

Board of Supervisors



SMYTH COUNTY, VA

Thursday, September 22, 2022

#SMYTHSTRONG



Smyth County, Virginia
121 Bagley Circle, Suite 100
Marion, Virginia 24354

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
S. Courtney Widener
Lori H. Deel
Roscoe D. Call

County Administrator
Asst. County Administrator – Operations
Asst. County Administrator – Development

Shawn M. Utt
Lisa Richardson
Clegg Williams

MEETING AGENDA
SMYTH COUNTY BOARD OF SUPERVISORS
Thursday, September 22, 2022
5:00 PM

- 1) **CALL MEETING TO ORDER** Board Chair
Pledge of Allegiance & Invocation
- 2) **AMENDMENTS TO AGENDA** Board Chair
- 3) **PRESENTATIONS** Board Chair
 - a. Recovery Month Declaration (Pg. 4)
- 4) **PUBLIC HEARINGS** Board Chair
 - a. Proposed Increase in Solid Waste Disposal Rates (Pg. 5-7)
- 5) **MINUTES OF PREVIOUS MEETINGS** Board Chair
Minutes of the September 8, 2022, meeting (Pg. 8-19)
- 6) **CITIZENS TIME** Board Chair
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.
- 7) **OLD BUSINESS** Board Chair
 - a. Committee Reports / Recommendations
 - i. Budget Committee (Pg. 20-24)
- 8) **NEW BUSINESS** Board Chair
- 9) **REPORT FROM COUNTY ATTORNEY** Scot Farthing, County Att’y
- 10) **REPORT FROM COUNTY ADMINISTRATOR / STAFF** County Admin. / Staff
- 11) **SUPERVISOR COMMENT TIME** Board Members
- 12) **CLOSED SESSION** *none scheduled*



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
S. Courtney Widener
Lori H. Deel
Roscoe D. Call

County Administrator
Asst. County Administrator – Operations
Asst. County Administrator – Development

Shawn M. Utt
Lisa Richardson
Clegg Williams

September 19, 2022

To: Members, Smyth County Board of Supervisors

CC: Smyth County Leadership Team

From: Shawn M. Utt, Smyth County Administrator

RE: Packet summary –September 22, 2022, 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 our new Accounts Payable Clerk, Sandie Seymour. The invocation will be provided by Assistant Director of IT, Heather Street.
2. **Amendments to Agenda** – if any are necessary, they will be presented at the meeting.
3. **Presentations**
 - a. **Recovery Month Declaration** – in support of the Recovery Court Program, we have been asked to present the **enclosed (Att. 1)** resolution declaring September as Recovery Month and announcing the candlelight vigil planned for September 30th at the Courthouse steps.
4. **Public Hearings** – the following public hearing has been duly advertised for this evening:
 - a. **Proposed Increase in Solid Waste Disposal Rates** – as we have discussed for the past several months, with the closure of the Bristol Landfill, the County will be forced to increase the solid waste disposal rates in order to help mitigate the budget deficit that has been created. The following two options are offered for consideration by the Board:
 - i. **Increase Tipping Fee** – following an in-depth review of the current costs related to the transportation of the solid waste from the County’s Transfer Station to the Bristol, VA Landfill compared to the anticipated costs for moving to the Eco-Safe Landfill in Blountville, TN, we find the overall cost to dispose of the solid waste is estimated to increase by \$24 per ton. This is tied back to the increase in tipping fees we will be paying the new landfill in addition to the amortization of the purchase of a new tractor truck/trailer and additional staff position to accommodate the fewer number of trips per day per driver. A public hearing has been scheduled for this evening to allow citizens the opportunity to discuss the issue in greater depth. For your information, we have **enclosed (Att. 2)** a copy of the public hearing advertisement as well as a

draft resolution for the Board's review and consideration.

- ii. Minimum Fee (Transfer Station Scale Usage) – We have been working through ideas to help make our overall operation more efficient. After reviewing the rate schedules for other transfer stations in surrounding Counties, we noted that several provide for a minimum charge for using the Transfer Station (while continuing the free usage of the convenience centers). Below is a breakdown of the Counties surrounding Smyth:

- **Washington County** – \$5.00 minimum charge (adopted August 9, 2022 and effective October 1, 2022)
- **Tazewell County** – \$10 minimum per standard pickup load
- **Wythe-Bland Joint PSA** – minimum charge of \$20.00 per load for under 750 lbs
- **Russell County** – No minimum but considering adopting one in near future
- **Twin County Landfill** (Galax, Carrol & Grayson) - \$4.00 charge for up to 3 30-gallon bags; \$8.00 charge for 4 or more 30-gallon bags; 1 axle trailer is \$9.00; 2-axle trailer is \$11.00; appliances are \$5.00 each

At this point, the recommendation from the Solid Waste Committee is to charge a \$5.00 minimum fee to use of the transfer station floor. At the same time, we have some plans to prepare a site to allow for a citizen to pull up to a roll-off container that is lower than the ground level which would enable trash to be emptied without having to “throw it over the wall” of the container. This will mitigate the majority of the citizens who wish to use the transfer station floor currently.

5. **Minutes of Previous Meeting(s)** – the minutes of the September 8, 2022, meeting are **enclosed** (**Att. 3**) for the Board's review and approval.
6. **Citizen's Time** – Time has been set aside for citizens to provide comments to the Board on general items of interest or concern.
7. **Old Business Items:**
 - a. **Committee Reports / Recommendations**
 - i. Budget Committee – minutes of the meeting are **enclosed** for your review and information (**Att. 4**). In addition, items related to committee recommendations are also **enclosed** for your review.
8. **New Business Items:** (none scheduled at this time).
9. **Report from County Attorney:** Time has been reserved on the agenda to allow the County Attorney to provide input and various updates as needed.
10. **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.
11. **Supervisor Comment Time:** Roundtable discussion for individual Board members.
12. **Closed Session under Code of Virginia Section 2.2-3711(a)** (none scheduled at this time).



**SMYTH COUNTY
BOARD OF SUPERVISORS**

RESOLUTION DECLARING SEPTEMBER AS RECOVERY MONTH

WHEREAS, mental health and substance use disorders affect all communities nationwide and Smyth County is sadly no exception; and

WHEREAS, the Smyth County Recovery Court Program was established in 2018 with a mission to reduce substance use and recidivism within the community by implementing a court-based program with the goal of promoting productivity, development of potential and a safer, healthy community; and,

WHEREAS, the Smyth County Recovery Court Program is tasked with helping to turn the tide of mental health and substance use disorders into a positive direction by guiding those impacted on a journey of improved health and overall wellness and will celebrate the 28th individual to graduate from the program later this month; and

WHEREAS, learning to manage the effects of these conditions helps individuals achieve healthy lifestyles and make a positive contribution to the larger community; and

WHEREAS, the Smyth County Recovery Court program is partnering with other organizations to recognize the month of September as Recovery Month in observance of those who work to improve the lives of those affected by mental health and substance use disorders by raising awareness and educating communities about the effective services that are available to those in need; and,

WHEREAS, the Smyth County Recovery Court will be hosting a candlelight vigil on the steps of the Smyth County Courthouse on Friday, September 30th in observance of Recovery Month and in memory of those lost to mental health and substance use disorders.

NOW, THEREFORE, BE IT RESOLVED the Smyth County Board of Supervisors does hereby declare and proclaim September as Recovery Month and more specifically declare and proclaim September 30th as Recovery Day.

BE IT FURTHER RESOLVED that this declaration be spread upon the minutes of the Board of Supervisors this 22nd day of September 2022.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

Public Hearing

Proposed Increase in Solid Waste Disposal Rates

Due to the increased costs related to the closure of the Bristol Landfill and relocation to a new landfill for solid waste disposal, the Smyth County Board of Supervisors is proposing an increase to the rates charged for Solid Waste Disposal Services as follows:

	<u>Current Rate Structure</u>	<u>Proposed Rate Structure</u>
<i>Tipping Fee</i>	\$56.00 per ton	\$80.00 per ton
<i>Minimum Fee (Transfer Station Scale Usage)</i>	\$0.00	\$5.00

A Public Hearing will be conducted by the Smyth County Board of Supervisors on Thursday, September 22, 2022 beginning at 5:00 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.

All interested persons may express their views by emailing pharvey@smythcounty.org prior to the meeting. Written comments may also be mailed to the 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 p.m. on Thursday, September 22, 2022.

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



SMYTH COUNTY BOARD OF SUPERVISORS

RESOLUTION TO REVISE SOLID WASTE DISPOSAL FEES

WHEREAS, the Smyth County Code Section 50-55 requires the payment tipping fees related to the disposal of solid waste; and

WHEREAS, the Board of Supervisors for Smyth County, Virginia has identified the need to increase the rates charged for solid waste tipping fees due to move from Bristol Landfill (due to unexpected closure) to the Eco-Safe Landfill in Blountville, TN; and,

WHEREAS, the move of landfills resulted in a dramatic increase in the tipping fees paid by Smyth County to the Landfill which in turn resulted in an unforeseen deficit in the current Solid Waste Department budget; and,

WHEREAS, in order to mitigate the upcoming deficit, the Smyth County Board of Supervisors has realized the need to increase the tipping fees charged to paying customers at the Smyth County Transfer Station; and,

WHEREAS, the Board of Supervisors conducted a duly noticed public hearing on September 22, 2022 to receive comments from the public on the proposed increases in tipping fees, wherein the comments from the public could be heard.

NOW THEREFORE BE IT RESOLVED by the Smyth County Board of Supervisors sitting in regular session this 22nd day of September 2022 that the Solid Waste Transfer Station rate schedule is hereby amended as set forth in **Appendix A** attached hereto and expressly made part hereof as if set forth herein; and,

BE IT FURTHER RESOLVED by the Smyth County Board of Supervisors that the effective date of the revised Solid Waste Transfer Station rate schedule be set as **October 1, 2022**.

Adopted this the 22nd day of September 2022

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

APPENDIX A

Smyth County Solid Waste Disposal Rates

(effective **October 1, 2022**)

	<u>Proposed Rate Structure</u>
<i>Tipping Fee</i>	\$80.00 per ton
<i>Minimum Fee (Transfer Station Scale Usage)</i>	\$5.00
<i>Tires:</i>	Less than 16 inches - \$2.50 ea Tires 17in to 24 in - \$7.50 ea Tires 25 in or greater - \$13.25 ea Tires cut or chipped - \$165/ton 1 st 4 passenger vehicle tires free (per vehicle/registration)
<i>Convenience Stations</i>	Household waste only – No Charge

The Smyth County Board of Supervisors held its regular meeting on Thursday, September 8, 2022, 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 Deel; Chilhowie District Supervisor Michael Sturgill; Saltville District Supervisor Roscoe Call; North Fork District Supervisor Phil Stevenson; Park District Supervisor Kris Ratliff

ABSENT: Royal Oak District Supervisor Courtney Widener

STAFF: County Administrator Shawn Utt; Assistant County Administrator – Operations Lisa Richardson; Assistant County Administrator – Development Clegg Williams; County Attorney Scot Farthing; Administrative Assistant/Deputy Clerk Paula Harvey

OTHERS: Smyth County Sheriff's Deputy and citizens



9/8/2022 5:03 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.



9/8/2022 5:06 PM Shawn Utt, County Administrator led the Pledge of Allegiance and Alan Gray, Pastor Royal Oak Presbyterian Church in Marion gave the invocation.



9/8/2022 5:06 PM Mr. Allan Sumpter, Residency Engineer for VDOT discussed updates on various projects that VDOT is currently working on throughout the County. Mr. Sumpter also provided updates on the mowing progress, patching and ditching updates and other maintenance types of activities. He reported that they are also getting the equipment ready for Winter weather. He discussed the speed study requests from the May board meeting and advised that they are working to move through these as quickly as possible.

Mr. Sumpter also discussed the speed study results in the Broadford area, specifically requested by local resident, John Clark and explained the process and reported on what data was collected. Mr. Sumpter advised after the completion of the study, VDOT traffic engineers did not recommend changing the speed limit due to the standards that need to be met prior to such a change not being present in this specific study. Discussion continued.

Mr. Sumpter announced this is his last visit with the Board. Effective next week he noted he would be assuming a new role with VDOT in the Wise Residency. He advised that Matthew Lewis will take his place in the interim. Mr. Sumpter thanked the Board for their professionalism and wished everyone well and said he would miss working with everyone.

The Board thanked Mr. Sumpter for his services and wished him well with his new position.



9/8/2022 5:39 PM Kyle Brewster, Saltville EMS Chief, provided an update for Saltville EMS operations within his first year. Mr. Brewster reviewed the handout from the packet and explained in detail operations from the last year noting he believed the agency is in a strong financial position in his opinion. Mr. Brewster also touched on the structure of services and discussed plans for the upcoming year. Discussion continued.

Saltville District Supervisor Roscoe Call noted that he recently attended the Saltville Labor Day Celebration and said that the Saltville EMS presence there was outstanding. He said he is getting positive input from the community and for them to keep up the good work.

Chair, Atkins District Supervisor Charles Atkins thanked Mr. Brewster for the update and wished them continued success.



9/8/2022 6:10 PM *A motion was made by Saltville District Supervisor Roscoe Call to approve the minutes from the August 11, 2022, meeting as presented.*

Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

*AYES: Chair, Atkins District Supervisor Charles Atkins,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill, and
Saltville District Supervisor Roscoe Call,*


NAYS: None.

*ABSTAINERS: Vice Chair, Rye Valley District Supervisor Lori Deel, and
Park District Supervisor Kris Ratliff*

ABSENT: Royal Oak District Supervisor Courtney Widener



9/8/2022 6:11 PM Assistant County Administrator, Lisa Richardson, reviewed the County financial information.

 9/8/2022 6:12 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the following accounts payable listing.

<u>General County</u>	
Accounts Payable Listing 8/1/2022 - 8/31/2022	<u>\$1,270,660.79</u>
Total General County	<u>\$1,270,660.79</u>
<u>Fund Accounts</u>	
EDA Fund 4	<u>\$90,754.33</u>
Fund 746 Sheriff	<u>\$19,160.00</u>
Recovery Court Fund 749	<u>\$18,182.89</u>
Total Fund Accounts	<u>\$128,097.22</u>
TOTAL ACCOUNTS PAYABLE - AUGUST 2022	<u>\$1,398,758.01</u>

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


NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener

 9/8/2022 6:13 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.

 9/8/2022 6:13 PM With no one wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen's time.

 9/8/2022 6:14 PM County Administrator, Shawn Utt read the minutes from the Solid Waste Committee meeting and presented the following recommendation:

- A motion was made by Saltville District Supervisor Roscoe Call to recommend scheduling a public hearing for September 22, 2022 at 5:00 p.m. or shortly thereafter to consider the*

amendments to the transfer station fee structure to include tipping fees, fees for tire disposal and a minimum transfer station usage fee. Atkins District Supervisor Charles Atkins seconded the motion, and it was unanimously approved.

North Fork District Supervisor Phil Stevenson said he does not agree with charging for tire disposal and wants to keep the four (4) free tires per resident. Mr. Stevenson believes eliminating the 4 free tires could cause other issues and should be left as is. Mr. Stevenson also added that he is not in agreement with charging residents a minimum \$5 fee to unload on the tipping floor.

Vice Chair, Rye Valley District Supervisor Lori Deel concurred with Mr. Stevenson regarding not eliminating the four (4) free tires.

After consideration, the Solid Waste Committee recommendation FAILED by the following vote:

AYES: None.

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

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener

After further discussion, the following motion was rendered:

- *A motion was made by Vice Chair, Rye Valley District Supervisor Lori Deel to schedule a public hearing for September 22, 2022, at 5:00 p.m. or shortly thereafter to consider amendments to the transfer station fee structure to include tipping fees and a minimum transfer station usage fee.*

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,
Park District Supervisor Kris Ratliff,
Chilhowie District Supervisor Michael Sturgill, and
Saltville District Supervisor Roscoe Call*

NAYS: North Fork District Supervisor Phil Stevenson

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener



9/8/2022 6:34 PM County Administrator Shawn Utt, Shawn Utt, read the minutes from the Budget Committee meeting and presented the following recommendation:

- A motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving Budget Amendment #3 in the amount of \$1,002,797 to include all items as discussed. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved*

RESOLUTION

SMYTH COUNTY BUDGET FISCAL YEAR 2022/23 – AMENDMENT #3

WHEREAS, the Smyth County Board of Supervisors, on May 26, 2022 adopted the Fiscal Year 2022/23 Budget in the original amount of \$106,723,018; and

WHEREAS, earlier in the meeting of August 11, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #1) for Fiscal Year 2022/23 in the amount of \$110,958,384; and

WHEREAS, later in the meeting of August 11, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #2) for Fiscal Year 2022/23 in the amount of \$111,921,734; and

WHEREAS, the aggregate amount of budget amendment #3 is \$1,002,797 which would increase the Fiscal Year 2022/23 budget to a total of \$112,924,531 as shown 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 2022/23 in the amount of \$112,924,531.

BE IT FURTHER RESOLVED, the approval of this budget amendment #3 shall indeed constitute an appropriation of the same funds.

Adopted this the 8th day of September, 2022

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

- *North Fork District Supervisor Phil Stevenson made a motion to approve the revised Pathway Regional Industrial Facility Authority Pathway Park Participation Agreement as presented and to authorize the County Administrator to execute the document.*

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener



9/8/2022 6:39 PM County Administrator Shawn Utt discussed the Opioid settlement funds and reminded that those funds have to be used as an opioid addiction mitigation strategy. He suggested potentially making some of the funds available for Appalachian Center for Hope as they work to get their programming up and running. Chair, Atkins District Supervisor Charles Atkins said he is in support of the Appalachian Center for Hope program but since they are still in the stages of creation would rather see the funds go to a program to get immediate need. Another recommendation Mr. Utt presented was for the funds be given to the Appalachian Substance Abuse Coalition (ASAC), who is a strong partner with the Recovery Court program so they could be of use immediately.

Park District Supervisor Kris Ratliff said it is so important to help those maintain their sobriety and to get back in the workforce and be productive citizens.

- *Chilhowie District Supervisor Michael Sturgill made a motion to authorize the Opioid settlement funding in the amount of \$24,072 to go for the Appalachian Substance Abuse Coalition for use as a opioid addition mitigation strategy.*

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener

 9/8/2022 6:44 PM County Attorney Report -

Mr. Farthing reported that he is currently waiting on his private process server to locate the owner of the Riverside Drive property. Mr. Farthing added that he is working on other various administrative items and also collecting the non-user fees for water & sewer.

North Fork District Supervisor Phil Stevenson asked if any news on the airstrip and truck stop litigation. Mr. Farthing provided a brief update on both.

 9/8/2022 6:47 PM County Administrator Report -

Mr. Utt discussed the following:

1. Real Estate Reassessment RFP – Mr. Utt reported that administration has been working through the process to procure the upcoming reassessment with a January 1, 2024 effective date. The due date for the proposals was August 31, 2022 and Mr. Utt noted that Pearson’s Appraisal Services was the only one that responded. He said there would be a meeting with them on Monday, September 12, to discuss a draft agreement and is in hopes that he will have to present to the Budget Committee, then on to the Board for final approval. Mr. Utt reported that like everything else, costs are expected to increase.

There was discussion regarding the creation of a land use committee to study the current land use program and offer recommendations for updates or improvements. Chair, Atkins District Supervisor Charles Atkins suggested that whoever the Chairperson may be at the time appoint members to serve. Discussion continued and the Board collectively agreed with Chair Atkins’ suggestion.

2. Historic District Designation – Mr. Utt discussed the Appalachian Center for Hope plans for the Rehab Building and that there is consideration of the use of historic tax credits as an option for funding. However, in order to qualify for the program, the building

needs to be officially designated either a historic district or as an individual historic structure. Mr. Utt said the most cost-effective would be to create a historic district. He reported that the Appalachian Center for Hope has reached out to the Town of Marion to serve as the official requestor to the Virginia Department of Historic Resources. Mr. Utt also discussed the possibility and thoughts of including the Morrison Building as well.

3. Smyth County Community Hospital Board – Mr. Utt said he has been asked to serve on the reconstituted Hospital Board and that he hopes to continue the great working relationship between the County and the hospital. He also added that he would be a voice for the County for issues that need to be discussed in greater depth.

 9/8/2022 6:56 PM Supervisor Comment Time -

Vice Chair, Rye Valley District Supervisor Lori Deel gave her appreciation to everyone for bearing with her and letting her participate electronically. Mrs. Deel thanked Saltville EMS for coming to speak and said the school year is off to a great start. She also added she appreciates all the Board members and staff for their time and to keep the County moving forward.

Saltville District Supervisor Roscoe Call said he is glad to see Mrs. Deel back and for everyone to have a safe trip home and God Bless.


Park District Supervisor Kris Ratliff reminded everyone to stay aware of the new Covid booster and said the Flu season is predicated to be aggressive and suggested everyone getting their vaccine. Dr. Ratliff said he recently became aware of a training program that certifies Pharmacy Technicians and advised Smyth County is interested and may partner for training as a way to open the door. Dr. Ratliff asked about County logging operations if there is a code of when one is harvested to put another back in its place and Mr. Utt said state code doesn't allow for that. Dr. Ratliff congratulated Mrs. Deel on her new baby and thanked the Board for all they do.

Chair, Atkins District Supervisor Charles Atkins thanked everyone for speaking up and good discussions. He pointed out that the next ARPA committee meeting is getting closer with both studies wrapping up and for everyone to be thinking to putting that money to good use. Mr. Atkins congratulated Mrs. Deel on her new baby and said he is glad to have the staff working so well together.

Chilhowie District Supervisor Michael Sturgill said he has recently had some good experiences at the McMullin convenience station and the employees there are outstanding. He also gave a shoutout of appreciation to all Fire, EMS and Police for all they do. Mr. Sturgill reminded everyone of the upcoming Chilhowie Apple Festival on September 22-25 and encouraged

everyone to come out. Mr. Sturgill thanked the Library for working well together with the schools and gave a shoutout to a former student that recently had an article published in Newsweek. He also congratulated Mrs. Deel on her new baby.

North Fork District Supervisor Phil Stevenson said he appreciates Saltville EMS operations and hopes they can come up with a plan for another building and that they have his support.

 9/8/2022 7:05 PM Mr. Utt reported that the RFP's for the Landfill for Solid Waste came back and Eco Safe Landfill in Blountville, TN was the only one that responded. Mr. Utt recommend moving forward with the agreement. Discussion continued.

- *North Fork District Supervisor Phil Stevenson made a motion to authorize the County Administrator Shawn Utt to negotiate and enter into a 5-year agreement with a 5-year extension with Eco Safe Landfill for Solid Waste.*

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener

North Fork District Supervisor Phil Stevenson said he hopes the County is still looking into the possibility of constructing an incinerator for future solid waste needs. Mr. Utt said he feels there is a regional group he can pull together for that.

Saltville District Supervisor Roscoe Call said he visited the salt plant and went to the manager and advised them of the recent bags of salt that were brought to the Landfill. Mr. Call advised the manager of the salt plant told him he would take care of making sure the leftover bags of salt do not get brought to the Landfill.

 9/8/2022 7:07 PM *Vice Chair, Rye Valley District Supervisor Lori Deel made a motion 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 Solid Waste property update.
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,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill, and
Saltville District Supervisor Roscoe Call*

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener



9/8/2022 7:18 PM Vice Chair, Rye Valley District Supervisor Lori Deel made a motion 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 closed session on this date pursuant to an affirmative recorded voted 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.

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener

 *9/8/2022 7:20 PM Chilhowie District Supervisor Michael Sturgill made a motion to authorize the County Administrator Shawn Utt to execute a purchase agreement with Chilhowie Land Company and Walker Paving Company to purchase 8 acres (+/-) for use as a transfer station in the amount of \$550,000 with expectations the current lease contract will be null and void.*

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener

 *9/8/2022 7:21 PM With no further business to discuss, the meeting was adjourned. The next meeting will be September 22, 2022, at 5:00 p.m.*

Chair, Charles Atkins

A meeting of the Smyth County Budget Committee was held at the County Office Building on Thursday, September 15, 2022, at 9:00 a.m.

Committee Members Present:

Chilhowie District Supervisor Michael Sturgill
Rye Valley District Supervisor Lori Deel
Atkins District Supervisor Charles Atkins

Committee Members Absent:

None.

Staff Members:

County Administrator, Shawn Utt
Assistant County Administrator for Development – Clegg Williams
Administrative Assistant, Paula Harvey

Atkins District Supervisor Charles Atkins called the meeting to order at 9:08 a.m.

Mr. Utt discussed the following:

1. Reassessment Agreement – Mr. Utt reported that Fred Pearson with Pearson’s Appraisal Service met with staff to discuss the upcoming reassessment process and his proposal for services. Mr. Utt said they also set out some expectations to prevent what was thought to not work as well with the last reassessment process. Mr. Utt said that he has forwarded the agreement to the County Attorney and recommended approving the agreement pending his review.

- *Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to recommend approving the reassessment agreement contract with Pearson’s Appraisal Service, Inc. pending final approval from the County Attorney. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

2. Supplemental Appropriations Request –

- *Sheriff’s Department Equipment (Fund 748)* – Recommendation to appropriate \$10,000 for Fund 748 to purchase various supplies and equipment for the Sheriff’s office. The current balance in Fund 748 is \$11,790.
 - *Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to recommend approving an appropriation in the amount of \$10,000 in Fund 748 for Sheriff’s department supplies and equipment. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*
- *Commonwealth Attorney Funds (Fund 737 and Fund 760)* – The Commonwealth Attorney’s office is asking that funds be appropriated for their State Seizure Fund (Fund 737) and Federal Seizure Fund (Fund 760). Based on the balances of each fund, Mr. Utt recommended a supplement appropriation of \$50,000 in Fund 737 and \$20,000 to Fund 760.

- *Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to recommend approving an appropriation in the amount of \$50,000 in Fund 737 – State Seizure Fund and \$20,000 in Fund 760 – Federal Seizure Fund for the Commonwealth Attorney’s request. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*
- *Transfer Station Construction Fund (Fund 505) -When funding was moved from the CIP Fund (Fund 502) to the Transfer Station Construction Fund (Fund 505), funding was failed to be officially appropriated. Mr. Utt recommended appropriating \$1,000,000 to include the purchase of the Transfer Station property as well as any other work to occur in the coming months. The current balance of Fund 502 is \$2,751,042.*
 - *Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to recommend approving an appropriation in the amount of \$1,000,000 from the CIP Fund 502 to the Transfer Station Construction Fund 505 for the purchase of the Transfer Station and other work that may occur in the coming months. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

Mr. Williams gave a status update on the acquisition of the Transfer Station property noting we were on track to move forward.

With no further business to discuss, the meeting was adjourned at 9:20 a.m.

COMMONWEALTH OF VIRGINIA

SMYTH COUNTY

THIS AGREEMENT, made and entered into this the ____ day of _____, 2022 by and between Smyth County, Commonwealth of Virginia (the "County"), party of the first part; and Pearson's Appraisal Service, Inc., (the "Provider"), party of the second part.

WITNESSETH:

For the purpose and subject to the terms and conditions hereinafter set forth, the County hereby contracts for the services of the Provider, and the Provider agrees to provide the services to the County in accordance with the terms of this Agreement.

Provider submitted a proposal to the County for professional appraisal services dated August 31, 2022 and the County desires to engage the Provider to provide the services detailed in the Provider's response to the County's Request for Proposal to conduct the 2024 Reassessment of Real Property.

I. SERVICES TO BE PROVIDED

The services to be performed by the Provider are to provide professional appraisal services to:

- a. Conduct Market Analysis/Site Visits
Examine all 2023 market sales in the County and conduct site visits
- b. Conduct an onsite visit to improved properties using Provider's Complete Appraisal Process Solution or CAPS program and capture a digital image of improvements
- c. Conduct data entry into the county's CAMRA computer assisted mass appraisal software
- d. Verify, review, or list mobile homes
- e. Provide services needed to complete the 2024 reassessment

II. TERM

The services of the Provider shall begin at the request of the County and continue until the Provider is notified by the County of the completion of services listed above.

III. PERSONNEL

Provider will submit proposed personnel to the County. When in the county visiting properties the Provider's staff will wear identification badges and staff's vehicles will be marked to identify their association with the County Reassessment Office.

IV. PAYMENT

As full compensation for services, the County agrees to pay the Provider:

\$24.50 per parcel based on 22,126 parcels for a total sum of \$542,087.00. Said sum is to be paid as provided in the Request for Proposals (RFP) specifications. Any parcels over 22,126 will be charged the same rate of \$24.50 and should the County have less than 22,126 parcels the County will be billed for the actual number of parcels.

V. RELATIONSHIP OF THE PARTIES

The Provider shall operate as an independent contractor, and the County shall not be responsible for any of the Provider's acts or omissions. The Provider shall not be treated as an employee with respect to the services performed hereunder for federal or state tax, or for unemployment or worker's compensation purposes. The Provider agrees that neither federal, nor state, nor payroll tax of any kind shall be withheld or paid by the County on behalf of the Provider or the employees of the Provider. The Provider further agrees that the Provider is fully responsible for the Payment of any and all taxes arising from the payment of moneys under this Agreement. The Provider shall not be treated as an employee with respect to the services performed hereunder for purposes of eligibility for, or participation in, any employee pension, health, or other fringe benefit plan of the County.

The Provider shall comply with all federal, state and local laws regarding business permits, certificates and licenses that may be required to carry out the services to be performed under this Agreement. The Provider shall insure that all personnel engaged in work under this Agreement shall be fully qualified and shall be authorized under state and local law to perform the services under this Agreement. Provider shall further insure that all information provided by the County will be treated as confidential and will be maintained in accordance with all federal and state requirements.

The County shall supply, at its sole expense, all office furnishings, computer equipment and accessories, written forms for contract appraisal use, business cards, and identification badges for Provider's staff, which must be worn while providing contract services. The County shall not be liable to the Provider for any expense paid or incurred by the Provider unless otherwise agreed in writing.

VI. INSURANCE

The Provider shall obtain, at his sole expense, insurance acceptable to the County and will add the County of Smyth as an insured payee for the term of the project.

All insurance companies must be authorized to do business in Commonwealth of Virginia and have an AM Best rating of "A-/VII" or better; or have reasonable equivalent financial strength to the satisfaction of the County. Proof of rating shall be provided to the county upon request.

If Provider does not meet the insurance requirements specified above, alternate coverage satisfactory to Smyth County may be considered.

VII. INDEMNIFICATION

Provider agrees to defend, indemnify, and hold harmless the County, for all loss, liability, claims or expenses (including reasonable attorney's fees) arising from bodily injury, including death or property damage, to any person or persons caused in whole or in part by the negligence or misconduct of the Provider, except to the extent same are caused by the negligence or willful misconduct of the County. It is the intent of the section to require the Provider to indemnify Smyth County to the extent permitted under Commonwealth of Virginia law.

VIII. NON-ASSIGNMENT

The Provider shall not assign this Agreement, including rights of payment, to any other party without the prior written consent of the County.

XI. ENTIRE AGREEMENT

The Provider and the County agree that this document and any attachment hereto, constitute the entire agreement between the two parties and may only be modified by a written mutual agreement signed by the parties.

X. GOVERNING LAW

Both parties agree that the laws of the State of Commonwealth of Virginia shall govern this Agreement. Each party agrees exclusive venue for all actions relating in to any manner to the Agreement will be in the General Court.

XI. WAIVER

Failure of the County to enforce, at any time, any of the provisions of this Agreement, or to request at any time performance by Provider of any of the provisions hereof, shall in no way be construed to be waiver of such provisions, nor in any way affect the validity of the Agreement or any part thereof, or the right of the County to enforce each and every provision.

XII. NON-APPROPRIATION CLAUSE

Provider acknowledges that the County is a governmental entity and the contract validity is based upon availability of public funding under the authority of its statutory mandate.

In the event that public funds are unavailable and not appropriated for the performance of the County’s obligations under this contract then this contract shall automatically expire without penalty to the County thirty (30) days after written notice to Provider of the unavailability and non-appropriation of public funds. It is expressly agreed that the County shall not activate this non-appropriation provision for its convenience or to circumvent the requirements of this contract but only as an emergency fiscal measure during a substantial fiscal crisis. In the event of termination, the County shall pay the Provider for: 1) all unpaid invoices and 2) all work produced. However, in no event shall the County be obligated to pay more than the Agreement value.

XIII. E-VERIFY REQUIREMENTS

Pearson’s Appraisal Service, Inc. is aware of the E-Verify program requirements and agrees to comply.

XIV. NONDISCRIMINATION

Contractor shall not discriminate against or deny the Contract’s benefits to any person on the basis of: race; religion; creed; color; sex; gender identify and expression; pregnancy; childbirth; breastfeeding; medical conditions related to pregnancy, childbirth or breastfeeding; sexual orientation; marital status; age; national origin; ancestry; genetic information; disability; veteran status; or any class protected by local, state, or federal law.

IN WITNESS WHEREOF, the County and the Provider have set their hands and seals as of the day and year first above written.

COUNTY

PROVIDER

By: _____

By: _____

Date: _____

Date: _____

Chair, Smyth County Board of Supervisors

Mailing Address:

By: _____

Federal Tax Id# _____

Smyth County Administrator

Date: _____