn Utt; Assistant County Administrator Lisa Richardson; Administrative Assistant Paula Harvey

 6/30/2021 11:48 AM Chair, Atkins District Supervisor Charles Atkins called the meeting to order.

 6/30/2021 11:49 AM County Administrator, Shawn Utt presented the following Smyth County School Board appropriation request:

The Smyth County School Board Operating Funds appropriation request in the amount of \$727,685 to be broken down in the following categories:

Instruction	\$150,000
Administration	\$ 35,000
Facilities	\$492,685
Technology	\$ 50,000

- *A motion was made by North Fork District Supervisor Phil Stevenson to approve the Smyth County School Board Operating Fund appropriation request in the amount of \$727,685. Park District Supervisor Kris Ratliff seconded the motion.*


*After consideration, the motion PASSED by the following roll-call vote:*

*AYES: Chair, Atkins District Supervisor Charles Atkins,  
Vice Chair, Rye Valley District Supervisor Lori Deel,  
Park District Supervisor Kris Ratliff,  
North Fork District Supervisor Phil Stevenson, and  
Saltville District Supervisor Roscoe Call*

*NAYS: None.*

*ABSTAINERS: Chilhowie District Supervisor Michael Sturgill*

*ABSENT: Royal Oak District Supervisor Judy Wyant*

 6/30/2021 11:50 AM With no further business to discuss, the meeting was adjourned until the next meeting scheduled for July 13, 2021 at 5:00 PM.

DRAFT



## Abingdon Residency - Smyth County Report

June 2021

### Smyth County BOS General Information

- **US 11 / 660 – Roundabout:** A Public Hearing was held on Thursday, May 27, 2021 at 5:00PM for the proposed roundabout project at the intersection of US 11 and Rt. 660. Additionally, Jeff Powell with the VDOT Bristol District Bridge Division provided an update on the proposed McMullen Bridge Project. The project is included in the draft Six Year Improvement Plan with an estimate of \$14.6 million. The selected alternative would move the bridge to the south of the current location, down Brown's Subdivision Road toward the school and construct new approaches from both ends. The project is scheduled to receive funding this fall to begin Preliminary Engineering (FY22), Right of Way funds would begin in Fall of 2023 (FY24), and construction is scheduled to begin in late 2025 (FY26).
- **Interstate I-81 Exit 35 Project:** Project Number 0107-086-814, C501 was awarded to W-L Construction & Paving, Inc. The Contractor's Bid was \$1,120,558,05.
- **2202 Old Lake Rd. Marion, VA:** Barbara Greer | (276) 783-5835 - Contacted County Administrator Shawn Utt regarding a drainage issues at her property. Abingdon Residency staff contact Ms. Greer on June 09, 2021 to discuss the issues. This issues is pending further investigation.
- **Route 655 Red Hill Rd. Marion, VA:** The VDOT Bristol District Traffic Division does not have recorded speed limits for this route, therefore statutory laws would apply to this road. The ADTs for Route 655 range from 140 to 275. VDOT IIM for Speed Limits state the department does not conduct speed studies for Route with less than 400 ADT.
- **Walton Rd. Marion, VA | Special Use Permit:** The Abingdon Residency provided recommendations and requirements to the County regarding the requested stipulations for Walton Rd., Rt. 1032 in Marion, VA on May 24, 2021.
- **Daywood Lane, Marion, VA** – Request to be accepted in VDOT's Secondary Street System. Streets built to the standards of VDOT's secondary street acceptance requirement and the pavement design guide are eligible to become state-maintained. The Abingdon Residency staff is currently reviewing this request with assistance from Smyth County staff.

## Recent Maintenance Activities

VDOT Area Headquarters crews are currently engaged in the following activities. For specific route activities, please contact the Abingdon Residency Office.

**Marion Area Headquarters:** 06/06/21 – 06/11/21: Maintenance crews performed mowing operations on various secondary routes in Smyth County. 06/20/21: Maintenance crews performed mowing operations on various secondary routes in Smyth County. Crews also hand patched multi routes as needed. 06/28/21: Maintenance crews performed mowing operations on various secondary routes in Smyth County.

**Chilhowie Area Headquarters:** 06/06/21 – 06/11/21: Maintenance crews performed mowing operations on various secondary routes in Smyth County. 06/20/21: Maintenance crews performed mowing operations on various secondary routes in Smyth County. Crews also hand patched multi routes as needed. 06/28/21: Maintenance crews performed mowing operations on various secondary routes in Smyth County.

### Completed Patching Routes:

1. Shuler Hollow Rd.
2. Riverside Rd.
3. Cherokee Rd.
4. Old Mill Rd.

## Latex Routes FY 2021

Year	RNS Route Name	MP From	MP To	County	From Description	To Description
2021	R-VA086SC01015NB	0	0.09	86	Int. 11	Int. 1016
2021	R-VA086SC01016EB	0	0.32	86	Int. 1020	Dead End
2021	R-VA086SC01017NB	0	0.2	86	Int. 11	Int. 1019
2021	R-VA086SC01018NB	0	0.06	86	Int. 1016	Int. 1021
2021	R-VA086SC01019EB	0	0.28	86	Int. 1020	Int. 1017
2021	R-VA086SC01021EB	0	0.16	86	Int. 1022	Int. 1018
2021	R-VA086SC01022NB	0	0.06	86	Int. 1016	Int. 1021
2021	R-VA086SC01023NB	0.04	0.22	86	Int. 11	Int. 731
2021	R-VA086SC01025NB	0	0.05	86	Int. 1019	Int. 1026
2021	R-VA086SC01028EB	0	0.19	86	Int. 1015	Int. 1017
2021	R-VA086SC01101NB	0	0.52	86	Int. 660	Dead End
2021	R-VA086SC01102EB	0	0.19	86	Int. 1101	Int. 1103
2021	R-VA086SC01103NB	0	0.53	86	Int. 660	Dead End
2021	R-VA086SC01104NB	0	0.25	86	Int. 660	Dead End
2021	R-VA086SC01125NB	0	0.28	86	Begin Loop	FR-004
2021	R-VA086SC01140NB	0	0.09	86	Int. 658	Cul-de-sac
2021	R-VA086SC01141NB	0	0.26	86	Cul-de-sac	Cul-de-sac
2021	R-VA086SC01301NB	0	0.07	86	Int. 762	Int. 1302
2021	R-VA086SC01302EB	0	0.12	86	Int. 1301	Int. 1303
2021	R-VA086SC01303NB	0	0.14	86	Int. 762	Cul-de-sac
2021	R-VA086SC01310EB	0	0.37	86	Cul-de-sac	Int. 800
2021	R-VA086SC01311EB	0	0.27	86	Int. 1310	Int. 1310
2021	R-VA086SC00603EB	1.64	6.48	86	Int. 600	Grayson Co Line

*\*Items marked out are considered complete*

## Latex Routes FY 2021 Continued

Year	RNS Route Name	MP From	MP To	County	From Description	To Description
2021	R-VA086SC00610EB	1.6	8.56	86	Int. 773	0.13 ME Int. 630
<del>2021</del>	<del>R-VA086SC00615EB</del>	<del>0.45</del>	<del>2.25</del>	<del>86</del>	<del>Int. 11</del>	<del>Int. 708</del>
<del>2021</del>	<del>R-VA086SC00615EB</del>	<del>5.38</del>	<del>7.12</del>	<del>86</del>	<del>Int. 682</del>	<del>Wythe Co Line</del>
<del>2021</del>	<del>R-VA086SC00616EB</del>	<del>0</del>	<del>1</del>	<del>86</del>	<del>Int. 615</del>	<del>Wythe Co Line</del>
<del>2021</del>	<del>R-VA086SC00617EB</del>	<del>13.31</del>	<del>16.71</del>	<del>86</del>	<del>Int. 16</del>	<del>Int. 689</del>
2021	R-VA086SC00633NB	2.14	3.32	86	Int. 723	Int. 91
2021	R-VA086SC00636NB	0	0.45	86	Int. 610	Dead End
2021	R-VA086SC00646EB	0	0.9	86	Int. 638	Int. 645
<del>2021</del>	<del>R-VA086SC00654EB</del>	<del>0</del>	<del>1</del>	<del>86</del>	<del>Int. 604</del>	<del>Int. 655</del>
<del>2021</del>	<del>R-VA086SC00655NB</del>	<del>0</del>	<del>2.4</del>	<del>86</del>	<del>Int. 656</del>	<del>Int. 656</del>
<del>2021</del>	<del>R-VA086SC00676NB</del>	<del>0</del>	<del>1.9</del>	<del>86</del>	<del>Int. 16</del>	<del>Int. 601</del>
<del>2021</del>	<del>R-VA086SC00679NB</del>	<del>0</del>	<del>3.36</del>	<del>86</del>	<del>Int. 615</del>	<del>Int. 11</del>
2021	R-VA086SC00702NB	0	0.5	86	Dead End	Int. 658
<del>2021</del>	<del>R-VA086SC00708NB</del>	<del>0</del>	<del>0.7</del>	<del>86</del>	<del>Int. 615</del>	<del>Int. 11</del>
2021	R-VA086SC00768NB	0	0.06	86	Dead End	Int. 11
2021	R-VA086SC00787NB	0	0.3	86	Int. 645	Int. 657
2021	R-VA086SC00790NB	0	0.17	86	Int. 657	Dead End
2021	R-VA086SC00796NB	0	0.14	86	Cul-de-sac	Int. 11
2021	R-VA086SC00797EB	0	0.22	86	Cul-de-sac	Int. 796
2021	R-VA086SC00990NB	0	0.08	86	Int. 645	Int. 992
2021	R-VA086SC00991NB	0	0.11	86	Int. 645	Int. 992
2021	R-VA086SC00992EB	0	0.08	86	Int. 990	Int. 991

*\*Items marked out are considered complete*



## Plant Mix Routes FY 2021

Year	RNS Route Name	MP From	MP To	County	From Description	To Description
2021	R-VA SR00016NB	2.91	6.1	86	1.58 MS 676 (Pavement Joint)	Int. 695 MID
2021	R-VA086SC00604NB	6.03	8.23	86	Int. 645	Int. 648 / 650
2021	R-VA086SC00633NB	3.81	4.51	86	Int. 91 Mid	Int. 726
2021	R-VA086SC00644EB	2.54	4.4	86	0.52 ME Int. 641 (Pavement Joint)	Int. 645
2021	R-VA086SC00670EB	0	3.91	86	Int. 650	Int. 601 W
2021	R-VA086SC00699EB	0	0.95	86	Int. 16	Dead End
2021	R-VA086SC00745NB	0	0.76	86	Dead End	Int. 601

## Bridge/Culvert Maintenance Projects

- Rt. 604 – Mill Creek Rd. – Culvert Replacement – Completed

## Construction Activity Update

Project	Recent / Upcoming Events	Estimate	CN End Date
<b>I-81 Bridge Replacement over US 11 Railroad and North Fork MM 53.3</b> SGR Project UPC 97555/111265	Construction Underway	\$ 33,060,505	Spring 2022
<b>I-81 Bridge Replacement over Mulberry Lane MM 51.8</b> SGR Project UPC 107117	Construction Completed	\$ 15,264,757	Nov 2020
<b>Route 658 Tilley's Bridge Replacement over SF Holston</b> Bridge Project UPC 110012	Construction Underway	\$ 1,197,013	Spring 2022
<b>I-81 Shoulder Strengthening &amp; Widening MM 32.2 NB – MM 54.7 SB</b> UPC 116732	Construction Completed	\$3,945,587	Spring 2021

## I-81 Corridor Project Update

Project	Recent / Upcoming Events	Estimate	Ad Date
<b>I-81 MM 34 SB Truck Climbing Lane</b> I-81 Project UPC 116172	Public Hearing April 20, 2021	\$ 18,938,545	Jun 2023
<b>I-81 Exit 39 Extend SB On Ramp</b> I-81 Project UPC 116173	Field Inspection – Spring 2021	\$ 6,106,170	Jul 2021
<b>I-81 Exit 39 Extend NB Off Ramp</b> I-81 Project UPC 116159	PAC – May 01, 2021	\$ 2,071,030	Aug 2021
<b>I-81 Exit 39 Extend SB Off Ramp</b> I-81 Project UPC 116174	PAC – May 01, 2021	\$ 1,617,036	Aug 2021
<b>I-81 MM 39 NB Truck Climbing Lane</b> I-81 Project UPC 116157	Public Hearing – April 20, 2021	\$ 21,618,865	Jun 2022
<b>I-81 Exit 44 Extend SB On Ramp</b> I-81 Project UPC 116167	Field Inspection – March 12, 2021	\$ 4,189,720	Sept 2021
<b>I-81 Exit 45 Extend NB Off Ramp</b> I-81 Project UPC 116160	Scoping to begin Spring 2020	\$ 24,744,480	Jul 2026
<b>I-81 Exit 47 Extend SB On Ramp</b> I-81 Project UPC 116158	PAC – May 01, 2021	\$ 4,470,563	Aug 2021
<b>I-81 Exit 47 Extend NB On Ramp</b> I-81 Project UPC 116161	Design-Build Project	\$ 19,303,220	Apr 2023
<b>I-81 Exit 54 Extend SB On Ramp</b> I-81 Project UPC 116169	Field Inspection – Spring 2022	\$ 5,794,536	Jun 2022

### Upcoming Bridge, Smart Scale and Safety Project Update

Project	Recent / Upcoming Events	Estimate	Ad Date
<b>Exit 35 at Route 107 Interchange</b> Smart Scale Project UPC 110795	Project Awarded	\$1,720,980	March 2021
<b>US 11 at Route 107 Intersection</b> Smart Scale Project UPC 110796	PAC - March 16, 2021	\$ 3,042,000	June 2021
<b>US 11 at Railroad Drive</b> Smart Scale Project UPC 110797	PAC - March 11, 2021	\$ 2,783,000	June 2021
<b>US 11 at Route 16 Intersection</b> Smart Scale Project UPC 110798	Scoping – Spring 2021	\$ 942,000	Nov 2023
<b>US 11 at Adwolfe Road Roundabout</b> Smart Scale Project UPC 115485	Public Hearing – May 27, 2021	\$ 3,572,022	Jan 2024

### Upcoming Rural Rustic Project Update

Project	Recent / Upcoming Events	Estimate	Ad Date
<b>Route 765 Cornett Road</b> Rural Rustic Project UPC 113754	Plan Development	\$ 175,000	Jul 2021
<b>Route 729 Old Slash Road</b> Rural Rustic Project UPC 113873	Scoping – Spring 2021	\$ 250,000	Jul 2022
<b>Route 729 Kegley Lane</b> Rural Rustic Project UPC 113755	Scoping – Spring 2021	\$ 75,000	Jul 2022
<b>Route 729 Rosenbaum Hollow Road</b> Rural Rustic Project UPC 115861	Scoping – Spring 2022	\$ 175,000	Jul 2023
<b>Route 653 Tilson Hollow Road</b> Rural Rustic Project UPC 118493	Scoping – Spring 2023	\$ 223,471	Jul 2024
<b>Route 798 Hale Lake Road</b> Rural Rustic Project UPC 118440	Scoping – Spring 2024	\$ 50,000	Jul 2025
<b>Route 624 Milldam Road</b> Rural Rustic Project UPC T-25427	Scoping – Spring 2025	\$ 355,246	Jul 2026

A meeting of the Smyth County Appointment Committee was held at the County Office Building on Tuesday, July 6, 2021 at 2:00 p.m.

**Committee Members Present:**

Atkins District Supervisor Charles Atkins  
Saltville District Supervisor Roscoe Call (electronically)

**Committee Members Absent:**

Royal Oak District Supervisor Judy Wyant, Chair

**Staff Members:**

County Administrator, Shawn Utt  
Administrative Assistant, Paula Harvey

Atkins District Supervisor Charles Atkins called the meeting to order at 2:02 p.m.

Mr. Utt reviewed the following information:

1. **Local Selective Service Board** – Mr. Utt has been approached by Capt. Cory Moore of the U.S. Selective Service System to let us know that there is a vacancy on the local Smyth County Selective Service Board. The County will need to appoint a member to the Board with the 10-year term effective July 1, 2021.

Mr. Atkins noted that he has recently presented the vacancy to the VFW but has not had anyone contact him back with interest at this time.

Mr. Call added that he has some ideas of possible recommendations as well but also had questions such as who was currently on the Board and the duties of the Board member.

Action was tabled to allow for Capt. Moore to be present to answer any questions or concerns the committee has. Mr. Utt will setup a time for the committee to meet again in late July.

With no further business to discuss, the meeting was adjourned at 2:08 p.m.

A meeting of the Smyth County Water & Sewer Committee was held at the County Office Building on Tuesday, July 6, 2021 at 1:00 p.m.

**Committee Members Present:**

Rye Valley District Supervisor, Lori Deel, Chair  
Atkins District Supervisor, Charles Atkins  
North Fork District Supervisor, Phil Stevenson

**Committee Members Absent:**

None

**Staff Members:**

County Administrator, Shawn Utt  
Administrative Assistant, Paula Harvey  
Water Department Supervisor, Wally Blevins

Chair, Rye Valley District Supervisor Lori Deel called the meeting to order at 1:00 p.m.

Mr. Utt reviewed the following information:

**a. Request for Adjustment by Stevenson Land & Cattle Co.** – the mobile home park owned by Stevenson Land & Cattle Company (owned by William Stevenson) in Atkins has a request in for a leak adjustment. This past January, a mobile home experienced a rather large water leak resulting in a bill of \$1,996.42 (\$998.14 for water and \$998.14 for sewer). When the leak occurred, the County was asked to turn the meter off since there wasn't an internal valve in the mobile home. Since this time, the owner of the mobile home (not the same as the owner of the mobile home park) has not paid the past due balance, which has grown to \$2,784.83. If the adjustment request had occurred earlier in the year, the adjustment would have been \$1,097.66. Since then, an additional \$474.29 has accrued in penalty and interest and an additional \$214.30 in base water/sewer rates even though the meter has been turned off. With that rationale, the request to an adjustment of \$1,786.25 is proposed.

*After discussion, North Fork District Supervisor Phil Stevenson made a motion to give a one-time adjustment of \$1,726.25 due to the water leak to Stevenson Land & Cattle Company, c/o Jeffrey Gregory, for 6216 Maxwell Lane. Atkins District Supervisor Charles Atkins seconded the motion and it was unanimously approved.*

**b. Consider Revisions to Rate Policies and Implementation** – In addition to the above request, Stevenson Land & Cattle Company is requesting the County consider moving toward a model shared by other water authorities in the region and increasing the deposit for renters rather than requiring the landlords to pay any past due amounts before new tenants can connect. Currently, the County has a security deposit of \$150. If that was increased to \$200, that would cover 90% of these instances without requiring the landlord

to “hold the bag”. Landlords have expresses regarding reconnections and those related costs. Currently, if a landlord has the water disconnected due to a vacancy (charge of \$50 to disconnect), the County charges \$225 to reconnect in addition to the security deposit. If the County were to change the practice to only charging the “reconnect” fee of \$50 and not the \$225, while also increasing the security deposit from \$150 to \$200, the County would still be reducing the costs for new connections from \$375 to \$250. If the committee agrees with these recommendations, they will require the Board to schedule a public hearing to amend the fee schedule (lowering the re-establishment rates and increasing the security deposit).

Atkins District Supervisor Charles Atkins said the committee needs to sit down and review the current fee structure as well as collection policy to which the other committee members agreed. The committee also agreed that the \$225.00 fee for reconnection of a meter needs to be reviewed.

County Administrator Shawn Utt added that he would get with surrounding counties to do a rate comparison and to review the fee schedules to help identify any other potential concerns or irregularities.

Atkins District Supervisor Charles Atkins asked if there are any current water or sewer projects in the planning stages. Mr. Utt noted that the County recently completed a grant application for a sewer study grant through DEQ. Discussion continued for suggestions on potential projects for grant funding.

The committee discussed the possibility of creating a Public Service Authority (PSA) Board. Mr. Utt added that he would start working on a business plan for the committee to begin evaluating.

With no further business to discuss, the meeting was adjourned at 1:38 p.m.



**Smyth County  
Building and Zoning Department**

121 Bagley Circle, Suite 120, Marion, VA 24354  
Phone (276) 706-8317 Fax (276) 783-9314  
*buildingandzoning@smythcounty.org*

Zoning Ordinance  
Floodplain Ordinance  
Subdivision Ordinance  
Erosion Control Ordinance  
Manufactured Home Ordinance  
Virginia Uniform Statewide Building Code

To: Shawn Utt

From: Clegg Williams *CW*

Date: July 2, 2021

Re: Nuisance Ordinance Complaint: 151 Rolling Hills Drive, Marion, VA & 409  
Flatridge Road, Sugar Grove, VA

We inspected the properties referenced above yesterday and as you will note from the attached photos, there has been little, if any activity on either site. Unable to resolve these complaints, I would appreciate you putting these matters on the Board's agenda and request they schedule a public hearing. Once set, please provide me the date and time so I may notify the owners and complainants. So you know, the nuisance ordinance requires me to notify them a minimum of ten (10) days prior to the scheduled hearing.

Thank you for your assistance. Please contact me if you have any questions.

Attachments

*Clegg Williams  
Department Administrator*

*Danny Wilson  
Building Inspector*

*Sarah Parris  
Administrative Assistant*

*Emily Moore  
Administrative Assistant*



## Clegg Williams

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**From:** Jimmy Roland <jimmy.roland1965@gmail.com> on behalf of Jimmy Roland  
**Sent:** Sunday, June 20, 2021 1:29 PM  
**To:** Clegg Williams  
**Subject:** Re: Update on 151 Rolling Hills Drive

Mr. Williams. Thank you for your response. I appreciate your offer to assist in finding someone to do the work. I have one estimate already and waiting on one more to respond. I do not intend to wait very long due to wanting this done. I will take you up on your offer if he does not respond very soon. I appreciate you informing me of people wanting to buy this property, as of right now I fully intend to complete the cleanup and use this property. However, selling this property after the work is completed might be an option if it is financially feasible. I appreciate you informing me of the hearing process. Were you referring to July 1st or August 1st ? I will keep you informed of my progress. Thank you very much and have a good day. Jimmy Roland

On Thu, Jun 17, 2021 at 10:15 AM Clegg Williams <[cwilliams@smythcounty.org](mailto:cwilliams@smythcounty.org)> wrote:

Mr. Roland,

Thank you for the update and I am glad to hear things are beginning to work out for your wife. If you are having problems finding someone to perform the work, please let me know. I work with a number of contractors that perform this type of work. I would be happy to put together a list of them if you would like. As an alternative, if you have any desire to sell the property in its current state, I have been approached by some of your neighbors interested in purchasing it. If that interests you, please let me know that as well and I will connect you with them. With that said, please do not misinterpret any of the above comments as me trying to dictate what you do with your property. My only goal in this matter is to get the nuisance abated. Often times, people will propose possible solutions to a problem to me and not their neighbor. When I have that information, I like to relay it so everyone has as much information about their choices as possible.

Regarding your request, this matter has already been placed on the Board's agenda. If the nuisance isn't removed by the first of the month, a public hearing will be scheduled. With luck, you will be able to get it removed by the hearing date and the matter will be dropped. If you aren't able to get it removed by the hearing, it isn't the end of the world. They will likely declare it to be a public nuisance and order you to abate it. Effectively, it will be the same message I have been sending, just by a higher authority. In the end, the main goal should be getting it removed by the August 24, 2021. Provided you are able to accomplish that, you will be good.

Please keep me updated as you progress on this matter.

Thank you.

Clegg

**From:** Jimmy Roland <[jimmy.roland1965@gmail.com](mailto:jimmy.roland1965@gmail.com)>  
**Sent:** Wednesday, June 16, 2021 10:13 AM  
**To:** Clegg Williams <[cwilliams@smythcounty.org](mailto:cwilliams@smythcounty.org)>  
**Subject:** Update on 151 Rolling Hills Drive

Good morning Mr. Williams. This is Jimmy Roland. It has been quiet some time since we have been in contact with one another about the concerns of 151 Rolling Hills Drive. The last time I mentioned to you that my wife had been applying for disability benefits. At that time she had been denied once. Since then she had been denied once more. She recently, last month was approved and has received her back pay. We are currently obtaining estimates from construction companies to complete the final cleanup of the remains of the house and grade the lot to make it usable and to have a much more attractive appearance. As of right now I'm not sure when they would be able to begin this work, but when I find out I would be glad to let you know. I am looking forward to getting this done. I would very much appreciate your working with me a little longer to get this completed. Thank You. Jimmy Roland

## Clegg Williams

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**To:** Jimmy Roland  
**Subject:** RE: Update on 151 Rolling Hills Drive

Mr. Roland,

Thank you for the update and I am glad to hear things are beginning to work out for your wife. If you are having problems finding someone to perform the work, please let me know. I work with a number of contractors that perform this type of work. I would be happy to put together a list of them if you would like. As an alternative, if you have any desire to sell the property in its current state, I have been approached by some of your neighbors interested in purchasing it. If that interests you, please let me know that as well and I will connect you with them. With that said, please do not misinterpret any of the above comments as me trying to dictate what you do with your property. My only goal in this matter is to get the nuisance abated. Often times, people will propose possible solutions to a problem to me and not their neighbor. When I have that information, I like to relay it so everyone has as much information about their choices as possible.

Regarding your request, this matter has already been placed on the Board's agenda. If the nuisance isn't removed by the first of the month, a public hearing will be scheduled. With luck, you will be able to get it removed by the hearing date and the matter will be dropped. If you aren't able to get it removed by the hearing, it isn't the end of the world. They will likely declare it to be a public nuisance and order you to abate it. Effectively, it will be the same message I have been sending, just by a higher authority. In the end, the main goal should be getting it removed by the August 24, 2021. Provided you are able to accomplish that, you will be good.

Please keep me updated as you progress on this matter.

Thank you.

Clegg

**From:** Jimmy Roland <jimmy.roland1965@gmail.com>  
**Sent:** Wednesday, June 16, 2021 10:13 AM  
**To:** Clegg Williams <cwilliams@smythcounty.org>  
**Subject:** Update on 151 Rolling Hills Drive

Good morning Mr. Williams. This is Jimmy Roland. It has been quiet some time since we have been in contact with one another about the concerns of 151 Rolling Hills Drive. The last time I mentioned to you that my wife had been applying for disability benefits. At that time she had been denied once. Since then she had been denied once more. She recently, last month was approved and has received her back pay. We are currently obtaining estimates from construction companies to complete the final cleanup of the remains of the house and grade the lot to make it usable and to have a much more attractive appearance. As of right now I'm not sure when they would be able to begin this work, but when I find out I would be glad to let you know. I am looking forward to getting this done. I would very much appreciate your working with me a little longer to get this completed. Thank You. Jimmy Roland

## Sarah Parris

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**Subject:** FW: 151 Rolling Hills Drive Complaint

**From:** Clegg Williams <cwilliams@smythcounty.org>  
**Sent:** Wednesday, June 9, 2021 2:52 PM  
**To:** David Collett <dpcollett@hotmail.com>; Sarah Parris <sparris@smythcounty.org>  
**Cc:** Lisa Richardson <lrichardson@smythcounty.org>; Shawn Utt <sutt@smythcounty.org>  
**Subject:** RE: 151 Rolling Hills Drive Complaint

We have not heard from them. We plan to inspect the property the first week of July. If there is no progress at that point, I will request the BOS schedule a public hearing.

**From:** David Collett <dpcollett@hotmail.com>  
**Sent:** Wednesday, June 9, 2021 2:41 PM  
**To:** Sarah Parris <sparris@smythcounty.org>; Clegg Williams <cwilliams@smythcounty.org>; David Collett <dpcollett@hotmail.com>  
**Subject:** Re: 151 Rolling Hills Drive Complaint

Has there been any conversations with the landowner on this since the Plan of Action was communicated to the landowner in January? We are 21 days out and the property still sits like this.



Get [Outlook for iOS](#)

**From:** Sarah Parris <sparris@smythcounty.org>  
**Sent:** Friday, January 22, 2021 1:30:23 PM  
**To:** David Collett <dpcollett@hotmail.com>; armynavystore@earthlink.net <armynavystore@earthlink.net>  
**Subject:** 151 Rolling Hills Drive Complaint

Mr. Collett & Mr. Mullin:

I am following up on the complaint regarding 151 Rolling Hills Drive.  
Mr. Shawn Utt & Mr. Clegg Williams visited the property today (January 22, 2021)

Attached is the response from the property owner, Mr. Rowland (dated 8/24/2020) and a Plan of Action for Building & Zoning put in place today .

We appreciate your diligence to get this issue resolved. As we will work diligently to get it resolved.

If you should have any further questions or concerns, please call or email.

Thank you for your continued patience!

*Sarah Parris*

Administrative Assistant

Smyth County Building & Zoning Department

[sparris@smythcounty.org](mailto:sparris@smythcounty.org)

276-706-8316



**Smyth County**  
**Building and Zoning Department**

121 Bagley Circle, Suite 120, Marion, VA 24354  
Phone (276) 783-3298 Ext. 2 Fax (276) 783-9314  
*buildingandzoning@smythcounty.org*

Zoning Ordinance  
Floodplain Ordinance  
Subdivision Ordinance  
Erosion Control Ordinance  
Manufactured Home Ordinance  
Virginia Uniform Statewide Building Code

February 25, 2021

Jimmy & Sharon Rowland  
323 Rolling Hills Drive  
Marion, Virginia 24354

Re: 151 Rolling Hills Drive, Marion Virginia (Tax Map No. 56H-1-4)

Dear Mr. & Mrs. Rowland:

A letter was sent to you on July 8, 2020, notifying you a nuisance complaint had been filed on the property referenced above. On August 24, 2020 you submitted a plan of action requesting one year to abate the nuisance. To update our file and check your progress, we visited the property on February 24, 2021. From our inspection and as the enclosed photographs indicate, no improvement has been made. As a reminder, the nuisance must be completely abated by August 24, 2021. If there isn't significant improvement by July 1, 2021, I will schedule a public hearing with the Board of Supervisors and request they declare the property a public nuisance. If it isn't abated by August 24, 2021, I will request the county attorney file a suit.

I am hopeful you will follow through with your plan and none of that will be required.

Sincerely,

Clegg Williams

Enclosure

cc: Shawn Utt, Interim County Administrator  
Lisa Richardson, Assistant County Administrator  
Scot Farthing, County Attorney  
Judy Wyant, Royal Oak District Supervisor

*Clegg Williams*  
Department Administrator

*Danny Wilson*  
Building Inspector

*Sarah Parri*  
Administrative Assistant

*Emily Price*  
Administrative Assistant



Roland, Jimmy & Sharon – 151 Rolling Hills Drive – Marion

Follow-up Photos Taken: 2/24/21





## Sarah Parris

---

**From:** David Collett <dpcollett@hotmail.com> on behalf of David Collett  
**Sent:** Tuesday, February 23, 2021 7:09 AM  
**To:** Clegg Williams  
**Cc:** Shawn Utt; Judy Wyant; Sarah Parris; David Collett; armynavystore@earthlink.net  
**Subject:** Re: 151 Rolling Hills Drive Complaint

Mr. Williams,

I am writing you to let you know there has been no activity or clean-up efforts on the site since our last meeting on Jan. 22. According to your plan of action, a letter is to be sent to the owners reminding them of their abatement commitments on/near Feb. 24th. Could you please bcc Brad Mullins and I on your correspondence when you contact the owners? Thanks you for your continued efforts to resolve this situation.

Sincerely,  
David H. Collett

Get [Outlook for iOS](#)

---

**From:** Clegg Williams <cwilliams@smythcounty.org>  
**Sent:** Friday, January 22, 2021 2:01:29 PM  
**To:** David Collett <dpcollett@hotmail.com>; armynavystore@earthlink.net <armynavystore@earthlink.net>  
**Cc:** Shawn Utt <sutt@smythcounty.org>; Judy Wyant <jwyant@smythcounty.org>; Sarah Parris <sparris@smythcounty.org>  
**Subject:** 151 Rolling Hills Drive Complaint

Gentleman,

Thank you both for taking the time this morning to meet and discuss the nuisance complaint at 151 Rolling Hills Drive. As requested, I have attached a copy Mr. Roland's plan of action and a copy of my proposed plan on this matter. Should either of you have any additional questions or concerns, please do not hesitate to let me know.

Clegg

# **Roland, Jimmy & Sharon - 151 Rolling Hills Drive**

## **Plan of Action**

On or about **February 24, 2021** – Forward a letter to Mr. Roland reminding him of his commitment to abate the nuisance by August 24, 2021 and include the following timeline should he not follow through on his promise.

If there has been little to no improvement by **July 1, 2021** – Schedule a public hearing with the Board of Supervisors and request the property be declared a “public nuisance”. Proposed hearing date would be July 13, 2021 (August 17, 2021 would work as well).

**August 25, 2021** – Inspect the site, take photographs, and prepare a final report.

- If the nuisance has been abated, forward a letter to Mr. Roland and close the file.
- If it remains, notify the county attorney and request they file the necessary documents with the Court to schedule a hearing. If it isn't abated by the hearing date and we are successful with the judge, solicit bids (in compliance with procurement regulations) from contractors to remove the nuisance. Place lien on the property and close the file.

## Clegg Williams

---

**From:** Duncan Pollett <dpollett@hotmail.com> on behalf of Duncan Pollett  
**Sent:** Thursday, January 14, 2021 11:21 AM  
**To:** David Collett  
**Cc:** Shawn Utt; Judy Wyant; Clegg Williams  
**Subject:** Re: 151 Rolling Hills Drive

Hello David and others,

I'm honoured that you have included me in this message thread because this is all very interesting. But I don't think I can help in anyway. I'm just some guy from Canada. If you don't mind, could you remove my email from the list. Thank you very much.

Good luck with everything David! I hope they figure out something with that property. I find it absolutely ridiculous how long this whole process it taking! Once it's all done and settled with you should shoot me an email letting me know cause I am pretty curious!

Take care and God Bless

Duncan Pollett

> On Jan 14, 2021, at 9:56 AM, David Collett <dpcollett@hotmail.com> wrote:

>

> Thank you, I'll see you then.

>

> Get Outlook for iOS<<https://aka.ms/o0ukef>>

>

> From: Shawn Utt <sutt@smythcounty.org>

> Sent: Thursday, January 14, 2021 10:26:27 AM

> To: Judy Wyant <jwyant@smythcounty.org>; Clegg Williams

> <cwilliams@smythcounty.org>

> Cc: David Collett <dpcollett@hotmail.com>; dpollett@hotmail.com

> <dpollett@hotmail.com>

> Subject: RE: 151 Rolling Hills Drive

>

>

> David – Clegg and I will be there at 9:00 next week. We can report to Ms. Wyant and schedule a later time to follow up out there as well. See you then.

>

>

>

> Shawn

>

>

>

>

> From: Judy Wyant

> <jwyant@smythcounty.org<<mailto:jwyant@smythcounty.org>>>

> Sent: Thursday, January 14, 2021 9:27 AM

> To: Clegg Williams

> <cwilliams@smythcounty.org<mailto:cwilliams@smythcounty.org>>  
> Cc: David Collett  
> <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>; Shawn Utt  
> <sutt@smythcounty.org<mailto:sutt@smythcounty.org>>;  
> dpollett@hotmail.com<mailto:dpollett@hotmail.com>  
> Subject: Re: 151 Rolling Hills Drive  
>  
>  
>  
> David,  
>  
> Unfortunately, I am not available that day. However, since it works for everyone else, please go ahead and meet. I regret this has dragged on so long without resolution. I would be glad to come by the site myself some other time.  
>  
> Regards,  
>  
> Judy  
>  
>  
>  
> On Thu, Jan 14, 2021 at 9:11 AM Clegg Williams <cwilliams@smythcounty.org<mailto:cwilliams@smythcounty.org>> wrote:  
>  
> Works for me.  
>  
> Clegg  
>  
>  
>  
> From: David Collett  
> <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>  
> Sent: Wednesday, January 13, 2021 6:09 PM  
> To: Shawn Utt <sutt@smythcounty.org<mailto:sutt@smythcounty.org>>  
> Cc: Judy Wyant  
> <jwyant@smythcounty.org<mailto:jwyant@smythcounty.org>>;  
> dpollett@hotmail.com<mailto:dpollett@hotmail.com>; Clegg Williams  
> <cwilliams@smythcounty.org<mailto:cwilliams@smythcounty.org>>  
> Subject: Re: 151 Rolling Hills Drive  
>  
>  
>  
> How does 9 am next Friday, Jan. 22 work for everyone?  
>  
>  
>  
> Get Outlook for iOS<<https://aka.ms/o0ukef>>  
>  
>  
>  
> From: Shawn Utt <sutt@smythcounty.org<mailto:sutt@smythcounty.org>>  
> Sent: Wednesday, January 13, 2021 3:37:36 PM  
> To: David Collett

> <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>  
> Cc: Judy Wyant  
> <jwyant@smythcounty.org<mailto:jwyant@smythcounty.org>>;  
> dpollett@hotmail.com<mailto:dpollett@hotmail.com>  
> <dpollett@hotmail.com<mailto:dpollett@hotmail.com>>; Clegg Williams  
> <cwilliams@smythcounty.org<mailto:cwilliams@smythcounty.org>>  
> Subject: RE: 151 Rolling Hills Drive  
>  
>  
>  
> David – I can make most anytime on Thursday or Friday of next week work, or Wednesday afternoon. I'll invite Clegg to join us as well.  
>  
>  
>  
> Shawn  
>  
>  
>  
> From: David Collett  
> <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>  
> Sent: Wednesday, January 13, 2021 3:02 PM  
> To: Shawn Utt <sutt@smythcounty.org<mailto:sutt@smythcounty.org>>  
> Cc: Judy Wyant  
> <jwyant@smythcounty.org<mailto:jwyant@smythcounty.org>>;  
> dpollett@hotmail.com<mailto:dpollett@hotmail.com>  
> Subject: Re: 151 Rolling Hills Drive  
>  
>  
>  
> Mr. Utt & Mrs. Wyant,  
>  
> I'd like to meet both of you next week sometime at the site mentioned above to discuss the situation. What is your availability?  
>  
> Dave Collett  
>  
>  
>  
> Get Outlook for iOS<<https://aka.ms/o0ukef>>  
>  
> \_\_\_\_\_  
>  
> From: David Collett  
> <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>  
> Sent: Tuesday, January 5, 2021 7:06:00 PM  
> To: Shawn Utt <sutt@smythcounty.org<mailto:sutt@smythcounty.org>>  
> Cc: Judy Wyant  
> <jwyant@smythcounty.org<mailto:jwyant@smythcounty.org>>;  
> dpollett@hotmail.com<mailto:dpollett@hotmail.com>  
> <dpollett@hotmail.com<mailto:dpollett@hotmail.com>>  
> Subject: Re: 151 Rolling Hills Drive

>  
>  
>  
> Mr. Utt,  
>  
> It's been almost 3 months now without any information or activity at the site, do we have any updates?  
>  
>  
>  
> Get Outlook for iOS<<https://aka.ms/o0ukef>>  
>  
> \_\_\_\_\_  
>  
> From: Shawn Utt <sutt@smythcounty.org<mailto:sutt@smythcounty.org>>  
> Sent: Thursday, December 17, 2020 12:34 PM  
> Cc: David Collett; Judy Wyant  
> Subject: RE: 151 Rolling Hills Drive  
>  
>  
>  
> Clegg – do we have an update for David on this site?  
>  
>  
>  
> Shawn  
>  
>  
>  
> From: David Collett  
> <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>  
> Sent: Tuesday, December 15, 2020 1:19 PM  
> To: Shawn Utt <sutt@smythcounty.org<mailto:sutt@smythcounty.org>>;  
> Judy Wyant <jwyant@smythcounty.org<mailto:jwyant@smythcounty.org>>;  
> David Collett <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>  
> Subject: Re: 151 Rolling Hills Drive  
>  
>  
>  
> Mr. Utt,  
>  
> Can you provide me with an update please?  
>  
>  
>  
> Thanks,  
>  
> David H Collett  
>  
> Get Outlook for iOS<<https://aka.ms/o0ukef>>  
>  
> \_\_\_\_\_  
>

> From: Shawn Utt <sutt@smythcounty.org<mailto:sutt@smythcounty.org>>  
> Sent: Thursday, November 19, 2020 8:04 AM  
> To: David Collett; Judy Wyant  
> Subject: RE: 151 Rolling Hills Drive  
>  
>  
>  
> David – I'll get with Clegg first thing this morning and get an update  
> for you. More info to follow...  
>  
>  
>  
> Shawn  
>  
>  
>  
> From: David Collett  
> <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>  
> Sent: Wednesday, November 18, 2020 7:36 PM  
> To: Shawn Utt <sutt@smythcounty.org<mailto:sutt@smythcounty.org>>;  
> Judy Wyant <jwyant@smythcounty.org<mailto:jwyant@smythcounty.org>>  
> Subject: Re: 151 Rolling Hills Drive  
>  
>  
>  
> Mr. Utt,  
>  
> Can you give me an update on where this issue stands? Thank you.  
>  
>  
>  
> David Collett  
>  
>  
>  
> Get Outlook for iOS<<https://aka.ms/o0ukef>>  
>  
> \_\_\_\_\_  
>  
> From: Shawn Utt <sutt@smythcounty.org<mailto:sutt@smythcounty.org>>  
> Sent: Friday, October 16, 2020 8:21:01 AM  
> To: Judy Wyant  
> <jwyant@smythcounty.org<mailto:jwyant@smythcounty.org>>; David Collett  
> <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>  
> Subject: RE: 151 Rolling Hills Drive  
>  
>  
>  
> Judy and David – thank you for letting me know about the situation. I'll do a drive by and also sit down with Clegg to  
get an update on the situation. In my past, one option would be to have the property clean-up and place a lien on the  
property for the cost associated. However, I'm not sure if Smyth County has that type of legislation on the books. A lot  
of digging to be done but I'll keep you both posted.



>  
>  
>  
> Shawn  
>  
>  
>  
> Shawn M. Utt  
>  
> Smyth County Administrator  
>  
> 121 Bagley Circle, Suite 100  
>  
> Marion, VA 24354  
>  
> (276) 783-3298 - office  
>  
> [sutt@smythcounty.org](mailto:sutt@smythcounty.org)<<mailto:sutt@smythcounty.org>>  
>  
> [www.smythcounty.org](http://www.smythcounty.org)<<http://www.smythcounty.org/>>  
>  
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>  
> From: Judy Wyant  
> <[jwyant@smythcounty.org](mailto:jwyant@smythcounty.org)<<mailto:jwyant@smythcounty.org>>>  
> Sent: Thursday, October 15, 2020 9:33 PM  
> To: David Collett  
> <[dpcollett@hotmail.com](mailto:dpcollett@hotmail.com)<<mailto:dpcollett@hotmail.com>>>; Shawn Utt  
> <[sutt@smythcounty.org](mailto:sutt@smythcounty.org)<<mailto:sutt@smythcounty.org>>>  
> Subject: Re: 151 Rolling Hills Drive  
>  
>  
>  
> Mr. Collett,  
>  
> Thank you so much for your email. I have reviewed the information you forwarded and share your concerns for  
remedy of this issue. I am referring this to our County Administrator, Shawn Utt, for follow-up with Mr. Clegg Williams  
for proactive answers to get this matter resolved.  
>  
> I am requesting regular updates from Mr. Utt as to the status as this  
> process moves forward. I would like to take this opportunity to thank  
> you for the excellent job you do in managing Hungry Mother State Park  
> and the support you provide in partnering with other organizations on  
> behalf of  
>

> our community. Again, thank you for your email and please feel free to contact me anytime. If I can be of further assistance in the future, please do not hesitate to contact me.

>

> Best regards,

>

> Judy Wyant, Chair

>

> Smyth County Board of Supervisors

>

> Royal Oak District

>

>

>

> On Tue, Oct 13, 2020 at 9:56 AM David Collett <[dpcollett@hotmail.com](mailto:dpcollett@hotmail.com)<<mailto:dpcollett@hotmail.com>>> wrote:

>

> Mrs. Wyant,

>

> Could you review this situation and advise me what else can be done? I am one of several neighbors to this property who have made complaints. I feel like we have been more than patient and the response has been lacking.

>

>

>

> Thank you,

>

> David H. Collett

>

>

>

> Get Outlook for iOS<<https://aka.ms/o0ukef>>

>

> \_\_\_\_\_

>

> From: David Collett

> <[dpcollett@hotmail.com](mailto:dpcollett@hotmail.com)<<mailto:dpcollett@hotmail.com>>>

> Sent: Wednesday, October 7, 2020 11:23:36 AM

> To: Clegg Williams

> <[cwilliams@smythcounty.org](mailto:cwilliams@smythcounty.org)<<mailto:cwilliams@smythcounty.org>>>

> Subject: Fwd: 151 Rolling Hills Drive

>

>

>

>

>

>

>

> Get Outlook for iOS<<https://aka.ms/o0ukef>>

>

> \_\_\_\_\_

>

> From: David Collett

> <[dpcollett@hotmail.com](mailto:dpcollett@hotmail.com)<<mailto:dpcollett@hotmail.com>>>

> Sent: Wednesday, October 7, 2020 11:23:10 AM

> To: Sarah Parris  
> <sparris@smythcounty.org<mailto:sparris@smythcounty.org>>  
> Subject: Re: 151 Rolling Hills Drive  
>  
>  
>  
> Ms. Parris,  
>  
> Thank you for your response. I am sympathetic with their situation, however there has been ample time and opportunity to address this situation since the house on the property burned in early 2017. I can't imagine another year going by with only a tepid promise by the owners. My property values and that of my neighbors are being impacted, let alone the safety hazards that exist. What are the next steps available to us and our neighbors to get this taken care of please?  
>  
>  
>  
> Sincerely,  
>  
> David H. Collett  
>  
>  
>  
> Get Outlook for iOS<<https://aka.ms/o0ukef>>  
>  
> \_\_\_\_\_  
>  
> From: Sarah Parris  
> <sparris@smythcounty.org<mailto:sparris@smythcounty.org>>  
> Sent: Wednesday, October 7, 2020 11:11:42 AM  
> To: David Collett  
> <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>  
> Subject: RE: 151 Rolling Hills Drive  
>  
>  
>  
> Mr. Collett:  
>  
>  
>  
> Thank you for checking back with our office. Attached is the last response we received from Mr. Roland.  
>  
> Please continue to check with us for any updates on this property.  
>  
>  
>  
> Thanks!  
>  
>  
>  
> Sarah Parris  
>  
> Administrative Assistant

>  
> Smyth County Building & Zoning Department  
>  
> sparris@smythcounty.org<mailto:sparris@smythcounty.org>  
>  
> 276-706-8316  
>  
> [Image result for smyth county seal]  
>  
>  
>  
>  
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>  
>  
> From: David Collett  
> <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>  
> Sent: Monday, October 5, 2020 2:20 PM  
> To: Clegg Williams  
> <cwilliams@smythcounty.org<mailto:cwilliams@smythcounty.org>>  
> Cc: Sarah Parris  
> <sparris@smythcounty.org<mailto:sparris@smythcounty.org>>; Emily Moore  
> <enprice@smythcounty.org<mailto:enprice@smythcounty.org>>  
> Subject: Re: 151 Rolling Hills Drive  
>  
>  
>  
> Mr. Williams,  
>  
> I'm inquiring to know what the status is on our complaint. We are coming up on the 90 days and nothing has been done. Can you advise?  
>  
>  
>  
> David H. Collett  
>  
>  
>  
> Get Outlook for iOS<https://aka.ms/o0ukef>  
>  
>  
>  
> From: Clegg Williams  
> <cwilliams@smythcounty.org<mailto:cwilliams@smythcounty.org>>  
> Sent: Tuesday, July 14, 2020 8:17:55 AM  
> To: David Collett  
> <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>  
> Cc: Sarah Parris  
> <sparris@smythcounty.org<mailto:sparris@smythcounty.org>>; Emily Moore  
> <enprice@smythcounty.org<mailto:enprice@smythcounty.org>>  
> Subject: RE: 151 Rolling Hills Drive  
>

>  
>  
> I have asked they submit a plan of action and specify a timeline. Provided their timeline is reasonable, I typically give them the time they request. I am hopeful they will be able to complete it within 90 days.

>  
> From: David Collett  
> <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>  
> Sent: Monday, July 13, 2020 7:33 PM  
> To: Clegg Williams  
> <cwilliams@smythcounty.org<mailto:cwilliams@smythcounty.org>>  
> Cc: Sarah Parris  
> <sparris@smythcounty.org<mailto:sparris@smythcounty.org>>; Emily Moore  
> <enprice@smythcounty.org<mailto:enprice@smythcounty.org>>  
> Subject: Re: 151 Rolling Hills Drive

>  
>  
>  
> That is encouraging news. What is the timeline for this to occur so that I know whether I need to follow-up or not?

>  
>  
>  
> Get Outlook for iOS<<https://aka.ms/o0ukef>>

>  
> \_\_\_\_\_  
>  
> From: Clegg Williams  
> <cwilliams@smythcounty.org<mailto:cwilliams@smythcounty.org>>  
> Sent: Monday, July 13, 2020 2:09:40 PM  
> To: David Collett  
> <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>  
> Cc: Sarah Parris  
> <sparris@smythcounty.org<mailto:sparris@smythcounty.org>>; Emily Moore  
> <enprice@smythcounty.org<mailto:enprice@smythcounty.org>>  
> Subject: 151 Rolling Hills Drive

>  
>  
>  
> Mr. Collett,

>  
> We did receive your complaint form. So you know, we received a similar complaint on this property some time ago. In response, we sent notification to the current owners. Ironically, they responded to our letter this morning. They indicated that they plan to abate the nuisance in the near future. With luck, this matter will soon be resolved.

>  
> Let me know if you need anything else.

>  
> Clegg

>  
>  
>  
>  
>  
>  
> From: David Collett

> <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>  
> Sent: Friday, July 10, 2020 9:29 PM  
> To: Clegg Williams  
> <cwilliams@smythcounty.org<mailto:cwilliams@smythcounty.org>>  
> Subject: Re: Mr. Williams, I never received a response from Mr.  
> Richardson, so I am going down the list. From my search, you may be  
> the correct dept. to answer my questions below. Fw: 151 Rolling Hills  
> Drive  
>  
>  
>  
> Mr. Williams,  
>  
> Can you confirm that you received our complaint form? Thank you.  
>  
>  
>  
> David H. Collett  
>  
>  
>  
> Get Outlook for iOS<<https://aka.ms/o0ukef>>  
>  
> \_\_\_\_\_  
>  
> From: David Collett  
> <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>  
> Sent: Sunday, July 5, 2020 10:20:35 AM  
> To: Clegg Williams  
> <cwilliams@smythcounty.org<mailto:cwilliams@smythcounty.org>>  
> Subject: Re: Mr. Williams, I never received a response from Mr.  
> Richardson, so I am going down the list. From my search, you may be  
> the correct dept. to answer my questions below. Fw: 151 Rolling Hills  
> Drive  
>  
>  
>  
> [Image.jpeg]Mr. Williams,  
>  
> Please see the attached complaint form for the adjacent address, 151 Rolling Hills Drive. Please let me know if there  
are any questions.  
>  
>  
>  
> Get Outlook for iOS<<https://aka.ms/o0ukef>>  
>  
> \_\_\_\_\_  
>  
> From: David H. Collett  
> <dpcollett@hotmail.com<mailto:dpcollett@hotmail.com>>  
> Sent: Saturday, March 3, 2018 9:06:18 AM  
> To: Clegg Williams



> <cwilliams@smythcounty.org<mailto:cwilliams@smythcounty.org>>  
> Subject: Re: Mr. Williams, I never received a response from Mr.  
> Richardson, so I am going down the list. From my search, you may be  
> the correct dept. to answer my questions below. Fw: 151 Rolling Hills  
> Drive  
>  
>  
>  
> Mr. Williams,  
>  
> It's been a over year since the house burned at 151 Rolling Hills Drive and there has been no action to clean-up the  
property or mitigate the situation. I have discussed with my neighbors and they also are in agreement. This property is  
an eyesore and hurting the rest of our property values.  
>  
>  
>  
> David Collett  
>  
>  
>  
> \_\_\_\_\_  
>  
> From: Clegg Williams  
> <cwilliams@smythcounty.org<mailto:cwilliams@smythcounty.org>>  
> Sent: Thursday, August 3, 2017 7:54 AM  
> To: David H. Collett  
> Subject: RE: Mr. Williams, I never received a response from Mr.  
> Richardson, so I am going down the list. From my search, you may be  
> the correct dept. to answer my questions below. Fw: 151 Rolling Hills  
> Drive  
>  
>  
>  
> Mr. Collet,  
>  
> I cannot address your question regarding the adjustment of your taxes but I can address the subject tract. The County  
adopted the Nuisance Ordinance to address this very situation. To start the process, you will need to fill out the  
following form and submit it:  
>  
> [http://www.smythcounty.org/building\\_and\\_zoning/bldg\\_and\\_zoning\\_forms/f](http://www.smythcounty.org/building_and_zoning/bldg_and_zoning_forms/forms_and_applications/nuisance_complaint_form.pdf)  
> [orms\\_and\\_applications/nuisance\\_complaint\\_form.pdf](http://www.smythcounty.org/building_and_zoning/bldg_and_zoning_forms/forms_and_applications/nuisance_complaint_form.pdf)  
>  
> SMYTH COUNTY ORDINANCE ON  
> NUISANCES<[http://www.smythcounty.org/building\\_and\\_zoning/bldg\\_and\\_zoni](http://www.smythcounty.org/building_and_zoning/bldg_and_zoning_forms/forms_and_applications/nuisance_complaint_form.pdf)  
> [ng\\_forms/forms\\_and\\_applications/nuisance\\_complaint\\_form.pdf](http://www.smythcounty.org/building_and_zoning/bldg_and_zoning_forms/forms_and_applications/nuisance_complaint_form.pdf)>  
>  
> [www.smythcounty.org](http://www.smythcounty.org)<<http://www.smythcounty.org>>  
>  
> SMYTH COUNTY ORDINANCE ON NUISANCES . COMPLAINT FORM . TO: Smyth  
> County Nuisance Ordinance Agent . 121 Bagley Circle, Suite 120,  
> Marion, VA 24354  
>



> My questions are specifically:

>

> • What is the zoning policy of Smyth County in reference to a situation such as this? Do they have to clean it up? If so, what is the timeframe?

>

> • What can be done to address the situation?

>

> • What is the process to request that our property taxes for 2017 be adjusted to reflect this negative impact on our property values due to this situation?

>

>

>

> We have tried to be patient and sympathetic, but the timeframe for action is long overdue. All of the neighbors in the subdivision are upset about this situation but are concerned that the individual who owns the property will do something to their property if they complain because he is a "bad dude" according to them. Not knowing this individual at all, I have no knowledge and request that our concerns be kept confidential.

>

>

>

> Thank you and we look forward to hearing your responses.

>

>

>

>

>

> [I love SP\_logo\_1]David H. Collett

>

> Virginia State Parks

>

> Western Region Operations Manager

>

> (276) 781-7410

>

> david.collett@dcr.virginia.gov<mailto:david.collett@dcr.virginia.gov>

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> [cid:image005.jpg@01D6EA5F.B74BF710]Dept. of Conservation & Recreation

> • Division of State Parks

>

> 600 E. Main St., 16th Floor, Richmond, VA 23219

>

> "Follow Virginia State Parks on your favorite social media!"

>

> virginiastateparks.gov<http://virginiastateparks.gov>

>

>

>

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>

## Sarah Parris

---

**From:** David Collett <dpcollett@hotmail.com> on behalf of David Collett  
**Sent:** Wednesday, October 7, 2020 11:23 AM  
**To:** Sarah Parris  
**Subject:** Re: 151 Rolling Hills Drive

Ms. Parris,

Thank you for your response. I am sympathetic with their situation, however there has been ample time and opportunity to address this situation since the house on the property burned in early 2017. I can't imagine another year going by with only a tepid promise by the owners. My property values and that of my neighbors are being impacted, let alone the safety hazards that exist. What are the next steps available to us and our neighbors to get this taken care of please?

Sincerely,  
David H. Collett

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---

**From:** Sarah Parris <sparris@smythcounty.org>  
**Sent:** Wednesday, October 7, 2020 11:11:42 AM  
**To:** David Collett <dpcollett@hotmail.com>  
**Subject:** RE: 151 Rolling Hills Drive

Mr. Collett:

Thank you for checking back with our office. Attached is the last response we received from Mr. Roland. Please continue to check with us for any updates on this property.

Thanks!

*Sarah Parris*

Administrative Assistant  
Smyth County Building & Zoning Department  
[sparris@smythcounty.org](mailto:sparris@smythcounty.org)  
276-706-8316



**From:** David Collett <dpcollett@hotmail.com>  
**Sent:** Monday, October 5, 2020 2:20 PM  
**To:** Clegg Williams <cwilliams@smythcounty.org>

## Sarah Parris

---

**From:** Sarah Parris <sparris@smythcounty.org> on behalf of Sarah Parris  
**Sent:** Wednesday, October 7, 2020 11:12 AM  
**To:** David Collett  
**Subject:** RE: 151 Rolling Hills Drive  
**Attachments:** SKM\_C22720100711110.pdf

Mr. Collett:

Thank you for checking back with our office. Attached is the last response we received from Mr. Roland. Please continue to check with us for any updates on this property.

Thanks!

*Sarah Parris*

Administrative Assistant  
Smyth County Building & Zoning Department  
[sparris@smythcounty.org](mailto:sparris@smythcounty.org)  
276-706-8316



**From:** David Collett <[dpcollett@hotmail.com](mailto:dpcollett@hotmail.com)>  
**Sent:** Monday, October 5, 2020 2:20 PM  
**To:** Clegg Williams <[cwilliams@smythcounty.org](mailto:cwilliams@smythcounty.org)>  
**Cc:** Sarah Parris <[sparris@smythcounty.org](mailto:sparris@smythcounty.org)>; Emily Moore <[enprice@smythcounty.org](mailto:enprice@smythcounty.org)>  
**Subject:** Re: 151 Rolling Hills Drive

Mr. Williams,  
I'm inquiring to know what the status is on our complaint. We are coming up on the 90 days and nothing has been done. Can you advise?

David H. Collett

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---

**From:** Clegg Williams <[cwilliams@smythcounty.org](mailto:cwilliams@smythcounty.org)>  
**Sent:** Tuesday, July 14, 2020 8:17:55 AM  
**To:** David Collett <[dpcollett@hotmail.com](mailto:dpcollett@hotmail.com)>  
**Cc:** Sarah Parris <[sparris@smythcounty.org](mailto:sparris@smythcounty.org)>; Emily Moore <[enprice@smythcounty.org](mailto:enprice@smythcounty.org)>  
**Subject:** RE: 151 Rolling Hills Drive

I have asked they submit a plan of action and specify a timeline. Provided their timeline is reasonable, I typically give them the time they request. I am hopeful they will be able to complete it within 90 days.

**From:** David Collett <[dpcollett@hotmail.com](mailto:dpcollett@hotmail.com)>  
**Sent:** Monday, July 13, 2020 7:33 PM  
**To:** Clegg Williams <[cwilliams@smythcounty.org](mailto:cwilliams@smythcounty.org)>  
**Cc:** Sarah Parris <[sparris@smythcounty.org](mailto:sparris@smythcounty.org)>; Emily Moore <[enprice@smythcounty.org](mailto:enprice@smythcounty.org)>  
**Subject:** Re: 151 Rolling Hills Drive

That is encouraging news. What is the timeline for this to occur so that I know whether I need to follow-up or not?

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---

**From:** Clegg Williams <[cwilliams@smythcounty.org](mailto:cwilliams@smythcounty.org)>  
**Sent:** Monday, July 13, 2020 2:09:40 PM  
**To:** David Collett <[dpcollett@hotmail.com](mailto:dpcollett@hotmail.com)>  
**Cc:** Sarah Parris <[sparris@smythcounty.org](mailto:sparris@smythcounty.org)>; Emily Moore <[enprice@smythcounty.org](mailto:enprice@smythcounty.org)>  
**Subject:** 151 Rolling Hills Drive

Mr. Collett,

We did receive your complaint form. So you know, we received a similar complaint on this property some time ago. In response, we sent notification to the current owners. Ironically, they responded to our letter this morning. They indicated that they plan to abate the nuisance in the near future. With luck, this matter will soon be resolved.

Let me know if you need anything else.

Clegg

**From:** David Collett <[dpcollett@hotmail.com](mailto:dpcollett@hotmail.com)>  
**Sent:** Friday, July 10, 2020 9:29 PM  
**To:** Clegg Williams <[cwilliams@smythcounty.org](mailto:cwilliams@smythcounty.org)>  
**Subject:** Re: Mr. Williams, I never received a response from Mr. Richardson, so I am going down the list. From my search, you may be the correct dept. to answer my questions below. Fw: 151 Rolling Hills Drive

Mr. Williams,

Can you confirm that you received our complaint form? Thank you.

David H. Collett

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---

**From:** David Collett <[dpcollett@hotmail.com](mailto:dpcollett@hotmail.com)>  
**Sent:** Sunday, July 5, 2020 10:20:35 AM  
**To:** Clegg Williams <[cwilliams@smythcounty.org](mailto:cwilliams@smythcounty.org)>  
**Subject:** Re: Mr. Williams, I never received a response from Mr. Richardson, so I am going down the list. From my search, you may be the correct dept. to answer my questions below. Fw: 151 Rolling Hills Drive



## Clegg Williams

---

**From:** Jimmy Roland <jimmy.roland1965@gmail.com> on behalf of Jimmy Roland  
**Sent:** Monday, August 24, 2020 10:01 PM  
**To:** Clegg Williams  
**Subject:** Re: Letter to Jimmy and Sharon Roland

Mr. Williams I apologize for not getting back with you until now. I didn't realize until today that you had sent me this e-mail. I am very busy and don't check my e-mails regularly. The whole process depends on my wife being able to obtain disability benefits. She recently visited a disability doctor and will hopefully get a response in the next couple of weeks. If she does receive disability benefits she will get a substantial amount of back pay at which point we will at least have the money to get a good start on the cleanup. If she does not get approval we will continue to depend on my two incomes to barely make a living until she does get approval, but rest assured we will keep re-submitting for her disability benefits until she gets them. If she doesn't get approved this go around I will begin tearing the remains of the house down by hand and get it done as soon as I can. A realistic completion date under these circumstances would be no less than one year from today, August 24 2021. I would very much appreciate your working with me as I am doing my very best to resolve this issue. Thank you Jimmy Roland

On Fri, Jul 24, 2020 at 11:15 AM Clegg Williams <[cwilliams@smythcounty.org](mailto:cwilliams@smythcounty.org)> wrote:

Mr. Roland,

Thank you for responding to this matter. As you mention, there are two separate issues with the subject property. While I am sure your neighbors would appreciate it being regularly mowed, our ordinance does not regulate this matter. Instead, it focuses more on the damaged structure. So from a regulatory standpoint, I think it would be best if you could focus your attention on the remains of the structure.

As a rule, I always try to work with property owners willing to bring their property into compliance. If you could submit a plan of action specifying a realistic completion date, I can place this matter on hold until then.

Clegg

**From:** Jimmy Roland <[jimmy.roland1965@gmail.com](mailto:jimmy.roland1965@gmail.com)>  
**Sent:** Tuesday, July 21, 2020 6:37 PM  
**To:** [buildingandzoning@smythcounty.org](mailto:buildingandzoning@smythcounty.org)  
**Subject:** Fwd: Letter to Jimmy and Sharon Roland

To: Clegg Williams

From: Jimmy Roland

RE: 151 Rolling Hills Dr. Marion, VA

Clegg,

My wife spoke with your secretary, She asked us to send you a letter to explain why we have not been able to clear out the lot at 151 Rolling Hills Dr. Marion, VA. We had planned to have the lot cleared long ago, unfortunately we have had a series of hardships preventing us from completing it. On December 11, 2018 my wife had a bad fall that damaged her already bad back. She hasn't been able to work since, she has applied for disability but we haven't received it yet. I had been working 2 jobs to make up some of the difference from losing Sharon's income, which left little time. But I managed to get it mowed in the spring of 2019 and got a building permit to start getting electric run to the garage to start the clean up. Then on June 21, 2019 I came down with several severe illnesses and was hospitalized in Johnson City for 2 weeks (if they question the validity of this they can ask any of the neighbors around our home at 323 Rolling Hills Dr. they all mowed and helped us out while I was in the hospital and after I came home) . They tell me I was close to death but, I'd rather not think about that. The doctors told me it would take a year or more to get back to near 100 % and even then I would need to be careful about being out in high heat for long periods so as to not tax my heart and the other organs involved. It was 3 months before I was able to return to my main job, many months later before I could start back at my second job, even now it is hard for me to work the second one. I have been checking around to see how much it would cost to have the lot bush hogged. I haven't heard back yet, Whatever the costs, I will have to save up to be able to pay to have it done. If we can't come up with the money, I will get it done by myself by the end of November.

I wasn't sure by the letter if the neighbors are worried about the grass or the ruins of the burnt out house. That is another matter, to get it cleaned out will cost thousands. If I do it by myself it will take a lot longer. If my neighbors had asked us in person we could have explained what we have been going through for the last year and a half and that we will do our best to take care of it as quickly as possible in our current situation. If they or you have any questions contact me at this email or call me after 5 at 276-782-5952 or my wife anytime at 276-759-1881.

Thank you,

Jimmy Roland

## Sarah Parris

---

**From:** David Collett <dpcollett@hotmail.com> on behalf of David Collett  
**Sent:** Tuesday, July 14, 2020 9:38 AM  
**To:** Clegg Williams  
**Cc:** Sarah Parris; Emily Moore  
**Subject:** Re: 151 Rolling Hills Drive

Sounds good, thank you.

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---

**From:** Clegg Williams <cwilliams@smythcounty.org>  
**Sent:** Tuesday, July 14, 2020 8:17:55 AM  
**To:** David Collett <dpcollett@hotmail.com>  
**Cc:** Sarah Parris <sparris@smythcounty.org>; Emily Moore <enprice@smythcounty.org>  
**Subject:** RE: 151 Rolling Hills Drive

I have asked they submit a plan of action and specify a timeline. Provided their timeline is reasonable, I typically give them the time they request. I am hopeful they will be able to complete it within 90 days.

**From:** David Collett <dpcollett@hotmail.com>  
**Sent:** Monday, July 13, 2020 7:33 PM  
**To:** Clegg Williams <cwilliams@smythcounty.org>  
**Cc:** Sarah Parris <sparris@smythcounty.org>; Emily Moore <enprice@smythcounty.org>  
**Subject:** Re: 151 Rolling Hills Drive

That is encouraging news. What is the timeline for this to occur so that I know whether I need to follow-up or not?

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---

**From:** Clegg Williams <cwilliams@smythcounty.org>  
**Sent:** Monday, July 13, 2020 2:09:40 PM  
**To:** David Collett <dpcollett@hotmail.com>  
**Cc:** Sarah Parris <sparris@smythcounty.org>; Emily Moore <enprice@smythcounty.org>  
**Subject:** 151 Rolling Hills Drive

Mr. Collett,

We did receive your complaint form. So you know, we received a similar complaint on this property some time ago. In response, we sent notification to the current owners. Ironically, they responded to our letter this morning. They indicated that they plan to abate the nuisance in the near future. With luck, this matter will soon be resolved.

Let me know if you need anything else.

Clegg

**From:** David Collett <dpcollett@hotmail.com>  
**Sent:** Friday, July 10, 2020 9:29 PM  
**To:** Clegg Williams <cwilliams@smythcounty.org>  
**Subject:** Re: Mr. Williams, I never received a response from Mr. Richardson, so I am going down the list. From my search, you may be the correct dept. to answer my questions below. Fw: 151 Rolling Hills Drive

## Sarah Parris

---

**From:** Clegg Williams <cwilliams@smythcounty.org> on behalf of Clegg Williams  
**Sent:** Tuesday, July 14, 2020 8:18 AM  
**To:** David Collett  
**Cc:** Sarah Parris; Emily Moore  
**Subject:** RE: 151 Rolling Hills Drive

I have asked they submit a plan of action and specify a timeline. Provided their timeline is reasonable, I typically give them the time they request. I am hopeful they will be able to complete it within 90 days.

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**Subject:** Re: 151 Rolling Hills Drive

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---

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**Subject:** 151 Rolling Hills Drive

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Let me know if you need anything else.

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**Sent:** Friday, July 10, 2020 9:29 PM  
**To:** Clegg Williams <cwilliams@smythcounty.org>  
**Subject:** Re: Mr. Williams, I never received a response from Mr. Richardson, so I am going down the list. From my search, you may be the correct dept. to answer my questions below. Fw: 151 Rolling Hills Drive

Mr. Williams,

Can you confirm that you received our complaint form? Thank you.

David H. Collett

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---

**From:** David Collett <dpcollett@hotmail.com>  
**Sent:** Sunday, July 5, 2020 10:20:35 AM  
**To:** Clegg Williams <cwilliams@smythcounty.org>

**Subject:** Re: Mr. Williams, I never received a response from Mr. Richardson, so I am going down the list. From my search, you may be the correct dept. to answer my questions below. Fw: 151 Rolling Hills Drive

Mr. Williams,

Please see the attached complaint form for the adjacent address, 151 Rolling Hills Drive. Please let me know if there are any questions.

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---

**From:** David H. Collett <[dpcollett@hotmail.com](mailto:dpcollett@hotmail.com)>

**Sent:** Saturday, March 3, 2018 9:06:18 AM

**To:** Clegg Williams <[cwilliams@smythcounty.org](mailto:cwilliams@smythcounty.org)>

**Subject:** Re: Mr. Williams, I never received a response from Mr. Richardson, so I am going down the list. From my search, you may be the correct dept. to answer my questions below. Fw: 151 Rolling Hills Drive

Mr. Williams,

It's been a over year since the house burned at 151 Rolling Hills Drive and there has been no action to clean-up the property or mitigate the situation. I have discussed with my neighbors and they also are in agreement. This property is an eyesore and hurting the rest of our property values.

David Collett

---

**From:** Clegg Williams <[cwilliams@smythcounty.org](mailto:cwilliams@smythcounty.org)>

**Sent:** Thursday, August 3, 2017 7:54 AM

**To:** David H. Collett

**Subject:** RE: Mr. Williams, I never received a response from Mr. Richardson, so I am going down the list. From my search, you may be the correct dept. to answer my questions below. Fw: 151 Rolling Hills Drive

Mr. Collet,

I cannot address your question regarding the adjustment of your taxes but I can address the subject tract. The County adopted the Nuisance Ordinance to address this very situation. To start the process, you will need to fill out the following form and submit it:

[http://www.smythcounty.org/building and zoning/bldg and zoning forms/forms and applications/nuisance complaint form.pdf](http://www.smythcounty.org/building%20and%20zoning/bldg%20and%20zoning/forms/forms%20and%20applications/nuisance%20complaint%20form.pdf)

## SMYTH COUNTY ORDINANCE ON NUISANCES

[www.smythcounty.org](http://www.smythcounty.org)

SMYTH COUNTY ORDINANCE ON NUISANCES . COMPLAINT FORM . TO: Smyth County Nuisance Ordinance Agent . 121 Bagley Circle, Suite 120, Marion, VA 24354

If you would like to discuss the process as a whole, you are welcome to contact me directly 706-8315.  
Clegg



---

**From:** David H. Collett [mailto:[dpcollett@hotmail.com](mailto:dpcollett@hotmail.com)]

**Sent:** Wednesday, August 02, 2017 6:21 PM

**To:** [zoning@smythcounty.org](mailto:zoning@smythcounty.org)

**Subject:** Mr. Williams, I never received a response from Mr. Richardson, so I am going down the list. From my search, you may be the correct dept. to answer my questions below. Fw: 151 Rolling Hills Drive

---

**From:** Collett, David (DCR) <[David.Collett@dcr.virginia.gov](mailto:David.Collett@dcr.virginia.gov)>

**Sent:** Sunday, July 23, 2017 1:04 PM

**To:** [commissioner@smythcounty.org](mailto:commissioner@smythcounty.org)

**Cc:** [dpcollett@hotmail.com](mailto:dpcollett@hotmail.com)

**Subject:** 151 Rolling Hills Drive

Dear Mr. Richardson,

I don't know if you are the correct person or department to contact, but I am starting with you. I am writing to voice my concern about the property adjacent to our home and impacts on the value of our property. Our home is located at 149 Rolling Hills Drive and we have lived there since November 2015. The property in question (151 Rolling Hills Drive (picture attached)) had a home that burned earlier this year and nothing has happened since it burned to clean it up (debris or trash). There is a burnt pile of trash that is piled up in the driveway that is constantly blowing onto our property and out the Rolling Hills Subdivision Road (picture attached). The property is currently listed for sale "as is" so we are assuming no further efforts will be undertaken to remedy the situation. I see someone occasionally at the property, but it appears that nothing is being done to clean-up the area.



My questions are specifically:

- What is the zoning policy of Smyth County in reference to a situation such as this? Do they have to clean it up? If so, what is the timeframe?
- What can be done to address the situation?
- What is the process to request that our property taxes for 2017 be adjusted to reflect this negative impact on our property values due to this situation?

We have tried to be patient and sympathetic, but the timeframe for action is long overdue. All of the neighbors in the subdivision are upset about this situation but are concerned that the individual who owns the property will do something to their property if they complain because he is a "bad dude" according to them. Not knowing this individual at all, I have no knowledge and request that our concerns be kept confidential.

Thank you and we look forward to hearing your responses.



David H. Collett  
Virginia State Parks  
Western Region Operations Manager

(276) 781-7410

[david.collett@dcv.virginia.gov](mailto:david.collett@dcv.virginia.gov)



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[virginiastateparks.gov](http://virginiastateparks.gov)



## Smyth County Building and Zoning Department

121 Bagley Circle, Suite 120, Marion, VA 24354  
Phone (276) 783-3298 Ext. 2 Fax (276) 783-9314  
[buildingandzoning@smythcounty.org](mailto:buildingandzoning@smythcounty.org)

Zoning Ordinance  
Floodplain Ordinance  
Subdivision Ordinance  
Erosion Control Ordinance  
Manufactured Home Ordinance  
Virginia Uniform Statewide Building Code

July 8, 2020

Jimmy & Sharon Rowland  
323 Rolling Hills Drive  
Marion, Virginia 24354

Re: 151 Rolling Hills Drive, Marion Virginia (Tax Map No. 56H-1-4)

Dear Mr. & Mrs. Rowland:

We received a nuisance complaint on the property listed above. Tax records indicate you are the owner. With the complaint, the attached pictures were submitted.

Section 2-1 (b) of the Smyth County Nuisance Ordinance describes the following as a nuisance:

*The accumulation of any and all ashes, trash, garbage, refuse, litter, scrap metal, debris, and other substances which might endanger the health or safety of other residents of the County.*

Please contact me to discuss your plans on how you can comply with the county's ordinance.

Sincerely,

Clegg Williams

Enclosure

cc: Aaron Sizemore, Interim County Administrator  
Lisa Richardson, Assistant County Administrator  
Scot Farthing, County Attorney  
Judy Wyant, Royal Oak District Supervisor

**FILE COPY**

Clegg Williams  
Department Administrator

Danny Wilson  
Building Inspector

Sarah Parris  
Administrative Assistant

Emily Price  
Administrative Assistant



02 SMY SMYTH COUNTY  
Rec# 0043281 01

Property Card Inquiry

RYE VALLEY

ROLAND JIMMY D & SHARON A

Map No 56H 1 4

Acct 43281

323 ROLLING HILLS DR

GIS# 56H-1-4

Acreage .000

Class 2 MARION

VA 24354 4354

ROLLING HILLS S D  
LOT 4

Property Location:  
00151 ROLLING HILLS DR  
MARION VA 24354

56H 1 4

Parent R#/M#:

Assessed Value

Land Use & Value

Year 1/01/2020 Type  
Land 5,000 H/S-C104  
Impr 4,800  
Minr1

Acres

Price  
5,000

Adj

Value  
5,000

Tot 9,800

Use

Front Depth Dp Fac Area Unit Rate Adj

Min Val Under Dev-

Min Val Not Under Dev-

SMY

Enter Next Screen F1 Return to Search F3 Exit F12 Next Record

F24 More Keys



SMYTH COUNTY ORDINANCE ON NUISANCES  
COMPLAINT FORM

Rec'd  
7/17/20  
(CP)

TO: Smyth County Nuisance Ordinance Agent  
121 Bagley Circle, Suite 120, Marion, VA 24354

**Information about property against which the complaint is made:**

**Street Address.** If it does not have a street address, give the location of the site and the next door or across the street address. Property borders

Pam Collett's house on Rolling Hills drive and  
backs up to our lot at 279 Rolling Hills Dr.

**Name of property owner:** not sure - maybe Roland

Property has changed hands in the last 1-2 years.

**Address of property owner, if different from the above site:** unsure

Phone # \_\_\_\_\_

**Description of Nuisance(s):**

Under Article 2 of the Nuisance Ordinance, the following may be considered nuisances. Please mark the one(s) that apply to this site:

☒ (a) Unsafe, dangerous, or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety of the occupants or the public.

☐ (b) The accumulation of any and all ashes, trash, garbage, refuse, litter, scrap metal, debris, and other substances which might endanger the health or safety of other residents of the County.

☒ (c) Dangerous or unhealthy substances which have escaped, spilled, been released, or allowed to accumulate. Odor on hot days

**Describe the Nuisance:** (Attach a description if more room is needed) \_\_\_\_\_

Property has not been tended to since  
a fire about 3 or 4 years ago. Lots of  
debris inside & outside what remains.

**Have you contacted the owner and asked him/her to correct the problem?** No - not sure who really owns it.

**Name of person filing the complaint:** Cindy Campbell

**Address** 279 Rolling Hills Dr Marion **Phone #** 276-378-4305

**Signature** Cindy Campbell **Date** 7/3/20

SMYTH COUNTY ORDINANCE ON NUISANCES  
COMPLAINT FORM

Rec'd  
7/1/20  
(8)

TO: Smyth County Nuisance Ordinance Agent  
121 Bagley Circle, Suite 120, Marion, VA 24354

Information about property against which the complaint is made:

**Street Address.** If it does not have a street address, give the location of the site and the next door or across the street address.

Rolling Hills Dr. Marion, VA beside Brad Hayden's house and bordered on back side by our lot 279 Rolling Hills Dr

**Name of property owner:** unsure, Vacant house burned

**Address of property owner, if different from the above site:** unknown Phone #

Description of Nuisance(s):

Under Article 2 of the Nuisance Ordinance, the following may be considered nuisances. Please mark the one(s) that apply to this site:

☒ (a) Unsafe, dangerous, or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety of the occupants or the public.

☒ (b) The accumulation of any and all ashes, trash, garbage, refuse, litter, scrap metal, debris, and other substances which might endanger the health or safety of other residents of the County. Buildings on back of lot bordering us are falling apart with metal items stuck here & there.

☒ (c) Dangerous or unhealthy substances which have escaped, spilled, been released, or allowed to accumulate. unsure but odor is present at times particularly hot days

**Describe the Nuisance:** (Attach a description if more room is needed)

This house burned 3(+/-) years ago. Nothing has been done. The remaining structure is full of stuff. Yard is a mess. Sometimes stuff blows out of remaining structure. Sometimes it smells bad.

**Have you contacted the owner and asked him/her to correct the problem?** No

**Name of person filing the complaint:** Brian Kelly Campbell  
**Address** 279 Rolling Hills Dr. Marion **Phone #** 276-782-3845

**Signature** Brian K. Campbell **Date** 7/3/20



**SMYTH COUNTY ORDINANCE ON NUISANCES  
COMPLAINT FORM**

TO: Smyth County Nuisance Ordinance Agent  
121 Bagley Circle, Suite 120, Marion, VA 24354

**Information about property against which the complaint is made:**

Street Address. If it does not have a street address, give the location of the site and the next door or across the street address.

151 Rolling Hills Drive  
Marion, VA 24354

Name of property owner: Jimmy & Sharon Roland

Address of property owner, if different from the above site: 323 Rolling Hills Dr Phone # UNK  
Marion, VA 24354

**Description of Nuisance(s):**

Under Article 2 of the Nuisance Ordinance, the following may be considered nuisances. Please mark the one(s) that apply to this site:

☒ (a) Unsafe, dangerous, or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety of the occupants or the public.

☒ (b) The accumulation of any and all ashes, trash, garbage, refuse, litter, scrap metal, debris, and other substances which might endanger the health or safety of other residents of the County.

☐ (c) Dangerous or unhealthy substances which have escaped, spilled, been released, or allowed to accumulate.

Describe the Nuisance: (Attach a description if more room is needed)

House burned in 2017 and  
debris & trash has never been  
cleaned up. Overgrown & hazardous  
with open pit at former basement.

Have you contacted the owner and asked him/her to correct the problem?         

Name of person filing the complaint:

David H Collett

Address

149 Rolling Hills Dr

Phone #

276.782.0392

Signature

DH Collett

Date

7.5.20

Rec'd  
7/2/20  
SP

## SMYTH COUNTY ORDINANCE ON NUISANCES COMPLAINT FORM

TO: Smyth County Nuisance Ordinance Agent  
121 Bagley Circle, Suite 120, Marion, VA 24354

**Information about property against which the complaint is made:**

Street Address. If it does not have a street address, give the location of the site and the next door or across the street address.

Next Door  
to 165 the burned out House

151 Rolling Hills Drive - Marion

Name of property owner: UNKNOWN WORKS AT APPALACHIAN  
PROPERTY CO.

Address of property owner, if different from the above site: \_\_\_\_\_  
Phone # \_\_\_\_\_

**Description of Nuisance(s):**

Under Article 2 of the Nuisance Ordinance, the following may be considered nuisances. Please mark the one(s) that apply to this site:

☒ (a) Unsafe, dangerous, or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety of the occupants or the public.

\_\_\_\_\_ (b) The accumulation of any and all ashes, trash, garbage, refuse, litter, scrap metal, debris, and other substances which might endanger the health or safety of other residents of the County.

\_\_\_\_\_ (c) Dangerous or unhealthy substances which have escaped, spilled, been released, or allowed to accumulate.

Describe the Nuisance: (Attach a description if more room is needed)

UNSAFE, TRASH, DEBRIS, SCRAP METAL

Have you contacted the owner and asked him/her to correct the problem? NO

Name of person filing the complaint: PAGE B MULLEN

Address 165 Rolling Hills DR Phone # 276 780 2254

Signature

P. B. Mullen

Date 6-29-20



## Smyth County Building and Zoning Department

121 Bagley Circle, Suite 120, Marion, VA 24354  
Phone (276) 783-3298 Ext. 2 Fax (276) 783-9314  
[buildingandzoning@smythcounty.org](mailto:buildingandzoning@smythcounty.org)

Zoning Ordinance  
Floodplain Ordinance  
Subdivision Ordinance  
Erosion Control Ordinance  
Manufactured Home Ordinance  
Virginia Uniform Statewide Building Code

March 9, 2018

Melissa D Atkins  
721 Adwolfe Road  
Marion, Virginia 24354

Re: 151 Rolling Hills Drive, Marion Virginia (Tax Map No. 56H-1-4)

Dear Ms. Atkins:

We received a complaint that the conditions at 151 Rolling Hills Drive constitute a public nuisance. Tax records indicate you are the owner. With the complaint, the attached pictures were submitted.

Section 2-1 (b) of the Smyth County Nuisance Ordinance describes the following as a nuisance:

*The accumulation of any and all ashes, trash, garbage, refuse, litter, scrap metal, debris, and other substances which might endanger the health or safety of other residents of the County.*

Please contact me to discuss your plans on how you can comply with the county's ordinance.

Sincerely,

Clegg Williams

Enclosure

cc: Michael Carter, County Administrator  
Jeff Campbell, County Attorney  
Judy Wyant, Royal Oak District Supervisor

**E-MAILED**  
**3-8-18**

*Owner contacted Clegg on 3/14/18*

Clegg Williams  
Department Administrator

Gary "Bud" Owens  
Building Official

Sarah Parris  
Administrative Assistant

Betty Tilson  
Secretary







**SMYTH COUNTY ORDINANCE ON NUISANCES  
COMPLAINT FORM**

**TO:** Smyth County Nuisance Ordinance Agent  
121 Bagley Circle, Suite 120, Marion, VA 24354

**Information about property against which the complaint is made:**

**Street Address.** If it does not have a street address, give the location of the site and the next door or across the street address.

151 Rolling Hills Drive  
Marion, VA 24354

**Name of property owner:** UNK

**Address of property owner, if different from the above site:**

UNK

**Phone #** \_\_\_\_\_

**Description of Nuisance(s):**

Under Article 2 of the Nuisance Ordinance, the following may be considered nuisances. Please mark the one(s) that apply to this site:

☒ (a) Unsafe, dangerous, or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety of the occupants or the public.

☒ (b) The accumulation of any and all ashes, trash, garbage, refuse, litter, scrap metal, debris, and other substances which might endanger the health or safety of other residents of the County.

☐ (c) Dangerous or unhealthy substances which have escaped, spilled, been released, or allowed to accumulate.

**Describe the Nuisance:** (Attach a description if more room is needed)

House burned over 1 year ago & property  
remains in same condition. Trash, burned  
items, building debris

**Have you contacted the owner and asked him/her to correct the problem?** \_\_\_\_\_

**Name of person filing the complaint:**

David H Collett

**Address**

149 Rolling Hills Dr.

**Phone #**

276.782.0392

**Signature**

David H Collett

**Date**

3.3.18

## Clegg Williams

---

**From:** David H. Collett  
**Sent:** Saturday, March 03, 2018 9:06 AM  
**To:** Clegg Williams  
**Subject:** Re: Mr. Williams, I never received a response from Mr. Richardson, so I am going down the list. From my search, you may be the correct dept. to answer my questions below.  
Fw: 151 Rolling Hills Drive  
**Attachments:** scan0051.pdf

Mr. Williams,  
It's been a over year since the house burned at 151 Rolling Hills Drive and there has been no action to clean-up the property or mitigate the situation. I have discussed with my neighbors and they also are in agreement. This property is an eyesore and hurting the rest of our property values.

David Collett

---

**From:** Clegg Williams <cwilliams@smythcounty.org>  
**Sent:** Thursday, August 3, 2017 7:54 AM  
**To:** David H. Collett  
**Subject:** RE: Mr. Williams, I never received a response from Mr. Richardson, so I am going down the list. From my search, you may be the correct dept. to answer my questions below. Fw: 151 Rolling Hills Drive

Mr. Collet,  
I cannot address your question regarding the adjustment of your taxes but I can address the subject tract. The County adopted the Nuisance Ordinance to address this very situation. To start the process, you will need to fill out the following form and submit it:  
[http://www.smythcounty.org/building\\_and\\_zoning/bldg\\_and\\_zoning\\_forms/forms\\_and\\_applications/nuisance\\_complaint\\_form.pdf](http://www.smythcounty.org/building_and_zoning/bldg_and_zoning_forms/forms_and_applications/nuisance_complaint_form.pdf)

## SMYTH COUNTY ORDINANCE ON NUISANCES

[www.smythcounty.org](http://www.smythcounty.org)

SMYTH COUNTY ORDINANCE ON NUISANCES . COMPLAINT FORM . TO: Smyth County Nuisance Ordinance Agent . 121 Bagley Circle, Suite 120, Marion, VA 24354

If you would like to discuss the process as a whole, you are welcome to contact me directly 706-8315.  
Clegg

---

**From:** David H. Collett [mailto:[dpcollett@hotmail.com](mailto:dpcollett@hotmail.com)]  
**Sent:** Wednesday, August 02, 2017 6:21 PM  
**To:** [zoning@smythcounty.org](mailto:zoning@smythcounty.org)



**Subject:** Mr. Williams, I never received a response from Mr. Richardson, so I am going down the list. From my search, you may be the correct dept. to answer my questions below. Fw: 151 Rolling Hills Drive

---

**From:** Collett, David (DCR) <[David.Collett@dcr.virginia.gov](mailto:David.Collett@dcr.virginia.gov)>

**Sent:** Sunday, July 23, 2017 1:04 PM

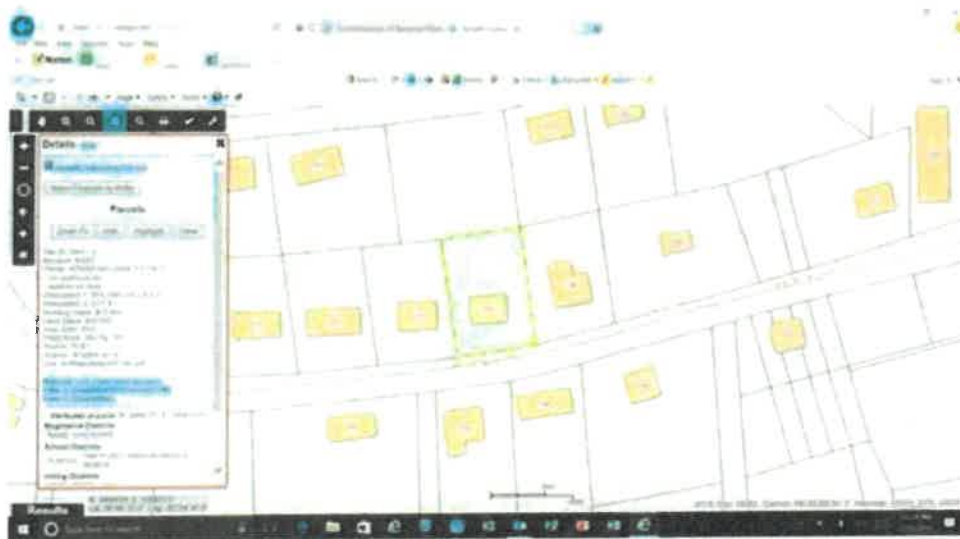
**To:** [commissioner@smythcounty.org](mailto:commissioner@smythcounty.org)

**Cc:** [dpcollett@hotmail.com](mailto:dpcollett@hotmail.com)

**Subject:** 151 Rolling Hills Drive

Dear Mr. Richardson,

I don't know if you are the correct person or department to contact, but I am starting with you. I am writing to voice my concern about the property adjacent to our home and impacts on the value of our property. Our home is located at 149 Rolling Hills Drive and we have lived there since November 2015. The property in question (151 Rolling Hills Drive (picture attached)) had a home that burned earlier this year and nothing has happened since it burned to clean it up (debris or trash). There is a burnt pile of trash that is piled up in the driveway that is constantly blowing onto our property and out the Rolling Hills Subdivision Road (picture attached). The property is currently listed for sale "as is" so we are assuming no further efforts will be undertaken to remedy the situation. I see someone occasionally at the property, but it appears that nothing is being done to clean-up the area.



My questions are specifically:

- What is the zoning policy of Smyth County in reference to a situation such as this? Do they have to clean it up? If so, what is the timeframe?
- What can be done to address the situation?
- What is the process to request that our property taxes for 2017 be adjusted to reflect this negative impact on our property values due to this situation?

We have tried to be patient and sympathetic, but the timeframe for action is long overdue. All of the neighbors in the subdivision are upset about this situation but are concerned that the individual who owns the

property will do something to their property if they complain because he is a "bad dude" according to them. Not knowing this individual at all, I have no knowledge and request that our concerns be kept confidential.

Thank you and we look forward to hearing your responses.



David H. Collett  
Virginia State Parks  
Western Region Operations Manager  
(276) 781-7410  
[david.collett@dcv.virginia.gov](mailto:david.collett@dcv.virginia.gov)



Dept. of Conservation & Recreation • I  
600 E. Main St., 16<sup>th</sup> Floor, Richmond, V  
*"Follow Virginia State Parks on your fa*





## Smyth County Building and Zoning Department

121 Bagley Circle, Suite 120, Marion, VA 24354  
Phone (276) 706-8317 Fax (276) 783-9314  
[buildingandzoning@smythcounty.org](mailto:buildingandzoning@smythcounty.org)

Zoning Ordinance  
Floodplain Ordinance  
Subdivision Ordinance  
Erosion Control Ordinance  
Manufactured Home Ordinance  
Virginia Uniform Statewide Building Code

April 28, 2021

John Dallas Overbey  
3180 Lee Highway  
Marion, Virginia 24354

**REGULAR FIRST CLASS & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7013 0600 0000 2315 1823**

Re: 409 Flatridge Road (Tax Map No. 71-5-1)

Dear Mr. Overbey:

I received another complaint regarding the excessive amount of garbage and debris accumulated on the property referenced above. A second notice letter was sent to you on September 2, 2020. On September 22, 2020, you sent a response via email indicating the tenant was attempting to clean up the property. In response to the most recent complaint, I visited the site and took the enclosed photographs. As they indicate, the accumulation of garbage and debris constitutes a "junkyard and/or garbage dump". The complaint also alleges a "public nuisance" has also been created on the property.

As required by §8-5.3 of the Zoning Ordinance, this letter is notice that you have once again created a junkyard and that you are in violation of the Zoning Ordinance. Should you fail to remove the garbage and debris within thirty (30) days of your receipt of this notice, I will seek legal action.

Under §8-5.4 of the Zoning Ordinance, you have the right to appeal my decision. Your appeal would need to be filed within thirty (30) days of your receipt of this letter to my office. Your appeal would then be heard by the Board of Zoning Appeals.

Sincerely,

Clegg Williams  
sp

Enclosure

cc: Shawn Utt, County Administrator  
Lisa Richardson, Assistant County Administrator  
Scot Farthing, Interim County Attorney  
Lori Deel, Rye Valley District Supervisor

*Clegg Williams*  
Department Administrator

*Danny Wilson*  
Building Inspector

*Sarah Parris*  
Administrative Assistant

*Emily Price*  
Administrative Assistant

John Dalla. Verbey – 409 Flatridge Road, Sugar Grove. Nuisance Complaint





John Dalla. Verbey – 409 Flatridge Road, Sugar Grove Nuisance Complaint



**John Dalla: Jerbey – 409 Flatridge Road, Sugar Grove Nuisance Complaint**





## Sarah Parris

**From:** Lori Deel <ldeel@smythcounty.org> on behalf of Lori Deel  
**Sent:** Monday, May 10, 2021 11:37 AM  
**To:** Sarah Parris  
**Cc:** Clegg Williams; Shawn Utt  
**Subject:** Re: Complaints in Sugar Grove

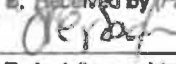

Great, thanks for the update.

On Mon, May 10, 2021 at 9:47 AM Sarah Parris <sparris@smythcounty.org> wrote:

Mr. Overbey signed for the letter regarding 409 Flatridge Road, Sugar Grove. I have placed a reminder on the calendar for June 1, 2021. I will kept you updated.

Thanks!

Sarah

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<b>A. Signature</b> <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee 	
<b>1. Article Addressed to:</b>  John Dallas Overbey 3180 Lee Highway Marion, VA 24354		<b>B. Received by (Printed Name)</b> 	<b>C. Date of Delivery</b> 4-30
		<b>D. Is delivery address different from item 1?</b> <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
 9590 9403 0885 5196 3259 46		<b>3. Service Type</b> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	
<b>2. Article Number (Transfer from service label)</b> 7013 0600 0000 2315 1823			
PS Form 3811, April 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

**From:** Lori Deel <ldeel@smythcounty.org>  
**Sent:** Wednesday, April 28, 2021 9:20 AM

**To:** Sarah Parris <[sparris@smythcounty.org](mailto:sparris@smythcounty.org)>  
**Cc:** Clegg Williams <[cwilliams@smythcounty.org](mailto:cwilliams@smythcounty.org)>; Shawn Utt <[sutt@smythcounty.org](mailto:sutt@smythcounty.org)>  
**Subject:** Re: Complaints in Sugar Grove

Great, thanks for the update.

On Wed, Apr 28, 2021 at 8:59 AM Sarah Parris <[sparris@smythcounty.org](mailto:sparris@smythcounty.org)> wrote:

Just to keep you updated...

Danny is going by there this morning to take current photos. I will finish the letter this afternoon and sent a certified letter to Mr. Overbey.

Thanks!

Sarah

**From:** Lori Deel <[ldeel@smythcounty.org](mailto:ldeel@smythcounty.org)>  
**Sent:** Tuesday, April 27, 2021 9:50 AM  
**To:** Sarah Parris <[sparris@smythcounty.org](mailto:sparris@smythcounty.org)>; Clegg Williams <[cwilliams@smythcounty.org](mailto:cwilliams@smythcounty.org)>  
**Subject:** Re: Complaints in Sugar Grove

Thank you all for taking care of this. I haven't driven by there, but the most recent complaint came from Peggy Thomas. 409 would be across from her house and she said Jay Overbay's trailer park, so I am sure that's it.

Kind Regards,

**Lori H. Deel**

Vice Chair

Smyth County Board of Supervisors

121 Bagley Circle Suite 100

Marion, Virginia 24354

Cell: 276-780-2702

Ldeel@smythcounty.org

On Tue, Apr 27, 2021 at 9:16 AM Sarah Parris <[sparris@smythcounty.org](mailto:sparris@smythcounty.org)> wrote:

Hey Lady!

Is 409 Flatridge Road the correct address? I just wanted to make sure before I send Danny to take photos.

Thanks!

Sarah

**From:** Sarah Parris <[sparris@smythcounty.org](mailto:sparris@smythcounty.org)>

**Sent:** Friday, April 23, 2021 10:06 AM

**To:** 'Lori Deel' <[ldeel@smythcounty.org](mailto:ldeel@smythcounty.org)>

**Cc:** 'Clegg Williams' <[cwilliams@smythcounty.org](mailto:cwilliams@smythcounty.org)>; 'Shawn Utt' <[sutt@smythcounty.org](mailto:sutt@smythcounty.org)>

**Subject:** RE: Complaints in Sugar Grove

Good Morning:

I think it may actually be 409 Flatridge Road, because the map doesn't show a 431 Flatridge Rd ...please see attachment for details, and let me know if this is the correct property.

If so, we sent Mr. Overbey a 2<sup>nd</sup> notice letter last September 2020 and Mr. Overbey responded indicating the tenant was attempting to clean up the property, but has been ill.

I will have Danny to go out and get more recent photos.

We also had complaints on Mr. Overbey's properties on Ross Lane, which is off of Flatridge Rd. I will have Danny to recheck this property too.

Thanks for letting us know!

Sarah

**From:** Lori Deel <[ldeel@smythcounty.org](mailto:ldeel@smythcounty.org)>  
**Sent:** Friday, April 23, 2021 7:33 AM  
**To:** Clegg Williams <[cwilliams@smythcounty.org](mailto:cwilliams@smythcounty.org)>  
**Cc:** Sarah Parris <[sparris@smythcounty.org](mailto:sparris@smythcounty.org)>; Shawn Utt <[sutt@smythcounty.org](mailto:sutt@smythcounty.org)>  
**Subject:** Complaints in Sugar Grove

Good morning,

I have received some complaints over the last several months regarding the mess at Jay Overbay's trailer park in Sugar Grove, as well as the property located at 431 Flatridge Road. What steps can we take to get these properties cleaned up?

Thanks for your help!

--

Kind Regards,

Lori H. Deel  
Vice Chairperson  
Smyth County Board of Supervisors  
Rye Valley District  
276-780-2702  
[ldeel@smythcounty.org](mailto:ldeel@smythcounty.org)

--

Kind Regards,

Lori H. Deel  
Vice Chairperson  
Smyth County Board of Supervisors  
Rye Valley District  
276-780-2702  
[Ldeel@smythcounty.org](mailto:Ldeel@smythcounty.org)

--

Kind Regards,

Lori H. Deel  
Vice Chairperson  
Smyth County Board of Supervisors  
Rye Valley District  
276-780-2702  
[Ldeel@smythcounty.org](mailto:Ldeel@smythcounty.org)

02 SMY SMYTH COUNTY  
Rec# 0106747 01

Property Card Inquiry

RYE VALLEY

OVERBEY JOHN DALLAS

Map No 71 5 1

Acct 106747

3180 LEE HIGHWAY

GIS# 71-5-1

Acreage 3.60

Class 4 MARION

VA 24354

RYE VALLEY

Property Location:

00000

71 5 1

Parent R#/M#:

Assessed Value		Land Use & Value		Value	
Year	1/01/2020	Type	Acres	Price	Adj
Land	24,000	COMMERCIA	2.0	10,000	20,000
Impr	55,000	OPEN RESI	1.6	2,500	4,000

Minrl

Tot 79,000

Use

Front	Depth	Dp Fac	Area	Unit	Rate	Adj
-------	-------	--------	------	------	------	-----

Min Val Under Dev-

Min Val Not Under Dev-

SMY

Enter Next Screen F1 Return to Search F3 Exit F12 Next Record

F24 More Keys

**Sarah Parris**

---

**From:** John Overbey <betterhomesofswva@yahoo.com> on behalf of John Overbey  
**Sent:** Tuesday, September 22, 2020 10:45 AM  
**To:** buildingandzoning@smythcounty.org  
**Subject:** 409 Flat Ridge Road Sugar Grove, VA 24375

Mr. Williams,

I have spoken to the homeowner, Eddie Edwards, in person and have verified that he is making an attempt at cleaning up his property. He has reassured me that it will be taken care of as soon as possible. He said he had been sick and was just getting over it.

Mr. Edwards owns his home and only rents the space from us. He has been a Tenant for many years.

If you have any questions or concerns, please give me a call.

Thank You,

John D. Overbey





## Smyth County Building and Zoning Department

121 Bagley Circle, Suite 120, Marion, VA 24354  
Phone (276) 706-8317 Fax (276) 783-9314  
[buildingandzoning@smythcounty.org](mailto:buildingandzoning@smythcounty.org)

Zoning Ordinance  
Floodplain Ordinance  
Subdivision Ordinance  
Erosion Control Ordinance  
Manufactured Home Ordinance  
Virginia Uniform Statewide Building Code

September 2, 2020

John Dallas Overbey  
3180 Lee Highway  
Marion, Virginia 24354

Re: 409 Flat Ridge Road, Sugar Grove (Tax Map No. 71-5-1)  
SECOND NOTICE

Dear Mr. Overbey:

We continue to receive complaints on the property listed above. Tax records indicate you are the owner. With the complaint, the attached pictures were submitted.

Section 2-1 (b) of the Smyth County Nuisance Ordinance describes the following as a nuisance:

*The accumulation of any and all ashes, trash, garbage, refuse, litter, scrap metal, debris, and other substances which might endanger the health or safety of other residents of the County.*

Please contact me to discuss your plans on how you can comply with the county's ordinance.

Sincerely,

A handwritten signature in blue ink that reads "Clegg Williams".

Clegg Williams  
sp

Enclosure

cc: Shawn Utt, County Administrator  
Lisa Richardson, Assistant County Administrator  
Scot Farthing, County Attorney  
Lori Deel, Rye Valley District

FILE COPY  
E-MAILED  
9-4-20

Clegg Williams  
Department Administrator

Danny Wilson  
Building Inspector

Sarah Parris  
Administrative Assistant

Emily Price  
Administrative Assistant

**John Overbey – 409 Flat Ridge Road  
Nuisance Complaint – Second Notice**





## Smyth County Building and Zoning Department

121 Bagley Circle, Suite 120, Marion, VA 24354  
Phone (276) 706-8317 Fax (276) 783-9314  
[buildingandzoning@smythcounty.org](mailto:buildingandzoning@smythcounty.org)

Zoning Ordinance  
Floodplain Ordinance  
Subdivision Ordinance  
Erosion Control Ordinance  
Manufactured Home Ordinance  
Virginia Uniform Statewide Building Code

November 25, 2019

John Dallas Overbay  
3180 Lee Highway  
Marion, Virginia 24354

Re: 409 Flatridge Road & 403 Owen Drive; Sugar Grove (Tax Map No. 71-5-1)

Dear Mr. Overbay:

We received a nuisance complaint on the properties listed above. Tax records indicate you are the owner. With the complaint, the attached pictures were submitted.

Section 2-1 (b) of the Smyth County Nuisance Ordinance describes the following as a nuisance:

*The accumulation of any and all ashes, trash, garbage, refuse, litter, scrap metal, debris, and other substances which might endanger the health or safety of other residents of the County.*

Please contact me to discuss your plans on how you can comply with the county's ordinance.

Sincerely,

A handwritten signature in black ink that reads "Clegg Williams".

Clegg Williams  
sp

Enclosure

cc: Michael Carter, County Administrator  
Jeff Campbell, County Attorney  
Rick Blevins, Rye Valley District

Clegg Williams  
Department Administrator

Danny Wilson  
Building Inspector

Sarah Parris  
Administrative Assistant

Emily Price  
Administrative Assistant









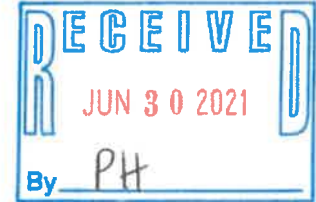
# **Smyth County**

**JEFFREY T. RICHARDSON**  
*Commissioner of the Revenue*

P.O. BOX 985  
MARION, VIRGINIA 24354-0985



June 24, 2021



Board of Supervisors  
Smyth County  
121 Bagley Circle  
Marion VA 24354

RE: Authorization of Exoneration

Pursuant to the requirements of Article VII Sec. 34-206 – Sec. 34-211 of the Code of Smyth County, the Commissioner of the Revenue has determined an additional rehabilitated real estate projects are eligible for the tax exemption qualifications and has added this information to the projects previously reported for tax year 2021:

Tax Year 2021:

Richards Comm. Properties, Acct # 149233, building at 129/131 E Main St, Chilhowie VA  
Royal Oak Real Estate LLC, Acct # 30139, buildings at 925 N Main St, Marion VA

These projects reflect an increased investment in real estate projects exceeding \$ 1,375,936 by these investors since 2013.

By offering this program, Board of Supervisors is encouraging owners to invest in their commercial and industrial property, in exchange for a reduction of real estate tax on the increased improvement values for 9 years following the completion of these projects. These businesses have met and continue to meet the requirements outlined by the Board of Supervisors, and we ask for authorization to exonerate the appropriate value in order to carry out the tax exemption for the three accounts qualifying in 2021.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Richardson".

Jeff Richardson

c. Tom Burkett, Treasurer  
Shawn Utt, County Administrator