

BOARD OF SUPERVISORS



TUESDAY, JUNE 8, 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, June 8, 2021

5:00 PM

- | | | |
|-----|--|--------------------------------------|
| 1) | CALL MEETING TO ORDER
<i>Pledge of Allegiance & Invocation</i> | Chairman |
| 2) | AMENDMENTS TO AGENDA / ADOPTION OF AGENDA | Chairman |
| 3) | SPECIAL RECOGNITIONS
<i>None scheduled</i> | Chairman |
| 4) | MINUTES OF PREVIOUS MEETINGS (Pg 6-40)
<i>Minutes of May 11, 2021 and May 27, 2021 meetings</i> | Chairman |
| 5) | PUBLIC HEARINGS
<i>None scheduled</i> | Chairman |
| 6) | PRESENTATIONS (Pg 41)
a. Janice Orr, Museum of the Middle Appalachians &
John Clark, Chilhowie Town Manager | Chairman |
| 7) | FINANCIAL STATUS REPORT | Lisa Richardson,
Asst. Co. Admin. |
| 8) | PAYMENT OF INVOICES | Chairman |
| 9) | CITIZENS TIME
<i>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.</i> | Chairman |
| 10) | OLD BUSINESS
a. Planning Commission Recommendation (Pg 42)
i. Special Use Permit Request by James Craig Harper for Service Business | Chairman |

Agenda continued on back

- b. Committee Reports / Recommendations
 - i. Budget Committee (Pg 43-46)
 - ii. Personnel Committee (Pg 47)
 - iii. Public Safety Committee (Pg 48-49)
 - iv. Redistricting Committee (Pg 50-53)
 - v. Water/Sewer Committee (Pg 54)
- c. FY2021/22 Budget Documents
 - i. Ordinance 2021-02, Cigarette Tax Ordinance (Pg 55-64)
 - ii. Ordinance 2021-03, Meal's Tax Ordinance (Pg 65-72)
 - iii. Ordinance 2021-04, Setting Utility Rate Schedule (Pg 73-74)
 - iv. Resolution for FY2021/22 Budget for General County Operations (Pg 75-80)
 - v. Resolution for FY2021/22 Budget for Smyth County Public Schools (Pg 81)
 - vi. Options for Appropriating FY2021/22 Budget

- 11) **NEW BUSINESS** Chairman
 - a. Rich Valley Agricultural and Fair Association Request (Pg 82-98)
- 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 – 2 items**

Code of Virginia Section 2.2-3711(a)1 – County Administrator's Contract
Code of Virginia Section 2.2-3711(a)3 – Cornerstone Building



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County Administrator
Assistant County Administrator

Shawn M. Utt
Alicia Richardson

June 3, 2021

To: Members, Smyth County Board of Supervisors

CC: Smyth County Leadership Team

From: Shawn M. Utt, Smyth County Administrator

RE: Packet summary – June 8, 2021 Board meeting

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 Dennis Greer, Superintendent of the Maintenance Department. The invocation will be provided by a local pastor.
2. **Amendments to Agenda / Adoption of Agenda** – if any are necessary, they will be presented at the meeting.
3. **Special Recognitions**
None planned at this time.
4. **Minutes of Previous Meeting(s)** – the minutes of the May 11, 2021 (**Att. 1**) and May 27, 2021 (**Att. 2**) meetings are **enclosed** for the Board's review and approval.
5. **Public Hearing**
None planned at this time.
6. **Presentations:**
 - a. **Janice Orr (Museum of the Middle Appalachians) and John Clark (Chilhowie Town Manager)** have asked for some time on the Board meeting's agenda to discuss the Bonham House and tourism needs in the County. Mr. Clark asked that I include the **enclosed (Att. 3)** press release from the Town of Chilhowie in the meeting packet for your review and information.
7. **Financial Status Report** – Lisa Richardson will provide the most recent financials for the Board's review.
8. **Payment of Invoices** – Appropriations and accounts payable items to be provided with the supplemental agenda.
9. **Citizen's Time** – Time has been set aside for citizens to provide comments to the Board on general items of interest or concern.

10. **Old Business Items:**

a. **Planning Commission Recommendation**

- i. *Special Use Permit request by James Craig Harper for a Service Business* – Following up on the public hearing from May 27th and for your information/review, **enclosed (Att. 4)** is a memo from Clegg Williams, Building Official/Zoning Administrator summarizing the recommendation from the Planning Commission regarding Mr. Harper's request for a Special Use Permit. As you can see, the Planning Commission deliberated for quite a while in an attempt to come to a resolution and final recommendation. Therefore, there effectively is not a recommendation by the Planning Commission one way or another on the request.

b. **Committee Reports/Recommendations:**

- i. *Budget Committee* – minutes of the meeting are **enclosed** for your information (**Att. 5**). In addition, items related to specific committee recommendations are also **enclosed** for your review.
- ii. *Personnel 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.
- iii. *Public Safety Committee* – minutes of the meeting are **enclosed** for your information (**Att. 7**). In addition, items related to committee recommendations are also **enclosed** for your review.
- iv. *Redistricting Committee* – minutes of the meeting are **enclosed** for your information (**Att. 8**). In addition, items related to committee recommendations are also **enclosed** for your review.
- v. *Water/Sewer Committee* - minutes of the meeting are **enclosed** for your information (**Att. 9**). In addition, items related to committee recommendations are also **enclosed** for your review.

c. **FY2021/22 Budget Documents**

- i. *Ordinance 2021-02, Cigarette Tax Ordinance* – Following up on the public hearing held on May 11th and the work that has been done by the Budget Committee, **enclosed (Att. 10)** is an ordinance for the Board's consideration to enact a tax on cigarettes effective January 1, 2022.
- ii. *Ordinance 2021-03, Meal's Tax Ordinance* – Following up on the public hearing held on May 11th and the work that has been done by the Budget Committee, **enclosed (Att. 11)** is an ordinance for the Board's consideration to enact a tax on prepared meals effective July 1, 2021.
- iii. *Ordinance 2021-04, Setting Utility Rate Schedule* – Following up on the public hearing held on May 11th and the work that has been done by the Budget Committee as well as recommendations by the County's financial consultants, Davenport & Company,

enclosed (Att. 12) is an ordinance for the Board's consideration that would provide for an across-the-board increase in water and sewer utility rates effective July 1, 2021.

- iv. Resolution for FY 2021/22 Budget for General County Operations – The **enclosed (Att. 13)** resolution should complete actions necessary to fully adopt the FY2021/22 budget for the County.
- v. Resolution for FY2021/22 Budget for Smyth County Public Schools – The **enclosed (Att. 14)** resolution should complete actions necessary to fully adopt the FY2021/22 budget for the School System.
- vi. Options for Appropriating FY2021/22 Budget – I would like to discuss options for FY2021/22 budget appropriations. The current practice of appropriating as we spend makes it difficult to manage expenditures that may not occur on a regular schedule and often times results in the payment of late fees or higher costs due to the lack of an ability to react as quickly as we would like. I have spoken with the County Treasurer as well as our auditor to identify some options. There are two that came up with the first option being appropriating on a quarterly basis (basically 25% of the overall budget to be appropriated at the first of each quarter (July, October, January and April). That can help us manage the ability to react to payments when needed while at the same time give the County Treasurer the ability to oversee the fund balances appropriately. The only exception would be the need to appropriate debt service payments up front to keep from any unforeseen issues that may be created by the change in practice.

I would like to discuss this with the full Board in greater detail and be able to have some direction from the Board on which option is preferable.

11. **New Business Items:**

- a. Rich Valley Agricultural and Fair Association Request – The Rich Valley Fair Association, Inc. has officially submitted their paperwork for the upcoming fair, see **enclosed (Att. 15)**. Based on their request, we would like to request the BOS schedule a public hearing for the June 24th Board meeting to be advertised on June 12th and June 19th. Since we do not have any zoning public hearings, I would like to recommend we go with a 5:00p (or shortly thereafter) public hearing.
12. **Report from County Attorney:** Scot Farthing will provide any updates he may have on various projects he has been working on.
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**
 - Code of Virginia Section 2.2-3711(a)1 – *County Administrator's contract requirements*
 - Code of Virginia Section 2.2-3711(a)3 – *Cornerstone Building*

The Smyth County Board of Supervisors held its regular meeting on Tuesday, May 11, 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, Administrative Assistant Christy Bise; Emergency Services Coordinator Curtis Crawford

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

 5/11/2021 5:05 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

 5/11/2021 5:06 PM Joanna Bryant, Utilities Clerk, led the Pledge of Allegiance. Pastor Dave Cross, Highlands Fellowship, gave the invocation.

 5/11/2021 5:08 PM A motion was made by Vice Chair Rye Valley District Supervisor Lori Deel to amend the agenda to include closed session 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 concerning the Morrison Building. 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.

 5/11/2021 5:09 PM A motion was made by Saltville District Supervisor Roscoe Call to adopt the agenda as amended. Vice Chair Rye Valley District Supervisor Lori Deel 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.

 5/11/2021 5:10 PM A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the minutes from the April 13, 2021 meeting with a correction to the spelling correction of Kris Ratliff's last name. Vice Chair Rye Valley District Supervisor Lori Deel 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.

 5/11/2021 5:11 PM A motion was made by Vice Chair Rye Valley District Supervisor Lori Deel to approve the minutes from the April 22, 2021 meeting. 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, and
Saltville District Supervisor Roscoe Call*

NAYS: None.

ABSTAINERS: Royal Oak District Supervisor Judy Wyant

ABSENT: None.

 5/11/2021 5:12 PM Chair, Atkins District Supervisor Charles Atkins opened the Smyth County Cigarette Tax Ordinance public hearing. County Administrator, Shawn Utt read the public hearing notice for the record as follows:

Notice of Public Hearing: Smyth County Cigarette Tax Ordinance

Pursuant to Section 58.1-3832 of the Code of Virginia, the Smyth County Board of Supervisors will hold a public hearing to receive input regarding the proposed Smyth County Cigarette Tax Ordinance on **Tuesday, May 11, 2021 at 5:30 PM**, or soon thereafter, in the Boardroom of the Smyth County Administration Building located at 121 Bagley Circle, Marion, Virginia and via electronic participation, as set forth below.

The proposed ordinance would impose a tax 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, beginning January 1, 2022, as allowed by section 58.1-3830(C).


The full text of the proposed ordinance can be found on the County Website www.smythcounty.org and/or the County Administrator's Office.

Pursuant to Virginia Law, the Smyth County Ordinances and the Rules previously adopted by the Board, the Public Hearing may be held with electronic participation by some or all of the Board members, and a quorum may or may not be physically present. Additionally, the general public will be afforded both in-person and remote/electronic viewing access to this meeting. The County will be following CDC guidelines and the Governor's Orders regarding social distancing, wearing of face coverings and other safety measures.


All interested persons may express their views by emailing pharvey@smythcounty.org prior to the meeting. Written comments may also be mailed to County Administrator, 121 Bagley Circle, Suite 100, Marion, VA 24354; or by fax to (276) 783-9314. All emails, written comments and faxes must be received by 2:00 PM on Tuesday, May 11, 2021. Anyone having questions regarding the above may contact the County Administrator's Office at 276-783-3298, Monday through Friday from 8:00 AM to 5:00 PM.

In compliance with the provisions of the Americans with Disabilities Act, persons requiring special assistance to attend and participate in this hearing should contact Clegg Williams, ADA Coordinator at (276) 706-8315 at least 24 hours prior to the hearing.

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

 5/11/2021 5:13 PM Dharmendra Patel expressed concerns about the impact a cigarette tax will have on his small business. Mr. Patel noted that his business has already been affected by the minimum wage increase and this would be too much on small businesses at this point in time. Mr. Patel also said that Smyth County citizens would travel to adjacent counties to make their purchases for cigarettes if the tax is imposed.

 5/11/2021 5:18 PM Jay Patel asked the Board to reconsider enacting a cigarette tax due to the state of the current economy.

 5/11/2021 5:21 PM John Spiker read his email aloud to the Board to reiterate his concern with the proposed cigarette tax increase. Mr. Spiker also stated that if this tax is imposed he feels the citizens would travel across the border to make their purchases. His email is as follows

Dear sir,


I am writing to strongly oppose the tax increase on cigarettes.


I represent Atkins grab n go, and this decision will have a huge impact in our business going forward. Coupled with the mandatory increase in minimum wage in Virginia, these types of policies are going to have the unintended consequence of destroying small business.


There's only so much adjusting a company can do in a short time frame to increased costs and decreased sales. This proposed increase is just another blow to the face of businesses already in the ropes.

I urge you to reconsider this destructive policy for businesses and consumers. Surely there's a better way without punishing the businesses that have already been crushed.

*Sincerely,
John Spiker
GM GRAB N GO franchise*

 5/11/2021 5:23 PM Nainesh Soni of the Adwolfe Food Mart stated the proposed cigarette tax would be detrimental to small businesses.

 5/11/2021 5:27 PM Arpit Soni who has three stores in the Marion area, asked the Board to reconsider their proposed cigarette tax. He advised that, along with the minimum wage increase and the rising prices of food and gas, this would affect his businesses.

 5/11/2021 5:30 PM Chair, Atkins District Supervisor Charles Atkins noted that the proposed cigarette tax increase is a regional effort which will include most of Southwest Virginia and not only Smyth County. Mr. Atkins advised that the Board will take everyone's comments into consideration and thanked everyone for their comments.

 5/11/2021 5:33 PM County Administrator, Shawn Utt read the following email from a business owner for the record:

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 free government hand outs, not to mention a significant increase in minimum wage.


A tax increase of \$4.00 a carton will certainly do nothing to help small businesses like mine stay in business. This, along with 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.

I do not believe that the brunt of these taxes will be paid by people passing through since a number of stores out of corporate limits do not have tourists or other people passing through. We rely on repeat customers to keep out businesses open. This cigarette tax is the wrong way to solve Smyth County's budget crisis.

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 asses a new cigarette tax on businesses and residents. I urge you to please reconsider your thinking on this matter.

Sincerely,

Rita Terry

 5/11/2021 5:38 PM Vice Chair, Lori Deel read the following two emails she received for the record:

Dear Board of Supervisors,

I am writing you in an appeal to urge you to vote NO on the proposed new Smyth County cigarette tax of \$4.00 per carton. I present you with the following factual information that I hope will dissuade you from approving this asinine idea.

Petersburg, Virginia has approved this tax and in turn lost ELEVEN (11) convenience stores due to it. This resulted in a net loss of 65% of the business volume of convenience stores, costing instead of adding, the city's tax revenue. This also added to the unemployment rates of Petersburg and helped to destroy more "Mom and Pop" businesses that have already been decimated by the Covid pandemic.

Earlier this year, the American Rescue Plan was signed into law by President Biden. This included generous state and local community funding to shore up budget deficits. It is my understanding that the Smyth County Board is slated to receive \$5.84 million dollars, which should far exceed any revenue generated by this "sin tax".

This tax would wreak havoc on convenience stores struggling to return to normalcy and completely decimate independent owners who are not part of a chain retail environment. I speak as an owner who has chosen to locate my business inside of Smyth County, moving here from another county, in order to serve a community that I have grown to love and has in turn embraced us as owners and a family.


The location of our county in proximity to other states and the quick access to other counties provided by Interstate 81, further provides reason to vote NO on this absurd idea. Currently, there is not another county in Southwest Virginia looking into the premise of damaging a recovering economy. Wythe, Grayson, Washington and Tazewell Counties would reap the benefits of the blood letting caused by the passage of this tax. All can be accessed by vehicle in a 20 minute average. Also, North Carolina and Tennessee would further become the state of choice for our residents to spend their money.


Fifteen years ago, I spoke out very defiantly against the selling of this county's community based hospital and what the fallout would be for that. My fears turned out to be right, as this county lost service lines that are now only available in neighboring counties or states. Unfortunately, Smyth County will never have another child born in Smyth County Community Hospital. Now, with the idea of taxing our residents, we are further encouraging a migration of our populace and their earnings. How absurd is that?

Sincerely,

*Bobby L. Mullins BS RT(R) CNMT
Owner Shirley's Market
shirleysmarket@gmail.com
276-677-3577*

"Hello, I'll be brief. NO, on meal tax. It will just send more people out of the county to dine out. YES, on the cigarette tax. Too many people still need to quit. No smoking on county convenience centers isn't enforced. Thanks. Terry E Surface. Sugar Grove"

 5/11/2021 5:38 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing on the proposed cigarette tax.

 5/11/2021 5:38 PM Chair, Atkins District Supervisor Charles Atkins opened the Smyth County Meals Tax Ordinance public hearing. Assistant County Administrator, Lisa Richardson read the public hearing notice for the record as follows:

Notice of Public Hearing: Smyth County Meals Tax Ordinance

Pursuant to Section 58.1-3833 of the Code of Virginia, the Smyth County Board of Supervisors will hold a public hearing to receive input regarding the proposed Smyth County Meals Tax Ordinance, on **Tuesday, May 11, 2021 at 5:30 PM**, or soon thereafter, in the Boardroom of the Smyth County Administration Building located at 121 Bagley Circle, Marion, Virginia and via electronic participation, as set forth below.

The proposed ordinance would impose a tax of six percent (6%) for all prepared and ready to eat food and beverages sold within the County, beginning July 1, 2021, as allowed by State law. It is collected in trust by all businesses in Smyth County that sell prepared meals and must be remitted to Smyth County on a monthly basis.

The full text of the proposed ordinance can be found on the County Website www.smythcounty.org and/or the County Administrator's Office.

Pursuant to Virginia Law, the Smyth County Ordinances and the Rules previously adopted by the Board, the Public Hearing may be held with electronic participation by some or all of the Board members, and a quorum may or may not be physically present. Additionally, the general public will be afforded both in-person and remote/electronic viewing access to this meeting.


The County will be following CDC guidelines and the Governor's Orders regarding social distancing, wearing of face coverings and other safety measures.


All interested persons may express their views by emailing pharvey@smythcounty.org prior to the meeting. Written comments may also be mailed to County Administrator, 121 Bagley Circle, Suite 100, Marion, VA 24354; or by fax to (276) 783-9314. All emails, written comments and faxes must be received by 2:00 PM on Tuesday, May 11, 2021. Anyone having questions regarding the above may contact the County Administrator's Office at 276-783-3298, Monday through Friday from 8:00 AM to 5:00 PM.


In compliance with the provisions of the Americans with Disabilities Act, persons requiring special assistance to attend and participate in this hearing should contact Clegg Williams, ADA Coordinator at (276) 706-8315 at least 24 hours prior to the hearing.

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

 5/11/2021 5:41 PM County Administrator, Shawn Utt read the rules and procedures for public hearings.

 5/11/2021 5:42 PM John Clark, Town of Chilhowie spoke as a private citizen in support the meals tax proposal. He feels this would be a good revenue source for the County.

 5/11/2021 5:44 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing

 5/11/2021 5:45 PM Chair, Atkins District Supervisor Charles Atkins opened the Proposed Increase in Water and Sewer Rates public hearing. County Administrator, Shawn Utt read the public hearing notice for the record as follows:

Proposed Increase in Water and Sewer Rates

Pursuant to Section 15.2-2119 of the Code of Virginia, The Smyth County Board of Supervisors proposes to increase the rates charged for Water and Sewer services within the Smyth County systems as follows, effective July 1, 2021:

Water Rates – Residential

Current Rates	Proposed Rates – 5% increase
0 – 1,000 gallons \$21.43 minimum bill	0 – 1,000 gallons \$22.50 minimum bill
1,001 – 6,000 gallons \$9.29 per 1,000 gallons	1,001 – 6,000 gallons \$9.75 per 1,000 gallons
6,001 and over \$11.43 per 1,000 gallons	6,001 and over \$12.00 per 1,000 gallons

Water Rates – Commercial

Current Rates	Proposed Rates – 5% increase
0 – 4,000 gallons \$49.98 minimum bill	0 – 4,000 gallons \$52.48 minimum bill
Each additional 1,000 gallons \$11.43 per 1,000 gallons	Each additional 1,000 gallons \$12.00 per 1,000 gallons

Water Rates –Industrial

Current Rates	Proposed Rates – 5% increase
0 – 25,000 gallons \$232.08 minimum bill	0 – 25,000 gallons \$243.68 minimum bill
Each additional 1,000 gallons \$11.43 per 1,000 gallons	Each additional 1,000 gallons \$12.00 per 1,000 gallons

Sewer Rates – Residential

Current Rates	Proposed Rates – 5% increase
0 – 1,000 gallons \$21.43 minimum bill	0 – 1,000 gallons \$22.50 minimum bill
1,001 – 6,000 gallons \$9.29 per 1,000 gallons	1,001 – 6,000 gallons \$9.75 per 1,000 gallons
6,001 and over \$11.43 per 1,000 gallons	6,001 and over \$12.00 per 1,000 gallons

Current Rate
Residential Flat Rate \$47.43 per month

Proposed Rate – 5% increase
Residential Flat Rate \$49.80 per month

Sewer Rates – Commercial

Current Rates	Proposed Rates – 5% increase
0 – 4,000 gallons \$49.98 minimum bill	0 – 4,000 gallons \$52.48 minimum bill
Each additional 1,000 gallons \$11.43 per 1,000 gallons	Each additional 1,000 gallons \$12.00 per 1,000 gallons


Sewer Rates –Industrial and Industrial Enterprise Zone


Current Rates	Proposed Rates – 5% increase
0 – 3,000 gallons \$71.41 minimum bill	0 – 3,000 gallons \$74.98 minimum bill
Each additional 1,000 gallons \$11.43 per 1,000 gallons	Each additional 1,000 gallons \$12.50 per 1,000 gallons

A Public Hearing will be conducted by the Smyth County Board of Supervisors on Tuesday, May 11, 2021 beginning at 5:30 p.m., or shortly thereafter, in the Board of Supervisors meeting room, 121 Bagley Circle, Marion, Virginia. A copy of the present and proposed rate schedule is on file at the Smyth County Administrators Office, 121 Bagley Circle, Marion, Virginia and can be viewed between the hours of 8:00 am and 5:00 pm, Monday through Friday.

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

By order of the Smyth County Board of Supervisors – Shawn M. Utt, County Administrator

 5/11/2021 5:46 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing.

 5/11/2021 5:47 PM Chair, Atkins District Supervisor Charles Atkins opened the Smyth County School Budget FY21/22 Public Hearing. Assistant County Administrator, Lisa Richardson read the public hearing notice for the record as follows:

**NOTICE OF PUBLIC HEARING
ON THE SMYTH COUNTY SCHOOL BUDGET
FOR FISCAL YEAR COMMENCING
July 1, 2021– June 30, 2022
On May 11, 2021 at 5:30 p.m.**

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

The Smyth County Board of Supervisors will conduct a hearing for the purpose of receiving public comments on the proposed School Board budget for the fiscal year beginning July 1, 2021.

The public hearing will be held in the **Board of Supervisors meeting room, 121 Bagley Circle, Smyth County Office Building on May 11, 2021 at 5:30 p.m.**

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

A full copy of the proposed Smyth County School Board budget is on file at the Office of the County Administrator, 121 Bagley Circle, Suite 100, Marion, Virginia, and may be viewed online at www.smythcounty.org.

By order of the Smyth County Board of Supervisors
Shawn Utt, County Administrator

**Smyth County School Board
Operations Budget for the Year Ending June 30, 2022**

Revenue Summary for Operations Budget

	2020-2021	2021-2022	Difference
State Revenue	\$ 28,807,106	\$ 30,627,892	\$ 1,820,786
Local Revenue	\$ 8,215,575	\$ 8,489,511	\$ 273,936
Federal Revenue	\$ 5,529,055	\$ 5,529,055	\$ -0-
State Sales Tax	\$ 4,374,821	\$ 4,969,764	\$ 594,943
Other Revenue	\$ 2,476,132	\$ 2,667,459	\$ 191,327
TOTAL OPERATIONS	\$ 49,402,689	\$ 52,283,681	\$ 2,880,992

Expenditure Summary for Operations Budget

	2020-2021	2021-2022	Difference
Instruction	\$ 35,686,768	\$ 37,809,472	\$ 2,122,704
Administration	\$ 1,468,814	\$ 1,599,805	\$ 130,991
Transportation	\$ 2,546,120	\$ 2,615,943	\$ 69,823
Facilities	\$ 4,494,531	\$ 4,788,627	\$ 294,096
Food Service	\$ 3,773,795	\$ 3,948,438	\$ 174,643
Technology	\$ 1,432,661	\$ 1,521,396	\$ 88,735
TOTAL OPERATIONS	\$ 49,402,689	\$ 52,283,681	\$ 2,880,992


**Smyth County School Board
Capital Outlay and Debt Service Budget for the Year Ending June 30, 2022**

Revenue Summary for Capital Outlay and Debt Service Budget

	2020-2021	2021-2022	Difference
Local Funds - Capital Outlay	\$ -0-	\$ -0-	\$ -0-
Local Funds - Debt Service	\$ 2,191,042	\$ 2,172,106	\$ (18,936)
Other Funds -- Interest Rebate	\$ 487,113	\$ -0-	\$ (487,113)
TOTAL CAPITAL OUTLAY	\$ 2,678,155	\$ 2,172,106	\$ (506,049)

Expenditure Summary for Capital Outlay and Debt Service Budget


	2020-2021	2021-2022	Difference
Capital Outlay -- Facilities	\$ -0-	\$ -0-	\$ -0-
Capital Outlay - Debt Service	\$ 2,678,155	\$ 2,172,106	\$ (506,049)
TOTAL CAPITAL OUTLAY	\$ 2,678,155	\$ 2,172,106	\$ (506,049)

 5/11/2021 5:49 PM Dr. Dennis Carter, School Superintendent, provided an overview of the proposed FY21/22 School Board Budget.

Royal Oak District Supervisor Judy Wyant asked Dr. Carter about the current number of students that are being home schooled. Dr. Carter stated that there are around 200 students that are currently being home schooled in the County. Ms. Wyant also asked about the new guidelines for students involved in the dual enrollment program and Dr. Carter responded there is research currently going on at this time.

Park District Supervisor Kris Ratliff asked Dr. Carter to confirm when the Smyth County Schools would be adhering to the \$11.00 an hour minimum wage increase, Dr. Carter responded that as of July 1, 2021 the Schools would adhere to this change which is actually about six months ahead of time.

Vice Chair, Rye Valley District Supervisor Lori Deel asked Dr. Carter about the cost of insurance for the employees and Dr. Carter reviewed the proposed insurance cost analysis. He noted that all of the additional funding that is being provided by the County is being directed toward the costs of insurance in an effort to make it more affordable to employees.

 5/11/2021 5:58 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing.

 5/11/2021 5:59 PM Chair, Atkins District Supervisor Charles Atkins opened the Smyth County Budget for FY21/22. County Administrator, Shawn Utt read the public hearing notice for the record as follows:


NOTICE OF PUBLIC HEARING ON THE PROPOSED SMYTH COUNTY BUDGET FOR			
FISCAL YEAR JULY 1, 2021 - JUNE 30, 2022			
Pursuant to § 15.2-2506 of the Code of Virginia (1950), as amended, a Public Hearing will be conducted by the Board of Supervisors on the budget for informative and planning purposes in the Board of Supervisors meeting room, Smyth County Office Building, 121 Bagley Circle, Marion, VA on Tuesday, May 11, 2021 at 5:30 p.m., or soon thereafter, at which time any citizen of the County shall have the right to attend and, subject to Rules and Procedures of the Board of Supervisors, state his or her views. The budget is for informative and fiscal planning purposes and will not be approved, adopted or ratified by the Board of Supervisors on Tuesday, May 11, 2021.			
	FY2021	Proposed	
REVENUES	Budget	FY/2022	Inc. / (Dec.)
Real Property Taxes	\$ 11,031,421	\$ 11,314,297	\$ 282,876
Public Services	1,320,757	1,535,949	215,192
Minerals	5,000	5,902	902
Personal Property	3,575,318	3,736,125	160,807
PPTRA	1,804,316	1,804,316	-
Machinery & Tools	1,654,977	1,933,192	278,215

Merchants Capital	267,509	295,064	27,555
Lodging Tax	53,141	60,000	6,859
Meal's Tax	-	250,000	250,000
Cigarette Tax	-	150,000	150,000
Penalties & Interest	523,500	552,678	29,178
Motor Vehicle License	492,700	480,669	(12,031)
Rolling Stock Tax	34,521	32,235	(2,286)
Utility Licenses Tax	168,100	98,431	(69,669)
Consumer's Utility Tax	975,200	1,032,444	57,244
Permits & Other Licenses	64,800	92,687	27,887
Fines & Forfeitures	180,400	169,677	(10,723)
Interest on Investments	198,000	127,095	(70,905)
Use of Property	114,281	174,628	60,347
Court Cost	12,821	9,172	(3,649)
Charges for Commonwealth Attorney	3,500	3,295	(205)
Charges for Sanitation & Solid Waste	848,000	852,894	4,894
Expenditure Refunds	1,197,284	1,536,024	338,740
Miscellaneous Revenue	23,000	124,870	101,870
Grant Money	1,029,630	1,008,964	(20,666)
Revenue from the Commonwealth	253,500	279,545	26,045
Comprehensive Service Act	1,963,091	1,367,626	(595,465)
Commonwealth Attorney	715,971	749,680	33,709
Sheriff	1,978,702	2,121,203	142,501
Commissioner of the Revenue	115,370	133,454	18,084
Treasurer	114,292	120,478	6,186
Registrar/Electoral Board	46,125	73,697	27,572
Clerk's Office	341,049	375,000	33,951
Local Sales Tax	2,220,000	2,283,110	63,110
Categorical Aid - Other	137,000	137,000	-
Payment in Lieu of Taxes	210,000	213,332	3,332
Special Assessments	22,700	4,910	(17,790)
Local Funds Transfers	(11,395,187)	13,204,659	(1,809,472)
Animal Licenses	6,013	11,900	5,887
EDA Funds	1,188,880	810,000	(378,880)
Court Rev Towns	5,600	5,600	-
State/Federal School Funds	42,611,022	43,794,170	1,183,148
Local Funds Transfer General Fund-Schools	11,266,342	10,661,617	(604,725)
Department of Social Services	4,556,837	4,823,384	266,547
Local Share from General Fund	988,570	1,170,734	182,164
School Textbook Revenue	200,000	700,000	500,000
911 Wireless Grants	172,030	143,285	(28,745)
Misc. COVID Grants	60,454	-	(60,454)
Interest/Transf Courthouse Sav	187,106	187,106	-
CDBG Grant	440,000	-	(440,000)
Water-Sewer Revenue	2,328,369	2,405,400	77,031
Capital Projects	931,800	741,400	(190,400)
Social Security Funds	82,585	73,110	(9,475)
Drug Asset Revenue	50,000	50,000	-


Sheriff Restitution Fund	10,000	10,000	-
Sheriff DARE Revenue	10,000	10,000	-
Sheriff DMV Safety Grant	25,000	25,000	-
Courthouse Security Revenue	302,960	303,234	274
Asset Forfeiture	125,000	125,000	-
Police Activity Fund	1,237,396	786,168	(451,228)
Sheriff Federal/State Asset Forfeiture	90,000	90,000	-
Money Collected in Court	60,000	60,000	-
Recovery Court	182,685	169,685	(13,000)
Federal Money-CWA	20,000	20,000	-
Collections Circuit Court	5,000	5,000	-
CARES ACT Funding	5,665,329	-	(5,665,329)
Sub-total	95,109,767	89,216,778	(5,892,989)
Debt Service			
Proceeds From Short-term Borrowing	5,000,000	5,000,000	-
Proceeds From Previous Financing	700,000	700,000	-
Sub-total	5,700,000	5,700,000	-
Total County Budget Revenues	100,809,767	94,916,778	(5,892,989)
	FY2021	Proposed	
EXPENDITURES	Budget	FY/2022	Inc. / (Dec.)
Board of Supervisors	\$ 1,259,008	\$ 1,008,155	\$ (250,853)
County Administration	440,553	389,911	(50,642)
Legal Department	75,000	70,000	(5,000)
Commissioner of the Revenue	301,421	310,448	9,027
Assessor	6,000	-	(6,000)
Treasurer	402,620	426,193	23,573
Accounting Department	-	182,019	182,019
Information Systems	610,344	516,463	(93,881)
Registrar	232,838	242,990	10,152
Circuit Court	199,626	196,132	(3,494)
General District Court	11,399	14,930	3,531
Juvenile & Domestic Courts	187,380	153,976	(33,404)
Clerk of the Circuit Court	608,000	640,793	32,793
Sheriff	3,617,329	4,067,125	449,796
Law Library	1,000	1,000	-
Sheriff School Resource Officer Grant	162,573	203,980	41,407
Commonwealth Attorney	749,959	782,136	32,177
Victim Witness Asst. Program	103,403	103,403	-
Central Dispatch	2,800	4,000	1,200
Smyth County Basic 911	239,351	299,962	60,611

Volunteer Fire Department	427,899	451,500	23,601
Ambulance & Rescue Service	342,787	436,300	93,513
Forestry	8,750	8,750	-
Sheriff - Jail	2,946,739	2,518,084	(428,655)
Building Inspection & Zoning	343,847	369,556	25,709
Animal Control	422,332	492,080	69,748
Medical Examiner - Coroner	500	500	-
Emergency Services - Civil Defense	199,714	113,213	(86,501)
Refuse Collection & Disposal	1,309,327	1,391,232	81,905
Convenience Stations	296,700	401,868	105,168
Rye Valley Water Co.	25,922	25,922	-
Smyth County Tourism	43,096	69,244	26,148
Building & Facility Maintenance	693,362	760,160	66,798
Local Health Department	441,023	370,025	(70,998)
Mental Health	195,982	195,982	-
Social Services Board Member Payments	4,200	4,200	-
Other Community expenses	244,039	325,239	81,200
Community Colleges	70,645	72,899	2,254
Recreation	35,250	43,438	8,188
Library Administration	660,000	720,000	60,000
Planning Commission	3,750	3,750	-
Community & Economic Development	86,569	91,347	4,778
Economic Development Authority	551,742	551,742	-
Soil & Water Conservation	27,600	30,000	2,400
Cooperative Extension Program	93,594	109,568	15,974
Comprehensive Service Act	2,246,161	1,817,098	(429,063)
Animal Control (Fund 3)	11,900	11,900	-
EDA General Expenses	1,188,880	810,000	(378,880)
Court Reimbursements to Towns	-	5,600	5,600
School Operations & Capital Outlay (Non-Local)	42,611,022	43,794,170	1,183,148
School Operations & Capital Outlay (Local)	9,075,300	8,489,511	(585,789)
County School Debt Service Local Funds	2,191,042	2,172,106	(18,936)
Department of Social Services	5,548,407	5,994,118	445,711
School Textbook Fund Expense	200,000	700,000	500,000
Dispatch (Fund 38)	145,282	143,285	(1,997)
Misc. COVID Grants	60,454	-	(60,454)
Courthouse Project	187,106	187,106	-
CDBG Grant	440,000	-	(440,000)
Water-Sewer Department Operations	1,324,865	1,412,881	88,016
Water-Sewer Department Debt Service	958,504	945,359	(13,145)
Funded Projects	45,000	47,160	2,160
Capital Projects	931,800	1,441,400	509,600
Social Security Funds	82,585	73,110	(9,475)
Drug Asset Expense	50,000	50,000	-
Sheriff Restitution Fund	10,000	10,000	-
Sheriff DARE Program	10,000	10,000	-
Sheriff DMV Safety Grant	25,000	25,000	-
Courthouse Security	302,960	303,234	274

Asset Forfeiture	125,000	125,000	-
Police Activity Fund Expense	1,237,396	786,168	(451,228)
Sheriff Asset Forfeiture	90,000	90,000	-
Purchase Equipment	60,000	60,000	-
Recovery Court	182,685	169,685	(13,000)
CWA Fed Funds	20,000	20,000	-
CWA/Sheriff's Office	-	-	-
Expenses Circuit Court	5,000	5,000	-
CARES ACT Funding	5,665,329	-	(5,665,329)
Sub-total	93,717,651	88,869,103	(4,848,548)
DEBT SERVICE			
Payment on Line of Credit	5,000,000	5,000,000	-
Courthouse Debt Service	1,102,116	1,047,675	(54,441)
Capital Projects (Debt Financed)	990,000	-	(990,000)
Sub-total	7,092,116	6,047,675	(1,044,441)
Total County Budget Expenditures	100,809,767	94,916,778	(5,892,989)
TAX RATES FOR 2021			
In preparation of the above budget, the Smyth County Board of Supervisors proposes the following tax levies as shown below: Pursuant to Virginia Code §58.1-3001 et seq., the Board proposes to re-adopt a real estate levy on all taxable real estate located in Smyth County, Virginia, including equalized real estate, where applicable, a unit levy of \$0.74 per \$100.00 of assessed valuation; Tax on tangible personal property and the tangible personal property of public service corporations, except rolling stock of corporations operating railroads, a unit levy of \$2.30 per \$100.00 of assessed valuation; Machinery & Tools at \$1.55 per \$100.00 of assessed valuation; Tax on Category 23 items (trucks used in interstate commerce over 10,000 pounds) a unit levy of \$1.55 per \$100.00 of assessed valuation; Tax on merchants capital a unit levy of \$0.40 per \$100.00 of assessed valuation; airplane tax of \$1.40 per \$100.00 of assessed valuation; Proposed tax on prepared meal's a unit levy of 6% and a Proposed tax on cigarettes at \$0.40 per pack purchased. The Proposed FY2021/2022 budget also includes a proposed 5% increase in water/sewer utility rates.			
By order of the Smyth County Board of Supervisors, Shawn M. Utt, County Administrator			

 5/11/2021 6:01 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing.

 5/11/2021 6:03 PM Assistant County Administrator, Lisa Richardson, reviewed the County financial information.

 5/11/2021 6:09 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following payment of invoices:

General County	
Accounts Payable Listing	\$983,443.29
Payroll	\$75,000.00
Auto Draft Rural Development	\$15,515.00
Utilities/Misc	\$30,000.00
County Administration Fund	\$5,000.00
Total County Appropriation (including carryover):	\$1,800,000.00

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.

 5/11/2021 6:10 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following Social Services appropriations:

Social Services	
(May 12 – 31, 2021)	\$425,000.00
(June 1 – 8, 2021)	\$60,000.00
Total Social Services:	\$485,000.00

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.

 5/11/2021 6:11 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following School Board appropriations:

Schools-Operating Fund	
Instruction	\$3,600,000.00
Administration, Attendance, & Health	\$125,000.00
Transportation	\$330,000.00
Facilities	\$475,000.00
School Food Service	\$300,000.00
Technology	\$415,000.00
Total School Operating Fund:	\$5,245,000.00
School Debt and Capital Outlay	\$243,000.00
School Textbook Fund	\$0.00

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,
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.

 5/11/2021 6:12 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following Sheriff's Department Fund 746 appropriations:

Sheriff Fund 746	\$20,911.00
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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,
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.

 5/11/2021 6:13 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following Sheriff's Department Fund 748 appropriations:

Sheriff Fund 748

\$7,635.44

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.

 5/11/2021 6:13 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following Recovery Court Fund 749 appropriations:

Recovery Court Fund 749

\$30,581.98

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.*


 5/11/2021 6:14 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.

 5/11/2021 6:14 PM Ms. Betsy White of the William King Museum of Arts in Abingdon, Virginia spoke about the museum's budget request to the County for the FY21/22 year.

Chilhowie District Supervisor Michael Sturgill thanked Ms. White and the Museum for their service to Smyth County and stated that they are a great asset to our teachers and children.

Royal Oak District Supervisor Judy Wyant welcomed Ms. White and expressed her thanks for the museum's contributions to the County.

 5/11/2021 6:19 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen's time.

 5/11/2021 6:19 PM Mr. Utt presented the following recommendation from the Planning Commission for the Special Use Permit Application from David Peake for multi-family dwelling units on Walton Road.

Recommendation on David Peake's Special Use Permit for a Multi Family Dwelling Unit:

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

- The construction be limited to two duplexes or one structure with four units with a maximum of one bedroom in each unit,
- The entrance off Walton Road be placed at the west end of the property,
- The parking lot must be paved or concreted and guttering added for drainage,
- The ten-foot strip of land behind the property must not be disturbed and a 6-foot privacy fence be placed along the entire length of the back property line, and
- The Board of Supervisors request VDOT conduct a survey of Walton Road and they consider a reduced speed limit, the installation of a speed bump, and install "Watch for Children" signs

Ms. Wagoner seconded the motion and the following vote was recorded.


Vote: 7 yeas Pugh, Davidson, Jr, Wagoner, Shepherd, Dean, Spence, Campbell
0 nays
0 absent

Vice Chair, Rye Valley District Supervisor Lori Deel commended the Planning Commission for their work for all parties involved. Chilhowie District Supervisor Michael Sturgill agreed.

Chair, Atkins District Supervisor Charles Atkins would like to add the words "and maintained" regarding the 6-foot privacy fence to ensure that a fence is built as well as maintained by the owner.

County Administrator, Shawn Utt recommended to the Board that they consider to approve the recommendation with the additional term of "and maintained" included.

Saltville District Supervisor Roscoe Call was happy to hear that the Planning Commission got with the citizens and they worked it out amongst themselves.

 5/11/2021 6:23 PM A motion was made by Chilhowie District Supervisor Michael Sturgill and seconded by Vice Chair Rye Valley District Supervisor Lori Deel to uphold the Planning Commission's recommendation to approve the Special Use Permit for a Multi Family Dwelling Unit with the addition of the words "and maintained" to the following condition:

- The ten-foot strip of land behind the property must not be disturbed and a 6-foot privacy fence must be placed and maintained along with the entire length of the back property line.

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, and
Saltville District Supervisor Roscoe Call*

NAYS: North Fork District Supervisor Phil Stevenson

ABSTAINERS: None.

ABSENT: None.

 5/11/2021 6:24 PM Chair, Chilhowie District Supervisor Michael Sturgill read the minutes from the Broadband & Telecommunications meeting held on May 4, 2021. No action was required from the meeting.

 5/11/2021 6:26 PM Chair, Atkins District Supervisor Charles Atkins presented the following recommendations from the Budget Committee meeting held on April 27, 2021. County Administrator, Shawn Utt reviewed the following budget amendment request:

FY20/21 Budget Amendment # 9

- a) ***Smyth County Schools Fund (009)*** – The first in a series of capital projects being fully funded by COVID stimulus funding.
 - i. ***Rich Valley Elementary*** – roof replacement at a cost of \$219,461
 - ii. ***Marion High School Gymnasium*** – install HVAC unit at a cost of \$245,750
- b) ***CARES Act Fund (775)*** – the Towns of Marion and Chilhowie each received Supplemental disbursements from the state's Utility Relief Fund, but the funds are required to flow through the County. Below is a summary of the additional funding for each Town:
 - i. ***Town of Chilhowie*** – additional \$609.81
 - ii. ***Town of Marion*** – additional \$2,281.88


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,
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.

 5/11/2021 6:30 PM Chair, Rye Valley District Supervisor Lori Deel presented the following recommendations from the Building & Grounds Committee meeting held on May 4, 2021.

A motion was made by Chilhowie District Supervisor, Michael Sturgill to recommend the County contribute up to \$40,000.00 to be paid out of the capital outlay fund for the Smyth County Public Library elevator repairs. Park District Supervisor, Kris Ratliff seconded the Motion and it was unanimously approved by the committee.

After consideration, the Building & Grounds 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, and

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

ABSTAINERS: None.

ABSENT: None.

A motion was made by Park District Supervisor, Kris Ratliff for Mr. Utt to work with the County Attorney, Scot Farthing to create a lease document between the Smyth County Public Library and the County. Chilhowie District Supervisor, Michael Sturgill seconded the motion and it was unanimously approved by the committee.

After consideration, the Building & Grounds 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,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor, and
Royal Oak District Supervisor Judy Wyant

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Mr. Utt noted that the lease document would be for clarification on maintenance and repair responsibilities.

 5/11/2021 6:40 PM Chair, Park District Supervisor Kris Ratliff presented the following recommendation from the Insurance Committee meeting held on April 28, 2021.

A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the \$5.00 per month payroll deduction for the AirMedCare Membership Program as an elected employee option with future consideration to include as a county-funded benefit. Royal Oak District Supervisor, Judy Wyant seconded the motion and it was unanimously approved by the committee.


After consideration, the Insurance Committee meeting 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.

 5/11/2021 6:47 PM Chair, Saltville District Supervisor Roscoe Call presented the following recommendation from the Ordinance Committee meeting held on April 27, 2021.

On a motion made by Atkins District Supervisor Charles Atkins, seconded by Saltville District Supervisor Roscoe Call, the committee unanimously agreed to recommend the approval of the resolution regarding the administrative fees associated with collection efforts for delinquent accounts.

After consideration, the Ordinance Committee meeting 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.



5/11/2021 6:50 PM Chair, Rye Valley District Supervisor presented the following recommendations from the Public Safety Committee meeting held on May 4, 2021.

Park District Supervisor Kris Ratliff made a motion to approve \$40,000.00 cash, which can be pulled from the current budget along with a \$90,000.00 loan (0% interest with a 7-year term with the first few months with no payment) which can be pulled from reserves to assist the Town of Saltville Rescue Squad with needed equipment purchases. Chilhowie District Supervisor, Michael Sturgill seconded the motion and it was unanimously approved by the committee.

After consideration, the Public Safety meeting 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.

Chilhowie District Supervisor Michael Sturgill made a motion for the truck purchased with COVID Care Funds to be signed over to the Town of Saltville with the stipulation that it is theirs as long as they continue EMS coverage, and it will revert back to the County if the Town of Saltville ceases to provide EMS coverage. Park District Supervisor Kris Ratliff seconded the motion and it was unanimously approved by the committee.

Royal Oak District Supervisor Judy Wyant asked how much was budgeted for the Saltville EMS Services. County Administrator, Shawn Utt responded that the proposed amount for next year for their operational expenses will be around \$120,000. Ms. Wyant expressed her concerns regarding the need of the additional funding and noted that other Towns within the County may have the same need.

Ms. Wyant also asked about the truck purchased with CARES Act funding being transferred to Saltville EMS. Mr. Utt noted that the truck was purchased with the intent of being provided to the Saltville/Rich Valley area and discussions on future truck rotations was in regards to future ambulance purchases and not this specific one.

Emergency Management Coordinator Curtis Crawford added that he is looking to obtain other equipment with additional grants.

After consideration, the Public Safety meeting 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.

Park District Supervisor Kris Ratliff made a motion to present the revised DERA resolution to the Board of Supervisors at their May 11, 2021 meeting for consideration. Chilhowie District Supervisor Michael Sturgill seconded the motion and it was unanimously approved by the committee.



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 Rescue Squad / Saltville Rescue Squad, Inc. (Station 10)

Adopted this the 11th day of May, 2021

ATTEST:


Shawn M. Utt, Clerk

**SMYTH COUNTY
BOARD OF SUPERVISORS**


Charles E. Atkins, Chair

After consideration, the Public Safety meeting 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.

 5/11/2021 7:09 PM Chair, Rye Valley District Supervisor Lori Deel read the minutes from the Water & Sewer Committee meeting held on April 28, 2021. No action was required from the meeting.

 5/11/2021 7:12 PM Chair, Atkins District Supervisor Charles Atkins called for a five-minute recess.

 5/11/2021 7:18 PM Chair, Atkins District Supervisor Charles Atkins called the meeting back to order.

 5/11/2021 7:19 PM North Fork District Supervisor Phil Stevenson addressed the Saltville EMS funding request and discussed the need for additional funding for all areas for EMS services and equipment.

 5/11/2021 7:23 PM County Administrator, Shawn Utt presented the following resolution for the Board's consideration:



SMYTH COUNTY BOARD OF SUPERVISORS

A RESOLUTION OF THE BOARD OF SUPERVISORS OF SMYTH COUNTY IN SUPPORT OF PASSENGER SERVICE INTO SOUTHWEST VIRGINIA AND CONSIDERATION OF A PASSENGER STATION IN SMYTH COUNTY

WHEREAS, the Virginia Department of Rails and Public Transportation (DRPT) has long worked with Norfolk Southern Railroad (NS) to evaluate the feasibility of extending passenger rail service into Southwest Virginia; and

WHEREAS, the introduction of passenger rail would assist in alleviating the freight and personal vehicle congestion along U.S. Interstate 81, and improve our transportation infrastructure in Southwest Virginia; and

WHEREAS, extending passenger rail through Southwest Virginia would allow for additional economic opportunities through tourism, commuter travel, and expanded transportation choices; and

WHEREAS, such rail service route would traverse Smyth County and pass through the Towns of Chilhowie and Marion in Smyth County; and

WHEREAS, many citizens of Smyth County have expressed support for the possibility of a stop within this community as an additional mode of public transportation and to facilitate opportunities for economic development in both the Towns and County; and

WHEREAS, the Board of Supervisors of Smyth County respectfully requests full consideration as to the feasibility of extending passenger rail service across Southwest Virginia; and

WHEREAS, the Board of Supervisors of Smyth County strongly encourages VA DRPT to consider Smyth County as a possible stop and joins other Southwest Virginia localities in the support of passenger rail service through our region; and

WHEREAS, the Board of Supervisors of Smyth County directs a copy of this Resolution be forwarded to the Director of DRPT, the Governor of Virginia, and our representatives in the Virginia General Assembly and United States Congress.

NOW, THEREFORE, BE IT RESOLVED THIS 11th DAY OF MAY 2021, that the Board of Supervisors of Smyth County, in Regular Session, hereby approves this Resolution.

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 for Support of Passenger Service into Southwest Virginia and Consideration of a Passenger Station in Smyth County. 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, and
Saltville District Supervisor Roscoe Call

NAYS: North Fork District Supervisor Phil Stevenson

ABSTAINERS: None.

ABSENT: None.

 5/11/2021 7:29 PM County Attorney, Scot Farthing reported he has nothing new to report at this time.

 5/11/2021 7:30 PM County Administrator, Shawn Utt noted that he has nothing new to report at this time.

 5/11/2021 7:30 PM Supervisor Comment Time

North Fork District Supervisor Phil Stevenson noted that he was happy to see all the small businesses that showed up tonight. Mr. Stevenson added that he is happy to see small stores in business and that he appreciated the Board wanting to grow the county but he feels this is the wrong time to impose the new proposed cigarette tax.

Park District Supervisor Kris Ratliff noted that he is a small business owner and that while he agrees that it is a tough balance to consider, but the need to find revenue to grow the county should be considered. Mr. Ratliff appreciates the Board's perspective and opinions.


Saltville District Supervisor Roscoe Call shared an experience his friend recently had while passing through Marion. Mr. Call expressed appreciation to the member of the Marion Fire Department and to the employee of Auto Zone that helped and Mr. Call added that his friend spoke of how friendly and courteous those people were and that he would like to thank the Town of Marion and Smyth County. Mr. Call wished for everyone to continue to stay safe.

Royal Oak District Supervisor Judy Wyant spoke about the challenges of the full agenda. Ms. Wyant addressed her concern about the cyber-attack on the East Coast Gas line and how it will create inflation. Ms. Wyant encouraged everyone to stay informed and take every precaution they can.

Vice Chair Rye Valley District Supervisor Lori Deel noted that she agrees with the comments made tonight and that she appreciates all of the citizen's feedback and will take that into consideration. Ms. Deel said there are unfortunately things that have been put off and now there are immediate needs that need to be addressed. Ms. Deel noted she has a lot of consider and that she appreciates all the input and she looks forward to making the best decision for all and for everyone to stay safe.

Chilhowie District Supervisor Michael Sturgill said to pray that the Cyber-attack gets under control. Mr. Sturgill noted that he worries about the school system to be able to get children to and from school and that as a board that they will navigate the pandemic in ways to help the community and make the best decisions for all. Mr. Sturgill thanked Curtis Crawford and the EMS personnel for all they do. Mr. Sturgill also thanked the teachers and administrators for their work during this challenging year.

Chair Atkins District Supervisor Charles Atkins noted he thinks that this was a good meeting and that it had a real effect on him. Mr. Atkins added that he feels the timing may be wrong for the cigarette tax with our current economy. Mr. Atkins recommended that there is a need to reestablish contacts with Senators regarding public land and the "payment in lieu of taxes" program being outdated and underfunded. Mr. Atkins noted he is happy that everyone is working and to stay safe.

 5/11/2021 7:50 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.3 discussion or consideration of the acquisition of real property for public purpose, or of the disposition of publicly held real property regarding the Morrison Building. 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.

 5/11/2021 7:59 PM A motion was made by Vice Chair Rye Valley District Supervisor Lori Deel, seconded by North Fork District Supervisor Phil Stevenson to adopt the following resolution certifying the business conducted in closed session as follows:

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

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

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

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


After consideration, the motion PASSED by the following vote:

AYES: Chair, 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.

 5/11/2021 8:00 PM With no further business to discuss, the meeting was adjourned until the next meeting scheduled for May 27, 2021 at 7:00 PM.

The Smyth County Board of Supervisors held its regular meeting on Thursday, May 27, 2021 at 7:00 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.

Board Members Present: Charlie Atkins, Chairman, Atkins District; Judy Wyant, Royal Oak District; Michael Sturgill, Chilhowie District; Roscoe Call, Saltville District; Kris Ratliff, Park District; Phil Stevenson, North Fork District

Board Members Absent: Lori Deel, Vice- Chairman Rye Valley District

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

Commissioners Absent: None

Staff Present: Shawn Utt, County Administrator; Lisa Richardson, Assistant County Administrator; Clegg Williams, Zoning Administrator; Sarah Parris and Paula Harvey, Administrative Assistants. Approximately ten citizens were present.

5/27/2021 7:05 PM Charles Atkins, Chairman of the Board of Supervisors, and Joel Pugh, Chairman of the Planning Commission, called the joint public hearing to order.

5/27/2021 7:06 PM Shawn Utt read the rules for the joint public hearing.

5/27/2021 7:09 PM Clegg Williams read the advertisement as placed in the Smyth County News and Messenger.

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

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, May 27, 2021, at 7:00 P.M. or as soon after 7:00 P.M. as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application to the Zoning Ordinance of Smyth County, Virginia:

An application from James Craig Harper for a Special Use Permit for a Service Business. The property is located beside 174 South Wood Lane, Saltville Virginia, identified as Tax Map Number 41A-4-2 and zoned Agricultural/Rural.

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

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

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in this hearing should contact Clegg Williams, ADA Coordinator, at (276) 706-8315 at least 48 hours prior to the hearing.

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

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

5/27/2021 7:11 PM Mr. Williams outlined the proposal for an application from James Craig Harper requesting a special use permit for a service (towing) business. He also highlighted the code sections from the zoning ordinance and comprehensive plan for future land use. He stated he had not received any comments regarding the application.

5/27/2021 7:13 PM James Craig Harper 160 Harper Lane, Saltville presented his proposal for a service business. Mr. Harper explained the business would consist of a maximum of eight vehicles. The vehicles would be stored in a 100'x100' fenced lot until they are processed. He stated that he planned to add a screen and possibly plant shrubs along the fence, facing Southwood Lane. He proposed a 30'x50' post steel building to house his towing equipment. He explained that he is wanting to expand his territory by locating in the Chilhowie call area and run calls on I-81. He stated a service person will be at the business Monday-Friday, 8:00 am -5:00 pm.

Roscoe Call asked about the maximum of eight vehicles. Mr. Harper stated that would be all he would need to store on the subject property. If he exceeded that amount, he stated he could move vehicles to his other facility. Mr. Call asked about the upkeep of South Wood Lane. The adjoining property owners stated it was a shared effort by the owners on South Wood Lane.

5/27/2021 7:20 PM Chairman Atkins asked for citizens who wished to speak regarding the proposal. The following citizens spoke:

- Jim Carter – 130 Valley Road, Saltville – Mr. Carter stated he owned the property across from the proposed business. He stated he did not want a junkyard and feared this proposal would decrease his property value.
- Dottie Cater – 130 Valley Road, Saltville – Mrs. Carter stated she was against business on this property and said the increased traffic would be dangerous.
- Alan Dinsmore – 176 South Wood Lane, Saltville – Mr. Dinsmore stated he did not want

a junkyard and trash. He mentioned a blind spot at the entrance of the property.

- Michael Morgan – 175 South Wood Lane, Saltville – Mr. Morgan stated he had known Mr. Harper for a long time and he had nothing against Mr. Harper, but he could not agree with a business on this property, because it would be too dangerous for the adjoining property owners.
- Nanine Woodward – 174 South Wood Lane, Saltville – Mrs. Woodward stated this is not what she had envisioned for this property, and she can deal with the livestock currently on the property, but not a service business.
- Bill Woodward – 174 South Wood Lane, Saltville – Mr. Woodward stated if the proposal were approved, stipulations would need to be placed for the adjoining property owner's protection.

Phil Stevenson spoke in favor of the adjoining property owners.

5/27/2021 7:50 PM Chairman of the Board, Charlie Atkins closed the joint public hearing

5/27/2021 7:50 PM Chairman of the Planning Commission, Joel Pugh recessed the Planning Commission in order for the Board of Supervisors to meet briefly.

5/27/2021 7:55 PM Chair, Atkins District Supervisor Charles Atkins called the meeting back to order.

5/27/2021 7:55 PM County Administrator, Shawn Utt presented the following general fund appropriations.

5/27/2021 7:56 PM *A motion was made by Saltville District Supervisor Roscoe Call to appropriate and approve payment of the following invoices from the General Fund. North Fork District Supervisor Phil Stevenson seconded the motion.*

- **Town of Saltville – EMS - \$40,000.00**

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

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

A motion was made by Saltville District Supervisor Roscoe Call to appropriate and approve payment of the following invoices from Capital Improvements Fund. North Fork District Supervisor Phil Stevenson seconded the motion.

- **Inland Construction – Back of the Dragon Overlook Project - \$35,950.00**

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

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

5/27/2021 7:58 PM With no further business to discuss, the meeting was adjourned until the next meeting scheduled for June 8, 2021 at 5:00 PM.



TOWN OF CHILHOWIE, VIRGINIA

Mayor: Gary E. Heninger
 Council: Donna S. Blevins
 Billy L. Clea
 J. Brent Foster
 Lewis W. Shortt, Jr.
 Julie Sturgill
 P.J. Wolfe

325 East Lee Highway
 P.O. Box 5012
 Chilhowie, Virginia 24319
 Phone: (276) 646-3232
 Fax: (276) 646-3012
www.chilhowie.org

Town Manager: John F. B. Clark, Jr.
 Clerk/Treasurer: Marlene L. Henderson
 Police Chief: Andrew K. Moss
 Director Public Works: Jay Keen
 Fire & EMS Chief: C. David Haynes
 Building Official: Randy Sturgill
 Recreation/Special Events Coordinator: Ron Cahill
 Legal: Cassel & Crews, P.C.

Release from Town of Chilhowie on Tourism Association Board Terminating Lease Date: April 14, 2021

The Town of Chilhowie received word yesterday, from secondhand sources, that the Tourism Authority Board voted unanimously, with one abstention, to terminate the lease with the Town on the Authority's use of the Town's H.L. Bonham Building.

"The Town was surprised and greatly disappointed to hear of this decision, particularly when no notice was given beforehand or contact with the Town made. The Town had been negotiating with the Tourism Association Board for a number of months, on suggested changes to a new lease in a good faith and in a completely transparent manner to all for a new lease agreement. These changes were approved by the Chilhowie Town Council, with consultation with our Attorney Paul Cassell who pointed out numerous defects in the current lease", said Mayor Gary Heninger and Town Manager John Clark in a joint statement.

The suggested changes in the new lease the Town was proposing included allowing the Smyth County Chamber of Commerce to have a space in the building, with the Chamber sharing utilities with the Tourism Authority; putting language in the new lease to allow the Town to terminate the lease with cause in case a future Authority made use of the building in conflict with its stated use; a ten year term on a new lease; and, a suggested cost sharing measure for capital expenditure over \$1,000.

The current lease allows only allows for space for the Tourism Association, not the Chamber; the current lease gives only the Tourism Association the right to terminate the lease with or without cause, which the Tourism Board evidently has exercised without cause; and, the current lease is perpetual. During the negotiations the Town had proposed paying 50% of expenditures over \$1,000 on agreed on capital projects and the rest split between the participating localities on a per capita basis. The Town of Chilhowie has spent over \$30,000 on major capital repairs the past four years on the building. If that cost share negotiation failed the Town could have then gone back to paying \$2 per capita from the current \$4.25 to offset some of its capital costs.

The abrupt termination by the Tourism Association Board, of which no official notification has yet been received, would end an eleven year plus beneficial relationship between the Tourism Association Board and the Town of Chilhowie, in which all localities including the Town of Marion, the Town of Saltville, and the County of Smyth have profited from in a cooperative manner. The Town of Chilhowie will now utilize existing regional development opportunities, and begin searching for other regional development opportunities for the good of the people of Smyth County and Southwest Virginia utilizing the Town's H.L. Bonham Building.





Smyth County Planning Commission

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

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

To: Shawn Utt
From: Clegg Williams *CW*
Date: June 1, 2021
Subject: Harper, James Craig – Special Use Information

After the joint public hearing held on Thursday, May 27, 2021, the Planning Commission reconvened their meeting and attempted to develop a recommendation to forward to the Board of Supervisors. After much discussion, there were two motions made and both failed because of tie votes. As a result of their impasse, I am unable to provide you a recommendation from the Planning Commission.

Additional information on the two failed motions is as follows:

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.

A meeting of the Smyth County Budget Committee was held at the County Office Building on Tuesday, May 18, 2021 at 2:00 p.m.

Committee Members Present:

Atkins District Supervisor Charles Atkins, Chair
Rye Valley District Supervisor Lori Deel
Royal Oak District Supervisor Judy Wyant

Staff Members:

County Administrator, Shawn Utt
Assistant County Administrator, Lisa Richardson
Administrative Assistant, Paula Harvey
Executive Director Mount Rogers Planning District Commission, Aaron Sizemore

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

County Administrator, Shawn Utt reviewed the following budget amendment request:

FY20/21 Budget Amendment #9

Smyth County Schools Fund (009) – An unexpected increase in state funding in the amount of \$727,685. In addition, a savings of \$300,000 throughout the school year in the Transportation category will allow the schools to reallocate those funds to maintenance projects.

- *Royal Oak District Supervisor Judy Wyant made a motion to approve the FY20/21 Budget Amendment # 9 for the Smyth County Schools Fund (009) as presented. Rye Valley District Supervisor Lori Deel seconded the motion and it was unanimously approved by the committee.*

The committee discussed the public hearings that were held on May 11, 2021 concerning the Smyth County Proposed Increase in Water & Sewer Rates, Smyth County Meals Tax Ordinance and Smyth County Cigarette Tax Ordinance.

Mr. Atkins noted that if all other Counties are on board, then we need to do the same to solve some cash flow issues now to avoid the possibility of raising real estate or personal property taxes in the future. Other committee members agreed.

Ms. Wyant added that she thinks the County needs to start doing press releases for clearer understanding for the public and to have them better informed of what the County is doing. Mr. Utt advised that he would put together a press release before the next Board of Supervisors meeting regarding the cost increases related to public safety and EMS specifically.

With no further business to discuss, the meeting was adjourned at 3:09 p.m.

SMYTH COUNTY SCHOOL BOARD

DR. DENNIS G. CARTER, DIVISION SUPERINTENDENT
121 BAGLEY CIRCLE, SUITE 300
MARION, VIRGINIA 24354-3140
PHONE: 276-783-3791
FAX: 276-783-3291

JESSE CHOATE, CHAIRMAN
SUSAN B. WILLIAMS, VICE-CHAIRPERSON
TARA E. FRENCH, CLERK
CHARLES M. BUCHANAN, JR.

ROGER L. FRYE
DR. PAUL L. GRINSTEAD
DR. KYLE N. RHODES
TODD WILLIAMS

To: Smyth County Board of Supervisors
From: Smyth County School Board
Date: May 12, 2021
Re: Budget Amendment

The Virginia General Assembly allocated additional funds to Smyth County Schools for the FY21 fiscal year. The funds allocated and the savings for the FY21 academic year equate to \$727,685. Additionally, due to COVID-19, our Transportation category did not experience the same expenditures as it has previously. I request the following category changes for the Smyth County Schools FY21 budget to reflect the additional revenue, the savings in revenue, and to provide revenue categorically to cover the additional expenses as we close FY21. Transfer \$300,000 from Transportation to Operations and Maintenance, amend Instruction by an additional \$150,000, Administration by an additional \$35,000, Operations and Maintenance by an additional \$492,685, and Technology by an additional \$50,000. The Smyth County School Board approved this request at their regularly scheduled meeting on May 10, 2021.

The chart below illustrates the current Amended Budget, the Additions/Subtractions, and the new Amended Budget allocations.

Budget Amendment May 2021			
Category	Approved Amended Budget	Categorical Changes	May 2021 Amended Categorical Totals
Instruction	36,510,812	+150,000	36,660,812
Administration	1,507,302	+35,000	1,542,302
Transportation	2,888,763	-300,000	2,588,763
Operations and Maintenance	5,172,545	+792,685	5,965,230
Food Service	3,811,309	0	3,811,309
Technology	1,773,689	+50,000	1,823,689
Totals	51,664,420	727,685	52,392,105

Thank you for your consideration.



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 8th day of June, 2021

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

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	009-021010-0006	State Basic Aid	\$ (28,007,106.00)	\$ (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	\$ 2,888,763.00	\$ (300,000.00)	\$ 2,588,763.00	
Fund 009	Smyth County Schools	009-099990-5804	Facilities	\$ 5,172,545.00	\$ 792,685.00	\$ 5,965,230.00	
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	\$ -	\$ -	\$ -

A meeting of the Personnel Committee was held at the County Office Building Wednesday, June 1, 2021 at 2:00 p.m.

Committee Members Present:

Atkins District Supervisor Charles Atkins, Charles Atkins
Chilhowie District Supervisor, Mike Sturgill

Committee Members Absent:

Park District Supervisor, Kris Ratliff, Chair

Staff Members:

County Administrator, Shawn Utt
Administrative Assistant, Paula Harvey

Chilhowie District Supervisor Michael Sturgill called the meeting to order at 2:05 p.m.

County Administrator, Shawn Utt presented the following for discussion:

Request from Chamber of Commerce – The County has been approached by the Chamber of Commerce for the County to consider providing the same partnership level as done with the Tourism Board and allow the Chamber's Executive Director to be a County employee with the relative benefits. With the arrangement with the Tourism Board, they reimburse the County 100% of the costs that the county incurs and the same would hold true for the Chamber of Commerce. The County also has a similar agreement with the Rye Valley Water Authority but their staff position is only a part-time position and does not include health insurance or VRS benefits.

Mr. Utt reached out to the Tourism Director, Amanda Livingston, to see if she could help locate a copy of an agreement between the County and the Tourism Board that memorialized the arrangement. Mr. Utt has requested the County Attorney to help prepare a Memorandum of Understanding between the County and the Smyth County Tourism Board at a minimum. With the understanding that the Chamber will pay all costs incurred by the County similar to the Tourism Board and Rye Valley Water Authority.

- *Atkins District Supervisor Charles Atkins made a motion to recommend an agreement for the County to serve as personnel fiscal agent and authorize 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.*

With no further business to discuss, the meeting was adjourned at 2:16 p.m.

A meeting of the Smyth County Public Safety Committee was held at the County Office Building Tuesday, June 1, 2021 at 11:00 a.m.

Committee Members Present:

Rye Valley District Supervisor, Lori Deel, Chair
Chilhowie District Supervisor, Michael Sturgill

Committee Members Absent:

Park District Supervisor, Kris Ratliff

Staff Members Present:

County Administrator, Shawn Utt
Administrative Assistant, Paula Harvey
Emergency Management Coordinator, Curtis Crawford
911 Coordinator, Shannon Williams

Others Present:

Operational Medical Director, Dr. Peter Bruzzo
Smyth County Sheriff's Department, Johnny Joannou
Smyth County Sheriff, Chip Shuler

Chair, Rye Valley District Supervisor Lori Deel called the meeting to order at 11:02 a.m.

Emergency Services Coordinator, Curtis Crawford advised the next County Chief's Meeting will be held on June 3, 2021 at 6:00 p.m. and at this time there is no new information to report to the Public Safety Committee. He invited committee members to attend the meeting if they wished.

Mr. Williams discussed concerns with 911 calls from the Konnarock service area being routed to Mount Rogers as the primary responsible agency. Mr. Williams indicated that he would like to have the committee look at changing the response maps to Chilhowie being the first primary agency of contact with Mount Rogers being secondary contact. He also noted that even though Mount Rogers EMS has a satellite station near the County boundary, the calls are being answered from their main station and the response time was just as long as what Chilhowie can provide.

- *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.*

Mr. Williams reported that the Washington County sub-station building has not yet been completed, but the goal is to man that station 24/7.

Mr. Williams and the committee discussed the need to have mutual aid agreements for EMS services. Additional information will be provided at a future meeting.

In regards to the pending transition to Emergency Medical Dispatch (EMD), Mr. Williams and Dr. Bruzzo discussed the need to have three dispatchers per shift and the need for qualifications to do EMD services. Dr. Bruzzo advised he is going to meet regularly with those staff and request a monthly report be sent to him for review. Mr. Williams also discussed the need for EMD training.

Mr. Williams advised he recently met with Grayson County public safety agencies and they have requested to use the county facility on Whitetop Mountain as an additional telecommunications site for their services and would be interested in a cost sharing agreement.

- *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.*

Mr. Crawford went over the fire hydrant location map for the County. Discussion ensued regarding the need to develop a standard protocol for use by all water providers to ensure that all fire agencies know when a fire hydrant is accessible and usable and when the hydrant should not be used.

With no further business to discuss, the meeting was adjourned at 12:35 p.m.

A meeting of the Smyth County Redistricting Committee was held at the County Office Building Tuesday, May 18, 2021 at 1:00 p.m.

Committee Members Present:

Saltville District Supervisor, Roscoe Call, Chair
Royal Oak District Supervisor, Judy Wyant

Committee Members Absent:

North Fork District Supervisor, Phil Stevenson

Staff Members:

County Administrator, Shawn Utt
Assistant County Administrator, Lisa Richardson
Administrative Assistant, Paula Harvey

Chair, Saltville District Supervisor Roscoe Call called the meeting to order at 1:00 p.m.

Mr. Utt presented the following information from the General Registrar Sandy Elswick.

Under the provisions of the Code of Virginia, Section 24.2-307, localities are required to comply with the following regarding voting precincts:

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

On a motion made by Royal Oak District Supervisor Judy Wyant, seconded by Saltville District Supervisor Roscoe Call, the committee unanimously agreed to recommend the waiver requests to the full Board for their consideration at the June 8, 2021 meeting.

With no further business to discuss, the meeting was adjourned at 1:07 p.m.



Smyth County General Registrar of Voters

Sandy Elswick
General Registrar, 276-706-8331
sandy.elswick@hotmail.com

121 Bagley Circle, Suite 422, Marion, VA 24354
Fax (276) 783-9055

Cathy Goins
Assistant Registrar, 276-706-8332
cgoins@smythcounty.org

May 6, 2021

Dear Shawn,

Please see the attached guidance from the Virginia Department of Elections.

Under the provisions of 24.2-307, localities are required to comply with the following:

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 and city 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

~Smyth County Electoral Board~

Donald L. Chisler
Chairman

Nancy S. Hollyfield
Vice Chairman

Vickie L. Hale
Secretary

In order to request this waiver, I will need to provide the Department of Elections with a copy of the minutes from a Board of Supervisors meeting, in which the governing body formally requests a waiver until such a time as redistricting can be completed.

Please add this item to the next available BOS meeting.

Please let me know if you have any questions.

Thank you,

Sandy

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

Committee Members Present:

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

Committee Members Absent:

Atkins District Supervisor Charles Atkins

Staff Members:

County Administrator, Shawn Utt
Administrative Assistant, Paula Harvey

Chair, Rye Valley District Supervisor Lori Deel called the meeting to order at 1:05p.m.

County Administrator, Shawn Utt presented the following for discussion:

Request from Owen "Rusty" Cox – Mr. Cox owns property surrounding the Route 107 Water Tank. The County PSA acquired the property in 1993 from Mr. Cox. In the purchase agreement/deed, the County is subject to the following expectations:

"The Grantee agrees to maintain the road from Route 107 to the tank site in a condition as determined by the Grantee to be adequate for Grantee's vehicles.

Grantee covenants and agrees to maintain and keep up the right-of-way in a reasonable fashion and in such way as to prevent materials used for the improvement of the right-of-way from migrating into the adjoining fields of the Grantors."

Mr. Cox stopped by Mr. Utt's office last week to let the County know that he will be paving the portion of his driveway from Route 107 just past the tank site (from that point to his house is already paved). He also shared a few pictures of some drainage issues that he requested be repaired, which Wally took care of in short order. Mr. Cox informed Mr. Utt that he had an estimate for the paving to be between \$20,000 and \$25,000 for the County's portion.

- *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.*

With no further business to discuss, the meeting was adjourned at 1:08 p.m.

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 _____, the members voting as follows:

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

Adopted this the ____ day of _____, 2021.

Attest:

Clerk of the Smyth County Board of Supervisors

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.

- 82 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.
- 83 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

- 121 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.
- 122 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.
- 123 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.
- 152 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.

- 153 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.
- 162 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.

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

Adopted this the ____ day of _____, 2021.

Attest:

Clerk of the Smyth County Board of Supervisors

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 8th 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 _____ and shall be effective July 1, 2021, the members voting as follows:

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

Adopted this the ____ day of _____, 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

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



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 8th 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:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

Appendix A

REVENUE SUMMARY

2021/2022

FUND 001 - General Fund

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

REVENUE SUMMARY**2021/2022**

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)	-

94,916,778

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

EXPENDITURE SUMMARY**2021/2022**

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

EXPENDITURE SUMMARY**2021/2022**

Commonwealth Atty Federal Funds (Fund 760)	20,000
Expenses Circuit Court (Fund 770)	5,000
CARES Act/COVID Funding (Fund 775)	-
TOTAL - COUNTY OPERATING EXPENDITURES	88,869,103

DEBT SERVICE

Line of Credit	5,000,000
Courthouse Debt Service	1,047,675
Debt Financed Capital Projects	-
	6,047,675

TOTAL COUNTY EXPENDITURES 94,916,778



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 8th day of June, 2021 the Smyth County School Board FY2021-22 budget is hereby approved as follows:

<u>EXPENDITURES/EDUCACTION CATEGORY</u>	<u>2021-22</u>
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
TOTAL FUNDS BUDGETED	\$54,455,787

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

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

OFFICE USE ONLY

DATE & TIME RECEIVED: 5/12/21 12:15pm
CBise

SMYTH COUNTY
121 Bagley Circle, Suite 100 - Marion, VA 24354
Phone: 276-783-3298 Ext. 1

APPLICATION FOR AN ANNUAL MUSICAL
OR ENTERTAINMENT FESTIVAL(s)

PLEASE PRINT AND ATTACH ALL INFORMATION

Note: The submission of this application does not guarantee the approval of the listed event(s). **All** information listed on this application is required to help determine if the event(s) complies with the Code of Smyth County.

Date Application Filed: 5-12-21
Applicant/Contact Name: Larry P Gillespie
Address: 188 Long Hollow Rd, Saltville, Va 24370
Phone: 276-624-3502

Name of Organization: Rich Valley Fair Association, Inc
Location of event(s): 325 Long Hollow Rd, Saltville, Va 24370

Pursuant with section 5-97 of the Smyth County Code (revised code is attached, please read carefully), the above organization hereby submits an application for a permit to conduct musical or entertainment festival(s) in Smyth County, Virginia, on the following date(s):

Day of the Week:	Date:	TIME: From	TIME: To
Friday	July 23	6:00pm	midnight
Saturday	July 24	10:00am	event ends
Friday	July 30	6:00pm	11:30pm
Saturday	July 31	5:00pm	11:00pm
Sunday	Aug 1	11:00am	Midnight
Thursday	Aug 5	6:00pm	Midnight

Pursuant to Section 5-96 (b) of the County Code, this application shall be filed by the last business day of the month of February or at least sixty (60) days prior to the first date of such festival(s).

Friday Aug 6 6:00pm event ends
Saturday Aug 7 5:00pm 11:00pm

1. The Rich Valley Fair is backed and promoted by the Rich Valley Agricultural and Fair Association.
2. The Fair is located on the Rich Valley Agricultural and Fair grounds, 325 Long Hollow Rd.
 - a. See map attachment #1
 - b. See map attachment #1
 - c. Will use the whole property
 - d. Owned by Rich Valley Fair Association
 - e. 19 - a -51; 19 - a - 36b; 19 - a - 36c
 - f. See map attachment #1
 - g. See map attachment #1
 - h. See map attachment #1
 - i. All county water and AEP power
 - j. Grounds are fenced all around
 - k. 85th annaul fair - same plans as years past
 - l. Call Larry Gillespie (276)624-3502 / (276) 708-1247 / (276) 780-3884
3. Plan:
 - a. Port-a johns in place, Smyth Co. trash pick up and dumpster in place
 - b. Fair Concession - see attachment #6 Health Department
 - c. See attachments #2 and #4
 - d. See attachment #3
 - e. See attachment #4
 - f. Tickets sold at gates, last years attendance approximately ^{5,000}10,000 for entire week, a booster pass may be purchased for entire week
4. Lighting: all lights are in place and remain the same as in previous years.
5. Music will be played at a reasonable audible level to stay within our property and shall end by midnight per The Smyth Co code section 5-98.

6: N/A - Administration and Public Notice of Music Events Sunday July 28th Gospel Singing,
Friday August 2nd local band - all music wil end before midnight.

7. Payment check of \$200.00 is attached

8. Certificate of Liability Insurance see attachment #5

9. Comply with section 5 - 97

Adjoining property owners:

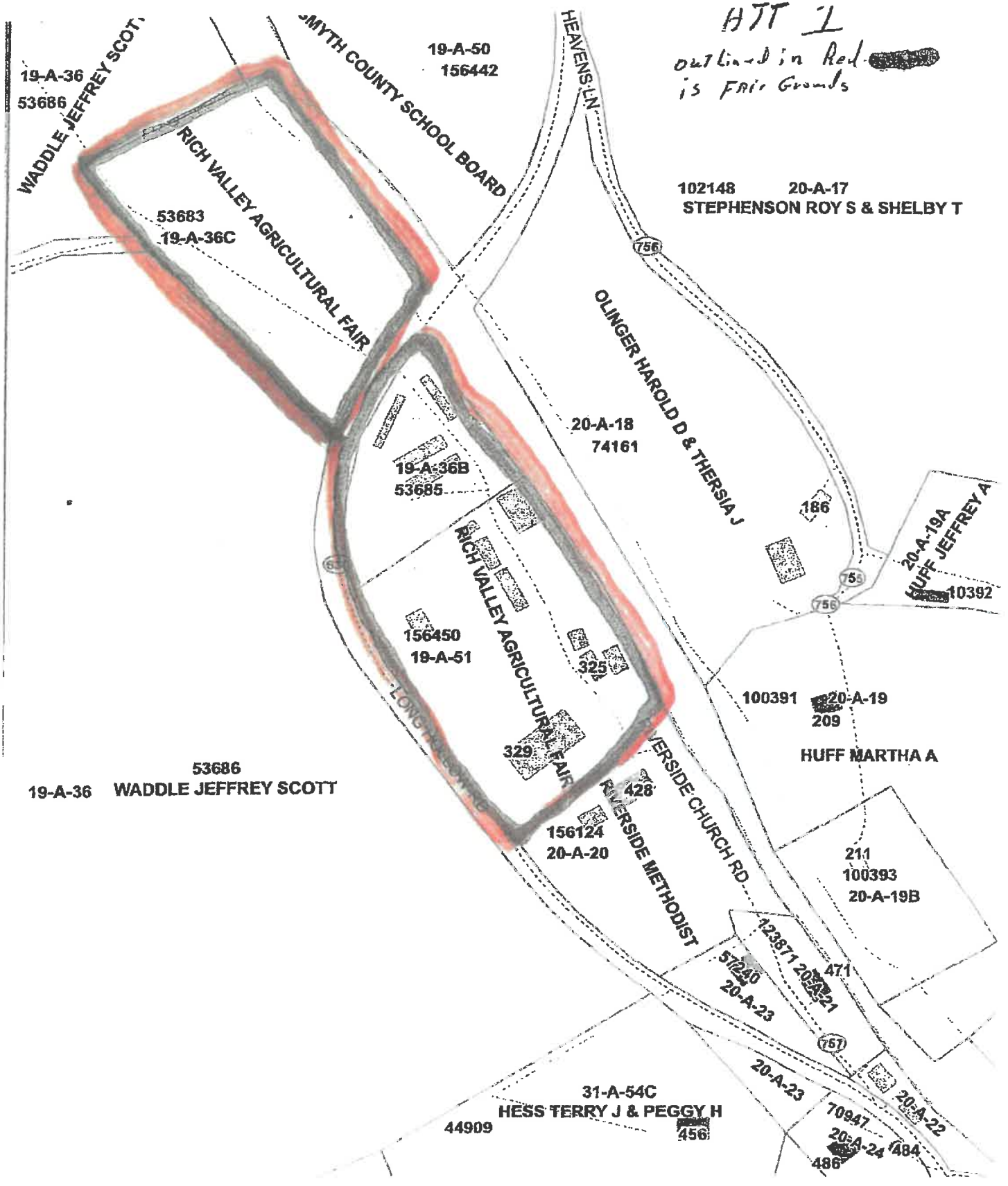
Jeffrey S & Shelley W Waddle 326 Long Hollow Rd, Saltville, Va 24370

Smyth Co School Board 121 Bagley Circle, Suite 300, Marion, Va 24354

Harold D & Theresia J Olinger 186 Heavens Lane, Saltville, Va. 24370

Riverside Methodist Church 4505 Valley Rd, Saltville, Va 24370

Martha A Huff 209 Heavens Lane, Saltville, Va 24370



HTT 1
 outlined in Red
 is Fair Grounds

From: SMYTH COUNTY 276 783 9314 06/19/2014 16:20 #810 P.005/011

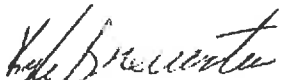
**SALTVILLE EMS
126 Battleground Avenue
Saltville, VA 24370
(276)496-4531**

**Rich Valley Fair
4505 Valley Road
Saltville, VA 24370
(276)624-3502**

To Whom It May Concern:

Saltville EMS has been approached by Rich Valley Fair for EMS assistance during their horse show and fair. The dates of these events fall within the last two weeks of July 2021. Saltville EMS hereby agrees to provide an ambulance for EMS coverage during the Rich Valley Fair event dates that fall within the last two weeks of July 2021.

Best Regards,


**Kyle Brewster
EMS Director, Saltville EMS**

Smyth County Sheriff's Office

ATT 3



Major J.A. Joannou
Chief Deputy

B.C. "Chip" Shuler
Sheriff

Captain Mark Blevins
Patrol

Captain A.K. Powers
School Resource

Captain Bill Eller
Criminal Investigation

819 Matson Drive • Marion, Virginia 24354
Phone: (276) 782-4056 • Fax: (276) 782-4058

April 13, 2020

Shaun Utt
County Administrator
Smyth County Board of Supervisors
121 Bagley Circle, Suite 100
Marion, VA 24354

RE: Rich Valley Fair and Horse Show
Rich Valley Fairground
Horse Show on July 23rd & 24th and The Fair on July 30th through August 7, 2021
Application for Musical/Entertainment Permit

Dear Shaun:

In reference to the above-mentioned application for a permit to conduct a musical or entertainment festival in Smyth County on July 30th through August 7st, 2020 (One event will be held July 23,24, 2020, I find the following:

I feel the grounds are adequate to hold this event, and I see no other safety concerns regarding the grounds.

The road in this rural community should be sufficient for the traffic volume and should not pose a hazard. Deputies from our office will be assigned to the festival for security and traffic control.

Sincerely,

A handwritten signature in blue ink, appearing to read "B.C. Shuler", followed by a comma.

B. C. Shuler

BCS/km

**Nebo Volunteer Fire Department
and First Responders**

422 Old Wilderness Road
Saltville, VA 24370

A United Way sponsored organization.

ATT-4

Rich Valley Fair Association

4505 Valley Road

Saltville, VA 24370

- **Fair Association membership,**

Nebo Volunteer Fire Department understands that your organization has to furnish the Smyth County Board of Supervisors a Fire Protection Plan in order to obtain an event permit for the fair.

The Rich Valley Fairground is within the boundary of both Nebo's fire and medical response area. Here is Nebo Fire Department's Fire protection plan for the Rich Valley Fair.

Nebo fire department will have fire members and fire equipment at the fair as much as our manpower levels allow. In times where members are not available to be physically on the fairgrounds our membership will respond to all calls to the fairground during the fair from wherever we may be when the call is dispatched by the Smyth County. If at any time, while we are either at the fairground or responding to it for a call, if we think that we do not have enough members or equipment on the scene or responding to extinguish any fire or handle any other situation that may occur we will request additional assistance just as we would on any other call. We will ask dispatch to send Saltville, Tannersville, Chilhowie or any other fire department as needed to assist us in anyway needed. This is more or less normal operating procedure for all fire departments and will allow us to respond to any situation that may occur during the Rich Valley Fair or any other time as is always our plan to handle emergency calls anytime anywhere.

Nebo Fire Chief

Ronnie Waddle

FROM: SMYTH COUNTY

276 783 9314

06/19/2014 16:22

8610 P.008/011

DATE & TIME RECEIVED: 5/12/21 12:15pm
CBise

SMYTH COUNTY
 121 Bagley Circle, Suite 100 - Marion, VA 24354
 Phone: 276-783-3298 Ext. 1

**APPLICATION FOR AN ANNUAL MUSICAL
 OR ENTERTAINMENT FESTIVAL(s)**

PLEASE PRINT AND ATTACH ALL INFORMATION

Note: The submission of this application does not guarantee the approval of the listed event(s). **All** information listed on this application is required to help determine if the event(s) complies with the Code of Smyth County.

Date Application Filed: 5-12-21
 Applicant/Contact Name: Larry P Gillespie
 Address: 128 Long Hollow Rd, Saltville, Va 24570
 Phone: 276-684-3502

Name of Organization: Rich Valley Fair Association, Inc
 Location of event(s): 325 Long Hollow Rd, Saltville, Va 24570

Pursuant with section 5-97 of the Smyth County Code (**revised code is attached, please read carefully**), the above organization hereby submits an application for a permit to conduct musical or entertainment festival(s) in Smyth County, Virginia, on the following date(s):

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 - k. 85th annaul fair - same plans as years past
 - l. Call Larry Gillespie (276)624-3502 / (276) 708-1247 / (276) 780-3884
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 - a. Port-a johns in place, Smyth Co. trash pick up and dumpster in place
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 - d. See attachment #3
 - e. See attachment #4
 - f. Tickets sold at gates, last years attendance approximately ^{5,000}10,000 for entire week, a booster pass may be purchased for entire week
4. Lighting: all lights are in place and remain the same as in previous years.
5. Music will be played at a reasonable audible level to stay within our property and shall end by midnight per The Smyth Co code section 5-98.

6: N/A - Administration and Public Notice of Music Events Sunday July 28th Gospel Singing,
Friday August 2nd local band - all music wil end before midnight.

7. Payment check of \$200.00 is attached

8. Certificate of Liability Insurance see attachment #5

9. Comply with section 5 - 97

Adjoining property owners:

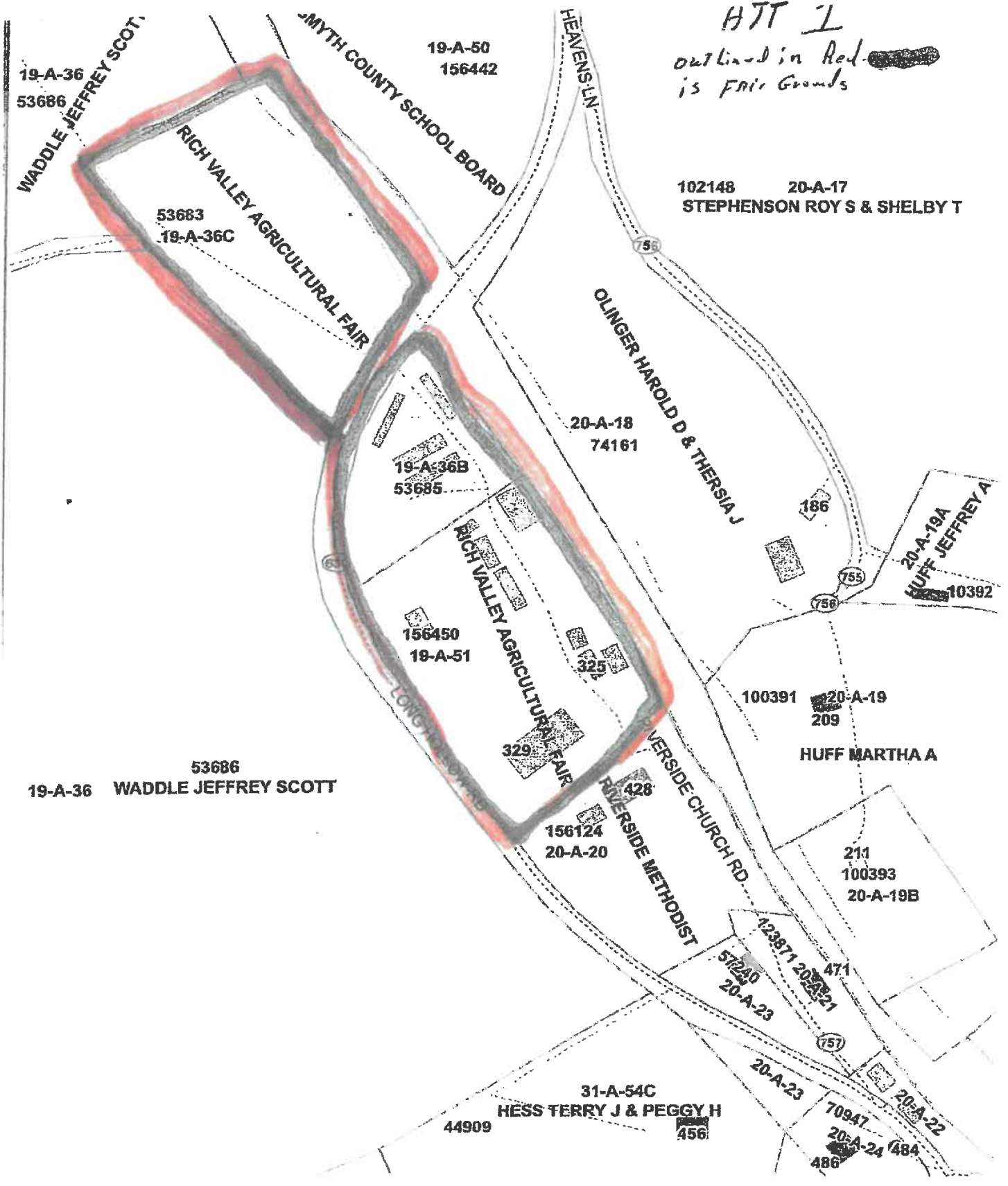
Jeffrey S & Shelley W Waddle 326 Long Hollow Rd, Saltville, Va 24370

Smyth Co School Board 121 Bagley Circle, Suite 300, Marion, Va 24354

Harold D & Theresia J Olinger 186 Heavens Lane, Saltville, Va. 24370

Riverside Methodist Church 4505 Valley Rd, Saltville, Va 24370

Martha A Huff 209 Heavens Lane, Saltville, Va 24370



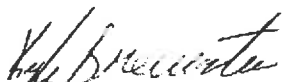
**SALTVILLE EMS
126 Battleground Avenue
Saltville, VA 24370
(276)496-4531**

**Rich Valley Fair
4505 Valley Road
Saltville, VA 24370
(276)624-3502**

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Saltville EMS has been approached by Rich Valley Fair for EMS assistance during their horse show and fair. The dates of these events fall within the last two weeks of July 2021. Saltville EMS hereby agrees to provide an ambulance for EMS coverage during the Rich Valley Fair event dates that fall within the last two weeks of July 2021.

Best Regards,


**Kyle Brewster
EMS Director, Saltville EMS**

Smyth County Sheriff's Office

ATT 3



Major J.A. Joannou
Chief Deputy

B.C. "Chip" Shuler
Sheriff

Captain Mark Blevins
Patrol

Captain A.K. Powers
School Resource

Captain Bill Eller
Criminal Investigation

819 Matson Drive • Marion, Virginia 24354
Phone: (276) 782-4056 • Fax: (276) 782-4058

April 13, 2020

Shaun Utt
County Administrator
Smyth County Board of Supervisors
121 Bagley Circle, Suite 100
Marion, VA 24354

RE: Rich Valley Fair and Horse Show
Rich Valley Fairground
Horse Show on July 23rd & 24th and The Fair on July 30th through August 7, 2021
Application for Musical/Entertainment Permit

Dear Shaun:

In reference to the above-mentioned application for a permit to conduct a musical or entertainment festival in Smyth County on July 30th through August 7st, 2020 (One event will be held July 23,24, 2020, I find the following:

I feel the grounds are adequate to hold this event, and I see no other safety concerns regarding the grounds.

The road in this rural community should be sufficient for the traffic volume and should not pose a hazard. Deputies from our office will be assigned to the festival for security and traffic control.

Sincerely,

A handwritten signature in blue ink, appearing to read "B.C. Shuler".

B. C. Shuler

BCS/km

**Nebo Volunteer Fire Department
and First Responders**

422 Old Wilderness Road
Saltville, VA 24370

A United Way sponsored organization.

ATT-4

Rich Valley Fair Association

4505 Valley Road

Saltville, VA 24370

- **Fair Association membership,**

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Nebo fire department will have fire members and fire equipment at the fair as much as our manpower levels allow. In times where members are not available to be physically on the fairgrounds our membership will respond to all calls to the fairground during the fair from wherever we may be when the call is dispatched by the Smyth County. If at any time, while we are either at the fairground or responding to it for a call, if we think that we do not have enough members or equipment on the scene or responding to extinguish any fire or handle any other situation that may occur we will request additional assistance just as we would on any other call. We will ask dispatch to send Saltville, Tannersville, Chilhowie or any other fire department as needed to assist us in anyway needed. This is more or less normal operating procedure for all fire departments and will allow us to respond to any situation that may occur during the Rich Valley Fair or any other time as is always our plan to handle emergency calls anytime anywhere.

Nebo Fire Chief

Ronnie Waddle

FROM: SMYTH COUNTY

276 783 8314

06/19/2014 16:22

8810 P.008/011

ATT 5

CSU Producer Resources, Inc.
 A subsidiary of Cincinnati Financial Corporation
 P.O. Box 145496, Cincinnati, OH 45250-5496
 513-870-2000

Date: 10/01/2020

To: Slomp Brant Saunders and Associates, Inc.
 116 W Main St
 Marion VA 24354-2514
 45-054

From: Lauren Jacobs

RE: Rich Valley Fair Association

Quote number: 133049119

QUOTATION

We are pleased to present a quote for this risk. This quote is based on the information you submitted, however the terms and conditions may differ from what was requested. Please review carefully.

Coverage to be provided by The Cincinnati Specialty Underwriters Insurance Company, an approved non-admitted company.

Proposed Policy Period: From: 10/29/2020 To: 10/29/2021

Quote Expiration: 11/28/2020

Description of Operations: Fairgrounds

Coverage:

General Liability - OCCURRENCE

Retroactive Date: NONE

<u>Limits of Insurance</u>	
Each Occurrence	\$ 1,000,000
Damage to Premises Rented to You	\$ 100,000
Medical Expense	Excluded
Each Offense - Personal & Advertising Injury	\$ 1,000,000
General Aggregate other than Completed Operations	\$ 2,000,000
Products/Completed Operations Aggregate	\$ 2,000,000

<u>Deductible</u>	<u>Per Claim</u>	<u>Per Occurrence</u>
Bodily Injury	Not Applicable	Not Applicable
Property Damage	Not Applicable	Not Applicable
Combined BI and PD	Not Applicable	\$ 1,000

Payment Options: CSU offers both Agency Bill and Direct Bill payment methods. Listed below are the payment methods available to the insured.

dict 2102
 Payment in full
 \$ 3,010⁹⁹

mp Brant Saunders & Assoc., Inc.
 16 W. Main St.
 P.O. Box 887
 Marion, VA 24354
 (276)783-5146

Rich Valley Fair Association, Inc.
 P.O. Box 1034
 Saltville, VA 24370

PAYMENT RECEIPT

Receipt #	175
Issued	10/29/2020
Receipt For	Rich Valley Fair Association, Inc.
Page	1 of 1

Payment Information	
Payment Type	Check (2102)
Payment Total	3,010.00

Issued By:
 Teaster, Terri

Policy #	Invoice #	Description	Amount
CSU0023108 On Account	49990	Check payment - Check# 2102	2,967.01
	50017	Check payment - Check# 2102 ↳ Terrorism exclusion - refunded	42.99
			Total
			3,010.00

Thank You

LOCAL HEALTH DEPARTMENTS
SERVING THE PEOPLE OF

Bland
Wythe
Carroll
Galax
Grayson
Smyth
Washington
Bristol



Karen Shelton, MD, District Director
Phone: 276/781-7450
Fax: 276/781-7455

Email
karen.shelton@vdh.virginia.gov

COMMONWEALTH of VIRGINIA
Mount Rogers Health District
201 Francis Marion Lane
Marion, VA 24354

May 6, 2021

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

Dear Mr. Utt,


Tammy Gillespie contacted the Smyth County Health Department concerning the Rich Valley Fair, sponsored by the Rich Valley Fair Association, to be held on July 23, 24, 30, 31, August 1, 5 – 7, 2021.

Since the Rich Valley Fair Association is the sponsor of this event, they will be asked to complete a coordinator's application for the temporary food vendors and mobile food units.

There is potable water onsite and the sewage facilities will be portable toilets and meeting the guidelines of the building code.

Mrs. Gillespie said that they will follow the Executive Order Sixth Amended and Order of Public Health Emergency Nine and Guidelines For All Business Sectors or others that will be in affect at the time of the Rich Valley Fair. Either Katy Treash, Environmental Health Supervisor or I will be in contact with them prior to the Rich Valley Fair. Mrs. Gillespie has included in a letter to me how they plan to meet the above Executive Order and Guidelines.

If further information is needed, please contact me at the Smyth County Health Department. The phone number is 276-781-7450.

Sincerely,

Lavonda W. Brickey
Environmental Health Specialist Sr.
Smyth County Health Department